

error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the City Code.

(9) **Inspections.** It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the Building Official. The permit holder shall not proceed with construction activity until authorized to do so 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 inspection shall be the responsibility of the permit holder or his agent.

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. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

[Section 8.050 repealed by Ordinance No. 1382, adopted October 23, 1995; amended by Ordinance No. 1399, adopted August 26, 1996.]

## **BUILDING CODE STANDARDS**

### **8.055 Structural Code.**

#### **(1) Enforcement of State Code.**

The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, including the following optional provisions, is adopted and enforced as part of this Code:

(A) Appendix Chapter G Flood-Resistant Construction.

(B) Appendix Chapter J Grading.

(C) Appendix Chapter K Fire-Extinguishing Systems.

[Section 8.055 added by Ordinance No. 1399, adopted August 26, 1996; amended by Ordinance No. 1481, adopted January 9, 2002. Section 8.055(3) Excavation and Grading/Erosion Control is repealed by Ordinance No. 1481, adopted January 9, 2002; Section 8.055 amended by Ordinance No. 1530 adopted January 30, 2006.]

### **8.060 Mechanical Code.**

#### **(1) Enforcement of State Code.**

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, is adopted and enforced as part of this Code.

[Section 8.060 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.060 amended by Ordinance No. 1530 adopted January 30, 2006.]

### **8.065 Plumbing Code.**

#### **(1) Enforcement of State Code.**

The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, is adopted and enforced as part of this Code.

[Section 8.065 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.065 amended by Ordinance No. 1530 adopted January 30, 2006.]

### **8.070 Oregon Residential Specialty Code.**

#### **(1) Enforcement of State Code.**

The Oregon Residential Specialty Code, as adopted by OAR 918-480-0005 and 918-480-0010, is adopted and enforced as part of this Code.

[Section 8.070 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.070 amended by Ordinance No. 1530 adopted January 30, 2006.]

#### **8.075 Manufactured Home Installations.**

##### **(1) Enforcement of State Rules.**

The manufactured dwelling rules, as adopted by OAR 918-500-0000 through 918-500-470 and OAR 918-520-0010 through 918-520-0020, are enforced as part of this Code.

[Section 8.075 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.075 amended by Ordinance No. 1530 adopted January 30, 2006.]

#### **8.080 Recreational Park and Organizational Camp Regulations.**

##### **(1) Enforcement of State Rules.**

The recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0080, are enforced as part of this Code.

[Section 8.080 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.080 amended by Ordinance No. 1530 adopted January 30, 2006.]

#### **8.085 Dangerous Buildings Code.**

(1) Unsafe Buildings. All buildings or structures regulated by this Code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members

which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages 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 procedures as may have been or as may be adopted by the City of West Linn. As an alternative, the Building Official, or another employee or official of the City of West Linn, as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

(2) **Adoption of Uniform Abatement of Dangerous Buildings**. The current ICBO Uniform Code for the Abatement of Dangerous Buildings is adopted as part hereof, except as modified by the City of West Linn.

[Section 8.085 added by Ordinance No. 1399, adopted August 26, 1996]

#### **8.090 FEES**

The City Council shall by resolution establish fees for permits and inspections under this chapter. Any permit or inspection fee previously established by ordinance shall remain in effect until a new fee is established by resolution. For permit or inspection fees regulated by the State of Oregon for which no fee is set by resolution, the fee amount shall be the maximum allowed by the State. For any permit or inspection fee not established by resolution but for which an amount is set by a code adopted under this Chapter, the fee shall be the amount set in

the adopted code.

The Building Official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.

The determination of value or valuation under any provisions of this 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.

[Section 8.090 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.090 amended by Ordinance No. 1530 adopted January 30, 2006.]

#### **8.095 SEVERABILITY.**

If any section, paragraph, subdivision, clause, sentence, or provisions of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Code, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this Code notwithstanding the parts to be declared unconstitutional and invalid.

[Section 8.095 added by Ordinance No. 1399, adopted August 26, 1996]

#### **8.100 PENALTIES.**

Any person violating any of the provisions herein for which a special penalty has not

been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1000 per violation. Each day that a violation exists is a separate offense.

[Section 8.100 added by Ordinance No. 1399, adopted August 26, 1996]

#### **8.105 Building Permittee Responsible for Erosion Prevention/Sediment Control**

(1) Before a building permit may be issued for any project that will disturb vegetation or soil, the applicant shall obtain an erosion control permit.

(2) The applicant for a building permit, or if no building permit is applied for, the owner of the property, shall at all times be responsible for:

(a) The implementation, construction, maintenance, replacement and upgrading of all necessary erosion and sediment control measures consistent with the Clackamas County Erosion Prevention and Sediment Control Plan - Technical Guidance Handbook. The applicant or owner is responsible to ensure that no visible or measurable sediment leaves the permitted site; and

(b) Preventing debris, dirt, and foreign material from entering the public right of way, other public property, or the City's surface water drainage system either by direct or indirect deposit, discharge, or erosion.

