

## **CHAPTER 9 BUILDING**

### **UNIFORM BUILDING CODE**

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## CHAPTER 9 BUILDING

[Sections 9.000 through 9.395 replaced in its entirety by Ordinance 03-03, passed November 17, 2003.]

### ADMINISTRATIVE RULES FOR THE ENFORCEMENT OF THE OREGON BUILDING CODE

#### General Provisions

#### 9.005 Title, Purpose, and Scope.

##### A. Title.

These regulations shall be known as the *City of Astoria Building Code*, may be cited as such, and will be referred to herein as "this code."

##### B. Purpose.

The purpose of this code is to establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation. This Ordinance is adopted as a general legislative enactment pursuant to ORS 203.035, 203.065, 203.111, and 455.150.

##### C. Scope.

This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure within the City. It shall not apply to flat road work by or on behalf of a government agency within a public right-of-way.

In any specific case, if different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In any specific case, if there is a conflict between this Code and Oregon Revised Statute, the more restrictive shall govern.

**9.010 Conflicting Provisions.**

When conflicting provisions or requirements occur between this code, the Specialty Codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the Specialty Codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where, in a specific case, different sections of the Specialty Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. When there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**9.015 Severability.**

The Council declares that should any section, paragraph, sentence, or word of this Ordinance be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this Ordinance, independent of the elimination of any such portion as may be declared invalid.

**Definitions****9.020 Definitions.**

For the purpose of this code, the following definitions shall apply:

Addition. An extension or increase in floor area or height of a building or structure.

Alter or Alteration. A change or modification in construction or building service equipment.

Approved. In reference to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

Approved Agency. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

Building. A structure used or intended for supporting or sheltering a use or occupancy.

Building Code. The *Oregon Structural Specialty Code*.

Building, Existing. A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

Building Official. The officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy.

Building Service Equipment. Refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

Dangerous Buildings Code. The *Uniform Code for the Abatement of Dangerous Buildings* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Dwelling Code. The *Oregon Low Rise Residential Code*. [Amended by Ordinance No. 04-12, passed December 6, 2004.]

Electrical Code. The *Oregon Electrical Specialty Code*.

Elevator Code. The safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.

International Existing Building Code (IEBC) Standards. Those standards published in the *International Existing Building Code*, as adopted by this jurisdiction.

International Building Code (IBC) Standards. Those standards published in the *Oregon Structural Specialty Code*, as adopted by this jurisdiction. [Amended by Ordinance No. 04-12, passed December 6, 2004.]

Jurisdiction. The City of which adopts this code for administrative regulations within its area of authority.

Listed and Listing. Referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

Manufactured Home Installation Code. The *Oregon Manufactured Home Installation Specialty Code.*

Manufactured Home Park Code. The *Oregon Manufactured Home Park Construction Specialty Code.*

Mechanical Code. The *Oregon Mechanical Specialty Code.*

Occupancy. The purpose for which a building, or part thereof, is used or intended to be used.

Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Permit. An official document or certificate issued by the building official authorizing performance of a specified activity.

Person. A natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Plumbing Code. The *Oregon Plumbing Specialty Code.*

Recreational Vehicle Park Code. The *Oregon Recreational Vehicle Park Construction Specialty Code.*

Repair. The reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.

Shall. As used in this code, is mandatory.

Specialty Codes. Refer to those Specialty Codes adopted by the State of Oregon which constitute the Oregon Building Code which have been delegated to this jurisdiction for enforcement containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

Structural Observation. The visual observation of the structural system, including but not limited to, the elements and connections at significant construction stages, and the completed structure for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by Sections 305 and 306.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Valuation or Value. As applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

*[New Section 9.020 added by Ordinance 94-04, passed June 6, 1994; amended by Ordinance No. 04-12, passed December 6, 2004; amended by Ordinance 08-05, passed March 17, 2008.]*

### **Adoption of Codes**

#### **9.025 Specialty Codes.**

The City of Astoria enforces the State building code per ORS Chapter 455 and the rules adopted there under by reference, except as modified in this Code.

