

BUILDINGS AND CONSTRUCTION

Chapter 15.25

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15.25.010 Title. This chapter shall be referred to as the “Douglas County Building Code,” may be cited as such and will be referred to herein as “the building code.” (Ord. 97-5-2 §2, 1997)

15.25.015 Authority; Area of Application; Policy.

A. The building code is adopted pursuant to and under the authority of ORS 203.035, 455.150, and 479.855 and OAR chapter 918, division 308, and constitutes the exercise of authority over a matter of county concern.

B. The building code applies to all unincorporated areas within the county and to all areas within the corporate limits of any city that has entered into an intergovernmental agreement with the county that so provides.

C. Adoption of the building code is necessary for the protection of public health, safety, and welfare. (Ord. 97-5-2 §2, 1997; Ord. 2005-04-01 §2, 2005)

15.25.020 Adoption. The following Oregon Specialty Codes, Oregon Administrative Rules, and standards, are adopted and incorporated herein as if fully set forth:

A. The Oregon Structural Specialty Code, as adopted by and together with OAR chapter 918, division 460.

B. The Oregon Mechanical Specialty Code, as adopted by and together with OAR chapter 918, division 440.

C. The Oregon Plumbing Specialty Code, as adopted by and together with OAR chapter 918, division 750 thru division 780.

D. The Oregon One and Two Family Dwelling Specialty Code, as adopted by and together with OAR chapter 918, division 480.

E. The manufactured dwelling parks and mobile home parks rules, as adopted by and together with OAR chapter 918, division 600.

F. The manufactured dwelling installation rules, as adopted by and together with OAR chapter 918, division 500 thru division 520, including the Oregon Manufactured Dwelling Standard.

G. The recreational park and organizational camp rules, as adopted by and together with OAR chapter 918, division 650.

F. The Oregon Electrical Specialty Code, as adopted by and together with OAR chapter 918, division 305. (Ord. 97-5-2 §2, 1997; Ord. 2005-04-01 §2, 2005)

15.25.025 Fees.

A. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Douglas County Board of Commissioners deems reasonable in order to administer the building code shall be set and adopted from time to time by order of the Douglas County Board of Commissioners.

B. The building official may authorize the refunding of fees paid in accordance with the refund policy in effect.

C. The determination of value or valuation under any provisions of the building code shall be made by the building official. 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. (Ord. 97-5-2 §2, 1997)

15.25.030 Definitions. For the purpose of the building code, the following definitions shall apply:

A. "Appeals board" means the Douglas County Building Code Board of Appeals.

B. "Board" means the Douglas County Board of County Commissioners.

C. "Building official" means the person appointed by the board to administer the provisions of the building code. (Ord. 97-5-2 §2, 1997)

15.25.035 Creation of Enforcement Agency. There is established in Douglas County a code enforcement agency which shall be under the administrative and operational control of the building official. (Ord. 97-5-2 §2, 1997)

15.25.040 General Powers and Duties of the Building Official.

A. The building official is authorized and directed to enforce all the provisions of the building code. For such purposes, the building official shall have the powers of a law enforcement officer.

B. The building official shall have the power to render written and verbal interpretations of the building code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the building code. (Ord. 97-5-2 §2, 1997)

15.25.045 Deputies. The building official may appoint deputies and other employees to carry out the functions of the code enforcement agency. References to the "building official" shall include the building official's appointed deputies and other employees. (Ord. 97-5-2 §2, 1997)

15.25.050 Right of Entry. When the building official deems it desirable or necessary to make an inspection to enforce the provisions of the building 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 the building code or which otherwise 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 the building 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. (Ord. 97-5-2 §2, 1997)

15.25.055 Stop Work Orders. Whenever any work is being done contrary to the provisions of the building code, or other pertinent laws or ordinances implemented through the enforcement of the building 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. (Ord. 97-5-2 §2, 1997)

15.25.060 Authority to Disconnect Utilities in Emergencies. The building official shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the building 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. (Ord. 97-5-2 §2, 1997)

15.25.065 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 the building 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. (Ord. 97-5-2 §2, 1997)

15.25.070 Occupancy Violations. Whenever any building or structure or equipment therein regulated by the building code is being used contrary to the provision of the building 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 discontinued. 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 the building code. (Ord. 97-5-2 §2, 1997)

15.25.075 Appeals.

A. Appeals relating to the administrative provisions of the building code shall appeal to the building official. Any person aggrieved by a decision of the building official may appeal the decision to the appeals board.