(c) Removing all debris and excess dirt from the development or project. Dirt may be stored for future use/fill if the storage does not create a risk of erosion or sedimentation, but all excess dirt must be removed prior to completion and final inspection.

The applicant shall remain responsible for

compliance with these standards until final inspection and approval, including issuance of a certificate of occupancy, if applicable.

(3) The City Building Official, the City Engineer, or their delegates may issue a stop work order for any violation of this section and shall not permit any work to proceed until required erosion and sediment control measures are in place.

(4) The City may at any time take action to prevent the entry of sediment, dirt, debris or foreign materials onto the public right of way, public property, or into the City's drainage system.

(5) If the City is forced to take action to prevent the entry of sediment, dirt, debris, or foreign materials onto the public right of way, public property, or into the City's drainage system as a result of a violation of subsection 2 of this section, the responsible applicant or owner shall reimburse the City for the full cost of the City's actions, including administrative and legal costs. If the City hires a subcontractor, the full cost shall include any amount paid to the contractor plus any additional costs of administration. The following procedure shall be used:

(a) The City Manager, by registered or certified mail, postage prepaid, shall forward to the owner of the property and applicant if any, a notice stating:

(i) The total cost of the City's action, including the administrative overhead;

(ii) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice unless a notice of objection is filed;

(iii) That if the owner or person in charge of the property objects to the cost of the City's action as

indicated, he may file a notice of objection and request for hearing with the City Manager not more than ten days from the date of notice.

(b) The Council shall consider any objection and determine the amount to be paid at its first regularly scheduled meeting more than two days after the objection is filed.

(c) If the costs of the City's action are not paid within thirty days from the date of the notice if no objection is filed, or ten days from the date of hearing if an objection is filed, the costs as stated in the notice or as determined by the Council shall be entered in the docket of City liens and, upon such entry being made, shall constitute a lien upon the property where the violation occurred.

(d) The lien shall be enforced in the same manner and have the same priority as liens for street improvements and shall bear interest at the rate of nine percent per year. Such interest shall commence to run from date of the entry of the lien in the lien docket.

(e) An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

6. The applicant shall provide the City with information where a responsible contact person can be reached at all times to ensure immediate response to any threatened or actual erosion or sedimentation.

7. Under emergency situations, the City may enter into the permitted property to prevent erosion or sedimentation that presents a danger to the public health, safety or welfare.

8. Violation of subsections 2 or 6 of this section shall be a Class A Civil Infraction.

[Section 8.105 added by Ordinance No. 1399, adopted August 26, 1996; amended by Ordinance No. 1453, adopted June 12, 2000.]

#### **8.110 Cleanup Deposit.**

In the event there are three or more occasions within a calendar year when the City is forced to clean up debris, dirt or foreign material on sidewalks or roadways from an individual building site, the applicant for the building permit shall deposit with the City a sum in an amount set by council resolution which shall be retained by the city as a fund to utilize for street-cleaning purposes pursuant to the provisions of sections 8.000 to 8.115. Failure of the building permit applicant to maintain said sum for a period of over ten days shall result in the issuance of a stop-work order, which shall remain in effect until the fund is restored by the applicant for the building permit.

[Section 8.110 added by Ordinance No. 1399, adopted August 26, 1996]

#### **8.115 Prevention of Debris Accumulation on Adjacent Sites.**

Before a building permit shall be issued for the purposes set forth in Section 8.110, the applicant for the building permit shall agree that, if required by the City, he/she will deposit rock and gravel to the specifications of the City in such locations and quantity adjacent to and on the building site so as to help prevent the deposit of debris, dirt, or other foreign material from the building site upon adjacent sidewalks and roadways.

[Section 8.115 added by Ordinance No. 1399, adopted August 26, 1996]

## **FIRE CODE**

### **8.175 Code Adopted.**

(1) For the purposes of prescribing regulations and governing conditions hazardous to life and property from fire or explosion, the 2007 Oregon Fire Code based on the 2006 International Fire Code (IFC) as amended by the Oregon Fire Marshal's Office and Tualatin Valley Fire and Rescue (TVF&R) is adopted as part of this code.

(2) The 2006 International Fire Code Standards, a companion document to the 2006 International Fire Code, as adopted by TVF&R, is adopted as part of this code.

[Section 8.075 renumbered 8.175 by Ordinance No. 1399, adopted August 26, 1996; amended by Ordinance No. 1438 adopted June 28, 1999 and effective July 1, 1999; Section 8.175 amended by Ordinance No. 1530 adopted January 30, 2006; Section 8.175 amended by Ordinance No. 1560 adopted February 11, 2008]

## **MOVING BUILDINGS**

**8.200 Permit Required.** It is unlawful for any person, firm or corporation to move any building or structure upon, over, or along with any public street, alley or highway within the city without first obtaining a permit from the city engineer. The provisions of sections 8.200 to 8.255 shall not apply to the moving or hauling of any building or structure loaded upon a truck when such building or structure is of a size and weight not exceeding the maximum width, length, height, or weight of a truck load that may be lawfully moved over a public highway without a special permit from the Oregon Department of Transportation or any other public authority.

[Section 8.100 renumbered 8.200 and amended by