#### **9.030 Existing Building Code.**

- A. The City of Astoria adopts the 2006 Edition of the International Existing Building Code (IEBC), published by the International Code Council, Inc., by reference, except as modified in this Code.
- B. Section 101.1 shall be amended to read as follows: "These regulations shall be known as the *Existing Building Code of the City of Astoria*, hereinafter referred to as 'this code'."
- C. Appendices.

The following appendices of the International Existing Building Code are hereby specifically adopted by reference:

- 1. Appendix A, Earthquake Hazard Reduction in Existing Concrete Buildings and Concrete With Masonry Infill Buildings.
- 2. Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities.
- D. All references to the "International Plumbing Code" shall be amended to reference the "Oregon State adopted Plumbing Code".
- E. All references to the "International Electrical Code" shall be amended to reference the "Oregon State adopted Electrical Code".

F. Exceptions.

In the case of conflict between requirements of the International Existing Building Code and the Oregon State Administrative Rules (OAR) or the Oregon State Revised Statutes (ORS), the State adopted rules and statutes shall prevail.

**9.060 Abatement of Dangerous Buildings Code.**

A. The City of Astoria adopts the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, by reference, except as modified in this Code.

B. Section 205.1 “Board of Appeals” of the Uniform Code for the Abatement of Dangerous Buildings is amended by the addition to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, the City Council of the City of Astoria is hereby designated the Board of Appeals. Appeals shall be processed in accordance with the provisions contained in Section 501 of the Abatement of Dangerous Buildings Code.

C. Section 302.15 “Dangerous Buildings” of the Uniform Code for the Abatement of Dangerous Buildings is amended by the addition to read as follows:

Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, inadequate water supply for whatever reason, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

D. Public Nuisance Declared.

Unsafe buildings, structures, or appendages, and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by the City. As an alternative, the Building Official or his designee as designated by the City may institute other appropriate action to prevent, restrain, correct, or abate the violation.

**9.065 Operational Plan.**

The City of Astoria adopts the Astoria Building Inspection Division Operational Plan, by reference. *[Amended by Ordinance No. 14-06 passed July 7, 2014.]*

**9.070 Fire Zones Designated.**

The entire incorporate area of the City of Astoria is designated and established as a Fire District. The Fire District is subdivided into Fire Zones 1, 2, and 3. Each Fire Zone includes such territory or portions of the City as outlined and designated on a certain map on file in the office of the Finance Director. The map shall be marked as the "Fire Zones of the City of Astoria", and is hereby adopted as the Fire Zone Map of the City for the application of the regulations included in the State of Oregon Structural Specialty Code.

**Organization and Authority****9.075 Authority.****A. Creation of Enforcement Agency.**

There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.

**B. General.**

Whenever the term or title "administrative authority," "responsible official," "building official," "chief inspector," "code enforcement officer," or other similar designation is used therein or in any of the Specialty Codes, it shall be construed to mean the building official or designed designated by the appointing authority of this jurisdiction.

**9.080 Building Official - Authority, Power, and Duties.****A. Designation of Building Official.**

The City Manager shall, from time to time, designate a "Building Official" for each Code, Standard, or Regulation, who must be properly certified if so required in the State of Oregon. A copy of the letter of appointment of the designated Building Official shall be kept in the office of the Finance Director.



B. Designation of Deputies.

In accordance with prescribed procedures and with the approval of the City Manager, the Building Official may appoint technical officers and inspectors and other employees to carry out the functions of code enforcement.

C. Code Enforcement, Investigation, and Corrective Action.

In addition to any other authority and power granted to the Building Official under the Specialty Codes, Standards, or Regulations adopted by this Ordinance, except where inconsistent with other provisions of the law, the Building Official may enforce the provisions of the Specialty Codes, Standards, or Regulations against any person regardless of whether a permit, certificate, license, or other indication of authority has been issued. The Building Official may investigate, order corrective action, and if an immediate hazard to health and safety is imminent, issue an order to stop all or any work under the applicable Specialty Code, Standard, or Regulation.