B. In order hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the building code, there shall be and is hereby created the appeals board.

C. The appeals board shall be composed of nine voting members. Each member shall be a resident of the county and all shall be qualified by experience and training in building construction and related activities. Six members shall represent the building trades or related industries. Three members shall be citizens at large. All members shall be appointed by the board and shall serve at its pleasure. The building official shall serve as an ex-officio member and shall serve as secretary to the appeals board. The appeals board shall elect one member to serve as its chair.

D. Upon the effective date of the building code, three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and the remaining three members shall be appointed for a term of three years. Thereafter each member shall be appointed for a term of four years. If a member is removed by the board or resigns from the appeals board, any replacement member shall serve for the remainder of the term of the member being replaced.

E. The appeals board shall be at the call of the chair as necessary to perform its duties. The building official shall assist the chair in scheduling meetings. The chair shall preside at all meetings of the appeals board and shall conduct the meetings in accordance with procedural rules established by the appeals board.

F. Five voting members shall constitute a quorum. No decision shall be made by the appeals board unless a quorum is present. A majority of the members present at the meeting must vote in favor of any proposed decision or action of the appeals board before it may be implemented. All decisions and findings shall be in writing and shall be provided to the interested persons and the State of Oregon Building Code Administrator.

G. Upon filing a notice of appeal with the building official, all matters and activities being appealed shall be stayed until the final decision of the appeals board. In the event the building official determines that an immediate and serious danger exists to

the public, the building official may take action necessary to alleviate the situation including but not limited to carrying out the decision or order that is being appealed.

H. Following receipt of a timely filed notice of appeal, the building official shall notify the appeals board and shall assist in scheduling a time and place for the hearing. Written notice of the time and place of the hearing shall be sent at least ten days prior to the date of the hearing by certified mail, postage prepaid, addressed to the person filing the notice at the person's last known address. The hearing shall be held not less than ten days nor more than sixty days from the date the notice of appeal was filed with the building official. Written notice of the hearing date may be waived by the person filing the notice of appeal.

I. Failure to file a notice of appeal within the thirty days from the final decision of the building official shall constitute a waiver of the person's right to hearing and shall constitute a final adjudication of the building official's decision.

J. The appeals board hearing shall be conducted by and under the control of the chair. At the discretion of the chair, the hearing shall provide all interested persons the right to appear, present oral or written evidence and to examine or cross examine any witnesses. Any and all relevant evidence shall be admitted if it is the type commonly relied upon by a reasonably prudent person in conduct of their serious affairs.

K. Continuances may be granted for good cause shown.

L. The hearing may be tape recorded at the request of either the building official or the person filing the notice of appeal. Copies of the tape recordings shall be made available to all interested persons upon request and the cost of such copies shall be charged to the person making such request.

M. During the hearing the appeals board may inspect any building or premises which is the subject of the appeal provided that:

1. A reasonable time and date is scheduled with all interested persons;
2. Notice of such inspection shall be given to all interested persons prior to the inspection;
3. All interested persons are given the opportunity to be present during the actual inspection;
4. Following inspection, the appeals board shall state their findings of fact and conclusions. Each party shall have the right to rebut or to explain findings.

N. Failure to permit inspection shall constitute a basis for denial of an appeal.

O. The appeals board may adopt, reject or modify the building official's decision in accordance with the provisions of the building code. Decisions made by the appeals board shall be in writing and shall contain findings of fact and conclusions of law. A copy of the decision shall be delivered to the person filing the notice of appeal by certified mail, postage prepaid and return receipt requested. The effective date of the decision shall be stated therein.

P. Any person aggrieved by the final decision of the appeals board may file an appeal as follows:

1. The Oregon Structural Specialty Code - appeals may be made to the State of Oregon, Building Codes Structures Board;
2. The Oregon Mechanical Specialty Code - appeals may be made to the State of Oregon, Building Codes Structures Board;

3. The Oregon Plumbing Specialty Code - appeals may be made to the State of Oregon, Building Codes Division;

4. The Oregon One and Two Family Dwelling Specialty Code - appeals may be made to the State of Oregon, Building Codes Structures Board;

5. The manufactured dwelling parks and mobile home parks rules - appeals may be made to the State of Oregon, Manufactured Structures and Parks Advisory Board;

6. The manufactured dwelling installation rules, including the Oregon Manufactured Dwelling Standard - appeals may be made to the State of Oregon, Manufactured Structures and Parks Advisory Board; and

7. The recreational park and organizational camp rules - appeals may be made to the State of Oregon, Manufactured Structures and Parks Advisory Board.