D. Right of Entry.

When it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

E. Stop Work Orders.

Whenever any work is being done contrary to the provisions of this code, or other pertinent laws or ordinances implemented through the enforcement of this code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing 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.

F. Authority to Disconnect Utilities.

The Building Official or the Building Official's authorized representative shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by this code in case of emergency when necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

G. Connection after Order to Disconnect.

Persons shall not make connections from an energy, fuel, or power supply nor supply energy or fuel to any equipment regulated by this code which has been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the Building Official, until the Building Official authorizes the reconnection and use of such equipment.

H. Occupancy Violations.

Whenever any building or structure or equipment therein regulated by this code is being used contrary to the provisions of this code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code.

I. Authority to Condemn Building Service Equipment.

When the building official ascertains that building service equipment regulated in the Specialty Codes has become hazardous to life, healthy or property, or has become unsanitary, the building official shall order in writing that such notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the Specialty Codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

J. Connection after Order to Disconnect.

Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

K. Liability.

The building official charged with the enforcement of this code and the Specialty Codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

### **General and Enforcement**

**9.085 Historic Buildings or Structures.**

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of this code when authorized by the Building Official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.

2. Unsafe conditions as described in this code are corrected.
3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

**9.090 Alternate Materials and Methods.**

The provisions of this code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the Building Official.

The Building Official may approve any such alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files.

ORS 455.060 provides for State rulings on acceptable materials, designs and methods of construction. When a ruling has been issued, ORS 455.060 (4) applies.

**9.095 Modifications.**

When there are practical difficulties involved in carrying out the provisions of this code, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of this code impractical and that the modification is in conformance with the intent and purpose of this code and that such modifications not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modification shall be recorded and entered in the files.

**9.100 Tests.**

Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not

conform to the requirements of this code, the Building Official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

### **Permits and Inspections**

#### **9.110 Permits Required.**

Except as specified in the Specialty Codes, no building, structure or building service equipment regulated by this code and the Specialty Codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

#### **9.115 Separate Permits.**

A separate permit may not be required for the types of work in each of the separate classes of permit as listed below. Each separate class of permit may be combined on one permit application. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the Specialty Codes or any other laws or ordinances of this jurisdiction.

#### **9.120 Permit Application and Plan Review.**

The procedures for processing of building permit applications, plan review, and issuance of building permits shall be in accordance with the procedures set forth in the City of Astoria Building Inspection Division Operating Plan as adopted by reference above.

#### **9.125 Validity of Permits.**

##### **A. Existing Violations.**

No permit shall be issued if the parcel of land, or the use of the land on which the building, structure, or equipment is to be placed, erected, altered, equipped or used is in violation of any City of Astoria Ordinance.

B. Sewage Disposal.

The building official shall issue no building or site permit until the authority having jurisdiction has approved all plans for sewage disposal facilities. Further, no building or structure containing plumbing shall be occupied until connected to a sewage disposal facility approved by the authority having jurisdiction as meeting the minimum standards of the Oregon State Board of Health and the Department of Environmental Quality.

C. Permit Not Approval of Other Violations.

The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

D. Correction of Errors.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on there under when in violation of this code or of any other ordinances of this jurisdiction.

**9.130 Expiration and Extensions.**

A. Applications.

1. Expiration.

Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

2. Extension.

The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application should be extended more than once.

In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

B. Permits.

1. Expiration.

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities.