8. The Oregon Electrical Specialty Code - appeals may be made to the State of Oregon,

Q. The appeals board shall be subject to the Oregon Public Records Law and the Oregon Public Meeting Law. (Ord. 97-5-2 §2, 1997; Ord. 2005-04-1 §2, 2005)

15.25.080 Plans and Permits.

A. Except as otherwise provided by law, no building or structure regulated by the building code shall be erected, constructed, enlarged, altered, repaired, moved, improved or converted unless a separate permit for each building or structure has first been obtained from the building official.

B. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the building code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefore to the applicant.

C. When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications. Such approved plans and specifications shall not be changed, modified and altered without authorizations from the building official, and all work regulated by the building code shall be done in accordance with the approved plans.

D. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the building code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted. (Ord. 97-5-2 §2, 1997; Ord. 2005-04-01 §2, 2005)

15.25.085 Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein and one set of approved

plans and specifications shall be returned to the applicant, and the returned set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. (Ord. 97-5-2 §2, 1997)

15.25.090 Validity of Permit.

A. 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 Douglas County ordinance or code.

B. The issuance or granting of a permit or approval of plans, specification and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the building code or of any other Douglas County ordinance or code. Permits presuming to give authority to violate or cancel the provisions of the building code or other Douglas County ordinance or code shall not be valid.

C. 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 the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of the building code or of any other Douglas County ordinance or code. (Ord. 97-5-2 §2, 1997)

15.25.095 Expiration of Applications, Plans and Permits.

A. 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. 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 shall 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. Every permit issued by the building official under the provisions of the building 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. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit 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. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

C. 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 shall be extended more than once. (Ord. 97-5-2 §2, 1997; Ord. 2005-04-01 §2, 2005)

15.25.100 Work Without Permit; Investigation Fees.

A. Whenever any work for which a permit is required by the building code had been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

B. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the building code nor from any penalty prescribed by law. (Ord. 97-5-2 §2, 1997)

15.25.105 Permits not Transferable. 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. (Ord. 97-5-2 §2, 1997)

15.25.110 Suspension; Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of the building code whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any provision of the building code. (Ord. 97-5-2 §2, 1997)

15.25.115 Inspections.

A. It shall be the duty of the permit holder or the permit holder's 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. 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 installation shall be the responsibility of the permit holder or the permit holder's agent.

B. Work requiring a permit shall not be commenced until the permit holder or the permit holder's agent has posted or otherwise made available a location record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official. (Ord. 97-5-2 §2, 1997)

15.25.120 Public Nuisance.

A. The erection, construction, reconstruction, alteration, maintenance, installation or use of any building, structure, manufactured dwelling, or mobile home in violation of the building code shall be deemed a nuisance and may be enjoined, abated or removed. (Ord. 97-5-2 §2, 1997; Ord. 2001-4-2 §1, 2001)

15.25.125 Jurisdiction. The Circuit Court for the State of Oregon for the County of Douglas has jurisdiction over any and all violations of the building code. (Ord. 2001-4-2 §2, 2001)

15.25.130 Violation Proceedings.

A. The building official is delegated the authority to designate, from time to time, specific employees of the Building Department that are authorized to issue citations for the commission of violations of the building code. The building official and the

employees so designated shall be deemed to be “enforcement officers,” within the meaning of ORS 153.005 to 153.145.

B. Violations of the building code shall be deemed to be “violations,” within the meaning of ORS 153.008. Violations of this ordinance are punishable by fines as established by the State Court Administrator for unclassified violations.

C. The sentence to pay a fine for a violation committed by a corporation shall be in an amount twice the fine established for a violation by an individual.

D. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.145. (Ord. 2001-4-2 §2, 2001)

15.25.135 Remedies Not Exclusive. None of the remedies available to the County as set forth in the building code are exclusive. Nothing in the building code shall preclude any remedy otherwise available to the County, either in law or equity. (Ord. 2001-4-2 §2, 2001)