2. Renewal.

Before such suspended or abandoned work can be recommenced, a new permit shall be required. The fee for renewal of an expired permit for suspended or abandoned work shall be only the plan review fee for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

3. Extension.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit should be extended more than once.

4. Two Year Limitation.

Every permit issued by the building official shall expire by limitation and become null and void 24 months after the date of permit issuance. If the building or work authorized by such permit

has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished. Provided, however, the building official may approve a period exceeding 24 months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

**9.135 Work without a Permit.**

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation may be required before a permit may be issued for such work. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The investigation fee shall be established by Resolution. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**9.140 Transfer of Permit.**

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

A permit may be transferred to a different person or firm upon a written request that indicates compliance with all aspects of the permit for that specific project. The request shall include the name, address, phone, contractor's license, and City Occupational Tax verification of the new permittee if applicable. A transfer fee shall be established by Resolution.

**9.145 Suspension and Revocation.**

The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any of the provisions of this code.

**9.150 Inspections.**

A. Requests.

It shall be the duty of the permit holder or his agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the building official. The permit holder shall not proceed with the building construction until authorized by the building official.



B. Accessibility.

It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

C. Inspection Record.

Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. The permit holder shall maintain this card available until final approval has been granted by the building official.

**Penalties and Fees**

**9.155 Fees.**

The following shall apply to all Specialty Codes, Standards, and Regulations adopted in Sections 9.005 through 9.150 above.

A. Valuation.

Value or valuation of a building or structure shall be determined by the Building Official and/or the Community Development Director as established by Structural Specialty Code as adopted by this Ordinance. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

B. Fees Established by Resolution.

Permit, plan review, investigation, and other fees charged by the Building Official shall be as established by City Resolution.

C. Additional Fees.

The Building Official may impose additional fees as necessary as established by City Resolution.

**D. Refunds.**

The Building Official may authorize the refund of permit, plan review, investigation, and other fees paid, upon written request by the original permittee not later than 180 days after the date the fee was paid, as follows:

1. Fees which were paid or collected in error; or
2. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code; or
3. Not more than 80% of the plan review fee paid when an application for a permit which is withdrawn or canceled before any plan review has commenced.

**9.160 Penalties.**

The following shall apply to all Specialty Codes, Standards, and Regulations as adopted in Sections 9.005 through 9.150 above:

- A. It shall be unlawful for a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure, or building service equipment, or cause or permit the same to be done in violation of a Specialty Code, Standard, or Regulation, or other regulation established by this Ordinance.
- B. The provisions and penalties herein are in addition to those remedies established for trades licensing under ORS Chapters 446, 447, 455, 479, and 693, more specifically, ORS 446.990, 447.992, 455.895, 479.995, and 693.992 and 693.994 penalty provisions.
- C. A violation of Section 9.160(A) above is punishable by a fine not to exceed \$1,000 00 per violation, and in the case of a continuing violation, every day's continuance of the violation is a separate offense. Such penalties shall be in accordance with Astoria City Code Sections 1.010(1) and 1.010(2)
- D. In addition to the penalties provided in the violations and penalties sections of the referenced Codes, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance or said referenced Codes shall be deemed a public nuisance and may be, by this City, summarily abated. Each day such condition continues shall be regarded as a new and separate offense.

*[Section amended by Ordinance No. 18-12, passed Dec. 17, 2018]*

### Appeals

#### **9.165 Local Interpretation.**

The following shall apply to all Specialty Codes, Standards, and Regulations as adopted in Sections 9.005 through 9.160 above.

- A. A person affected by a ruling of the Building Official may appeal the ruling to the Board of Appeals within 30 days of the ruling with further appeal to the appropriate State Specialty Code Board.
- B. The City Board of Appeals shall be the City Council which shall have no authority to waive requirements of a Specialty Code, Standard, or Regulation.
- C. The City recognizes that a person may request a ruling from the Administrator of the State Building Codes Agency prior to submitting an application to the City for a permit or after withdrawing a previously submitted application.

#### **9.170 Appeal Procedures.**

Unless otherwise noted in this Code, appeals shall be processed in accordance with City Code Section 1.070 and City of Astoria Building Inspection Division Operating Plan Sections II.D and II.E.

The fee for an appeal shall be established by City Resolution.

### **ELECTRICAL REGULATIONS**

#### **Electrical Code**

#### **9.200 Electrical Inspection.**

Clatsop County, acting by and through its lawful agents and employees who conduct inspections, is hereby designated as the agent of the City for the purpose of making all electrical inspections.

#### **Underground Electrical Conduit Regulations**

#### **9.210 Underground Facilities Required.**

- (1) Except as specified in Section 9.090 of this code, all wires, cables and appliances used for transmitting or conducting electric current for any purpose for which electric current is used within the district defined in

Section 9.085 of this code, shall be placed in conduits or subways below the surface of the streets within the district.

- (2) Except as provided in Section 9.090 of this code no person may own or operate any aboveground wires, cables, poles or appliances used for transmitting or conducting electrical current within the district defined in Section 9.085 of this code.
- (3) No person after October 1, 1923, may be granted or given the right, privilege or franchise to construct, operate or maintain within the district described in Section 9.085 of this code any aboveground electrical wires, poles, cables or appliances for any purpose except as provided in this code.

**9.215 Underground Wiring District.**

- (1) The district within the city where electrical transmission facilities shall be placed underground is hereby declared to be all of the following streets:

Bond Street from the east line of Eighth Street to the east line of Fourteenth Street;

Commercial Street from the east line of Seventh Street to the west line of Seventeenth Street;

Duane Street from the west line of Tenth Street to the east line of Fourteenth Street;

Exchange Street from the west line of Tenth Street to the east line of Fourteenth Street;

Tenth Street from the north line of Bond Street to the south line of Exchange Street;

Eleventh Street from the south line of the Spokane, Portland & Seattle Railroad Company's right-of-way to the south line of Exchange Street;

Twelfth Street from the south line of the Spokane, Portland & Seattle Railroad Company's right-of-way to the south line of Exchange Street;

Thirteenth Street from the north line of Duane Street to the south line of Exchange Street;

Fourteenth Street from the south line of the Spokane, Portland & Seattle Railroad Company's right-of-way to the south line of Exchange Street;

Fifteenth Street from a point 75 feet north of the north line of Commercial Street to the north line of Duane Street, and

Sixteenth Street from a point 75 feet north of the north line of Commercial Street to the north line of Duane Street.

- (2) Sections 9.080 to 9.115 of this code shall not apply to:
- (a) Exchange Street from the west line of Tenth Street to the east line of Fourteenth Street until such time as more than half of all the property abutting on said Exchange Street from the west line of Tenth Street to the east line of Fourteenth Street is improved with fireproof buildings.
  - (b) Intersections of the streets described in this section with other streets not included within the district.

#### **9.220 Excepted Wires.**

Nothing in Sections 9.080 to 9.115 of this code applies to wires, cables, poles or appliances lawfully used, operated or maintained for any of the purposes specified in this section as follows:

- (a) Wires, cables, poles and appliances used for lighting streets of the city connected with wires or cables in such conduits or subways. All such wires for street lighting placed above the surface of the streets shall be properly protected and connected underground from the foot or base of their respective poles or standards directly with the nearest wires or cables placed in such conduits or subways.
- (b) Trolley wires and span wires of electric railways, together with the feed tap wires connecting the trolley wires with the underground feeders. All such feed tap wires above the surface of streets shall be placed in the inside of or attached to the outside of poles to which span wires are attached, and

shall be connected underground from the foot or base of such respective poles directly with the nearest wires or cables in such conduits or subways. If placed on the outside of such poles, such feed tap wires shall be placed in proper tubes so as not to be dangerous to life or property. Upon leaving the pole aboveground the feed tap wires shall pass directly to the trolley wires by the shortest route. If span wires are attached to a building, the feed tap wires aboveground shall be placed in a properly insulated conduit which shall be fastened vertically to the building. Upon leaving the conduit,

the feed tap wires shall pass directly to the trolley wires by the shortest route,

- (c) Wires, cables and appliances for electric signs, advertisements and decorative lighting, connected with wires or cables in such conduits or subways. All such wires shall be carried from or connected with a building. If such wires are placed on the sides or front of any such building, the wires shall be placed in proper conduits so as not to be dangerous to life or property. Such wires shall be connected underground from the foundation or basement of such respective buildings directly with the nearest wires or cables placed in such conduits or subways No such wire for electric signs, advertisements or decorative lighting shall cross any street aboveground.
- (d) Wires, cables and appliances for telegraph, telephone and fire alarm systems connected by the shortest route with wires or cables in such conduits or subways.

**9.225 Use of Retaining Walls.**

- (1) Any person owning, operating or using underground wires, cables, conduits or subways may place the same within the space provided in the chair-type retaining walls along the streets of the city.
- (2) In the part of the underground wiring district which is not equipped with chair-type retaining walls, any person owning, operating or using underground wires, cables, conduits or subways may use suitable areas under the sidewalks. The areas shall be next to the curb and not greater than the space similarly used under chair-type retaining walls for the erection of said underground wires, cables, conduits or subways.
- (3) Any wires, cables, conduits or subways may be connected with the side lines of the street by using such space as is reasonably necessary for conduits, subways, wires, cables or appliances under the streets and sidewalks from the main conduits or subways which are laid in streets of the district described in Section 9.085 of this code.
- (4) For the purpose specified in Subsection (3) of this section access shall be given to all areaways or spaces under sidewalks to place and maintain such wires, cables and conduits in and through such areaways or spaces.

**9.230 Service Wires From Conduits.**

Any person using or operating electric wires or cables in underground conduits or subways within the underground wiring district may carry such wires or cables up the side or front of any building within the district with the consent of the owner or lessee of such building. Such wires or cables shall be placed in

accordance with the rules and regulations of the National Board of Fire Underwriters so as not to be dangerous to life or property. No wire or support therefore shall cross the front of any window or opening of said building

**9.235 Conduit Map Required.**

- (1) Within 90 days after the completion of a conduit or subway a person constructing and completing a conduit or subway shall make in duplicate a map showing the definite location of all conduits or subways under the streets or parts thereof in the district and showing the location of all manholes connected with such conduits or subways. One copy of the map shall be filed with the city engineer, and the other copy with the finance director.
- (2) The city engineer and the finance director shall record each map in a book kept for such purpose, shall enter in an alphabetical index the name of the owner of such conduit or subway, with a reference to the volume and page wherein the map is recorded and shall file and preserve such maps.

**9.240 Underground Wiring Standards.**

All underground wiring shall be installed and maintained in accordance with this code.

**9.245 Tampering with Underground Wiring.**

- (1) No person may tamper with or trespass upon the space or area used by any other person in the erection of subways or conduits.
- (2) No person may tamper with or trespass upon any wires, cables or appliances strung by any other person under the streets or sidewalks of the city.
- (3) No person other than an owner of any underground wires, cables or appliances, or an authorized employee of such owner, may enter upon, occupy or use for any purpose any portion of the space or area under the streets or sidewalks used for the erection of underground wires, cables or appliances.

**HOUSE MOVING****House Moving Regulations****9.300 House Moving Permit.**

- (1) No person may move, or cause or permit to be moved, any building into, along or upon any public street or place without a permit therefore issued by the city engineer.
- (2) The city engineer may issue a permit to a qualified person possessing adequate equipment for moving a building into, along or upon any public street upon compliance by the applicant with the terms of Sections 9.300 to 9.320 of this code and with the terms and conditions set forth in his permit.

**9.305 Permit Fee and Conditions.**

Before a permit is issued, the applicant shall pay to the Finance Director a fee of \$10.00, and the applicant shall file a bond with the Finance Director, the bond to be in such sum and with such surety as may be satisfactory to the City Manager and City Engineer who shall take into consideration the size of the building to be moved and the streets over which it is to be moved. The bond shall be conditioned to hold the City harmless from any claim or liability by or because of the issuance of such permit, and for the reimbursement and payment to the City or to any other person because of property damage or injury that may be suffered in the moving of such building.

**9.310 Moving Restrictions.**

- (1) No person having permission to move a building as provided in Sections 9.300 to 9.320 of this code may suffer or permit the building to remain on the streets for a period longer than specified in his permit.
- (2) No person receiving such a permit may cut or otherwise interfere with any wires or appliances of any public utility without the permission and under the supervision of such public utility owning or maintaining the wires or appliances.

**9.315 Houses Outside City.**

No person may issue a permit to move a building in, or into, or through, the City from a location outside the City unless that person has obtained a written permission from the Public Works Director or City Engineer approved by the City Manager. *[Section 9.315 as amended by Ordinance No. 76-03, passed April 19, 1976.]*



**9.320 Moved Building to Comply with Code.**

No person may issue a permit to move any building into a new location unless such building complies with the building code, zoning regulations and other provisions of this code.

**HOUSE TRAILERS****Trailer Regulations****9.325 House Trailer Defined.**

In Sections 9.325 to 9.340 of this code, the words trailer house, auto home, camp car or similar vehicle mean any trailer capable of being used for human habitation as living, sleeping or business quarters which is or is not equipped with wheels or similar devices used in transporting the trailer from place to place, whether by motor power or other means. For purposes of Sections 9.325 to 9.340 of this code, a house trailer auto home, camp car or similar vehicle does not lose its identity as a trailer though permanently affixed in location upon the land by foundation, attached structures and fixed utility pipe connections.

**9.330 Park Defined.**

In Sections 9.325 to 9.340 of this code, the word park means any temporary, permanent or semi-permanent placing, maintaining or leaving upon any private property or any street a trailer house, auto home, camp car or similar vehicle as defined in Section 9.325 of this code.

**9.335 Street Parking.**

No person owning, in charge of or operating a trailer house, auto home, camp car or similar vehicle may park the same from 6:00 p.m. to 6:00 a.m. of the following day upon any street, highway, alley, park or other public place, except when the motor vehicle to which such trailer house, auto home, camp car or similar vehicle is attached cannot proceed because of a breakdown, and except for temporary parking thereof, not to exceed 24 hours where trailer is being loaded or about to be loaded on the street.

**9.340 Off-Street Parking.**

No person may park a trailer house, auto home, camp car or similar vehicle upon private property, except when the same is not in use, and except at overnight camps or cabins, municipal campgrounds or state-licensed parking places. All such parking places shall be properly equipped to care for the disposal of rubbish, garbage, excreta and waste; and such places shall be under

the supervision of the city police and health departments to protect public health and sanitation.

**9.342 Security Trailers.**

A security trailer may be established on public property upon approval from the common council of the city of Astoria. The finance director shall issue a permit, which shall state the reasons for said permit.

A family may reside in said trailer, which shall be equipped to take care of garbage and be able to hook up for water, sewer and electricity. This use shall be for the sole purpose of deterring vandalism on public property. *[Section 9.342 added by Ordinance No. 75-19, passed September 2, 1975.]*

**STREET ENCROACHMENTS**

**Encroachment Regulations**

**9.345 Encroaching Structures a Nuisance.** All structures or buildings now or hereafter erected, placed or situated in any dedicated street, highway or alley are hereby declared nuisances as interfering with the proper public use and improvement of such streets, highways or alleys, and are subject to removal as provided in Sections 9.345 to 9.365 of this code.

**9.350 Removal Order.** Whenever the city manager determines that such a nuisance exists as described in Section 9.345 of this code, he shall immediately give notice in writing to remove the building or structure to the owner or owners of the structure or building, or to his agent or, if the owner cannot be found, to the person having possession or control of the structure or building. The owner or the person receiving such notice shall, within 30 days thereafter, commence the removal of such structure or building and complete removal within 60 days after the receipt of such notice.

**9.355 Noncompliance with Removal Order.** No person may fail to comply with the order or neglect to commence the removal of such nuisance within 60 days after notice. The city manager is hereby authorized, directed and empowered to immediately remove and abate such a nuisance.

**9.360 Abatement of Encroachments.** The cost and expense of removing or demolishing such a nuisance shall be reported by the city manager to the city council; and upon receipt of such report, approved by the city council, such expense shall be assessed against the owner or agent of the lot, lands or premises, and also against the land and premises from which the nuisance is removed and demolished. Such assessment shall be made in the form of an assessment roll as provided in the city charter for street assessments, and when confirmed by the city council is a lien against the property assessed.

**9.365 Civil Action Remedy.** In addition to the remedy by assessment against the lands or premises from which an encroachment nuisance is removed or demolished, the city may sue in any court of competent jurisdiction to recover judgment against the owner of any such lands or premises for the cost and expense of removing or demolishing the building or structure.

## **RETAINING WALLS**

### **Retaining Wall Regulations**

#### **9.370 Maintenance of Retaining Walls.**

- (1) A person owning or occupying property abutting on a street supported by retaining walls of the step-down type shall keep all spaces under such step-down walls free and clear of all earth, rubbish or other materials. Any such earth, rubbish or other materials found under such walls shall be removed within 24 hours after receipt of written notice from the city engineer to remove the same.
- (2) No person may fail or refuse to remove any such earth, rubbish or other material within 24 hours after receiving written notice from the city engineer.

#### **9.375 Underground Space Permit.**

- (1) A person owning or occupying property abutting on a street supported by retaining walls may use the spaces under the sidewalks adjoining its property until such time as such spaces may become necessary for public use. Such spaces under sidewalks may be used only after securing a permit therefore from the city council. No sidewalk spaces may be used without such permit.
- (2) A permit may be granted on a written application to be filed by the person seeking the permit with the finance director on blanks furnished by the finance director. Permit applications shall be submitted by the finance director to the city manager and city engineer for their approval before presentation to the city council.

**9.380 Curtain Walls Required.** Where property owners or occupants shall apply for and receive a permit to occupy the space under any sidewalk, they shall construct at their own expense a solid curtain wall of brick, concrete, building tile or other suitable fireproof material between the space under the sidewalk and the space under the step-down wall. The property owners or occupants shall keep and maintain said curtain wall in good order and condition to the satisfaction of the city engineer during the period of occupying the space.

- 9.385 Revocation of Underground Space Permit.** Any permit to occupy the space under any sidewalk may be revoked by the city council for failure to keep and maintain a curtain wall in good order and condition. Any permit may be terminated by the city council at any time when, in the judgment of such city council, such space becomes necessary for public use.

## **BUILDING NUMBERING**

### **Regulation of Building Numbering**

**9.390 Building Numbers Required.**

- (1) There is hereby adopted a system of numbering of buildings and dwellings within the city.
- (2) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever a building is situated more than 50 feet from the street line, the numbers shall be placed near the walk, driveway or common entrance to the building and upon a gatepost, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk. Each number shall not be larger than six inches nor smaller than three and one-half inches square each.
- (3) Odd numbers shall be given to buildings and dwellings on the west and south sides of the streets, avenues and highways, and even numbers to those on the north and east side of the street except for streets which reverse themselves in direction which shall be numbered continuously from one end. *[Previously Section 10.635 amended by Ordinance No. 78-95, passed June 19, 1978; Section 9.390 added by Ordinance No. 94-13, passed November 7, 1994.]*

**9.395 Assignment of Building Numbers.**

- (1) The Public Works Director shall designate the numbers of all buildings and dwellings in conformity with the plat of streets now on file in the Public Works Department. Numbers shall be placed on buildings and dwellings hereafter erected immediately upon completion of construction and before occupancy.
- (2) All existing numbers of property and buildings not now in conformity with provisions of this ordinance shall be changed to conform to the system herein adopted. *[Previously Section 10.640 amended by Ordinance No. 78-05, passed June 19, 1978; Section 9.395 added by Ordinance No. 94-13, passed November 7, 1994.]*