

**CITY OF FLORENCE
ORDINANCE NO. 1, SERIES 2022**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 1 OF THE FLORENCE CITY
CODE REGARDING THE APPEAL OF BUILDING OFFICIAL DECISIONS**

RECITALS:

1. Senate Bill 866 (2021) standardizes the membership, process and procedures for a board of appeals, to be used for appellants of a discretionary decision of a contract building official.
2. The City wishes to bring its Code into compliance with these new statutory requirements.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. FCC 4-1-5-13 and FCC 4-1-5-14 are hereby amended as shown in Exhibit A. New wording is shown with underlining and deleted wording is shown with strikethrough.
2. In accordance with the Florence Charter, this ordinance will take effect 30 days after adoption.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

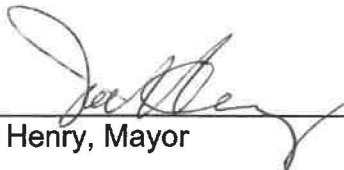
First Reading on 24th day of January, 2022.

Second Reading on 24th day of January, 2022.

This Ordinance is passed 4-0 and adopted on the 24th day of January, 2022.

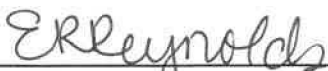
AYES	4	Mayor Henry, Councilors: Woodbury, Meyer, and Wantz
NAYS	0	
ABSTAIN	0	
ABSENT	0	

NOTE: CURRENTLY A VACANT COUNCILOR POSITION



Joe Henry, Mayor

Attest:



Erin Reynolds, City Manager

Exhibit A
City of Florence
Ordinance No. 1, Series 2022

TITLE 4
CHAPTER 1

BUILDING REGULATIONS

4-1-5-13: BOARD OF APPEALS: In order to hear and decide appeals of orders, decisions, determinations, and discretionary decisions made by the Building Official relative to the application and interpretations of the Specialty Codes, there shall be and is hereby created a board of appeals.

- A. Membership. The board of appeals shall be appointed by the City Council and shall hold office at its pleasure.
1. The board of appeals shall consist of seven (7) members to include the following:
 - a. Members of the Florence City Council.
 - b. The Building Official of Lane County or the building official of an adjacent county.
 - c. An individual who engages in the business of building design or construction.
 2. The Building Official of Florence shall be an ex officio member and shall act as secretary to the board of appeals but shall have no vote upon any matter before the board.
 3. For appeals of discretionary decisions made by a contract building official relative to the application and interpretations of the Specialty Codes, the board of appeals shall not include as a member:
 - a. Any building official contracted by the City.
 - b. Any owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections
 - c. An individual who engages in the business of building design or construction concerning a project that involves a business, or competitor of a business that:
 - i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
 - ii. A family member or a member of the individual's householder owns or manages or for which the family member of member of the household provides services as an employee, agent or contractor.
- B. For purposes of this section, a discretionary decision is defined as a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.
- C. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

4-1-5-14: LIMITATIONS OF AUTHORITY: Except in the review of a discretionary decision made by the Building Official the board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the board be empowered to waive requirements of either this code or the Specialty Codes.

Exhibit A
City of Florence
Ordinance 1 Series 2022

TITLE 4
CHAPTER 1

BUILDING REGULATIONS

4-1-5-13: BOARD OF APPEALS: In order to hear and decide appeals of orders, decisions, ~~or~~ determinations, and discretionary decisions made by the Building Official relative to the application and interpretations of the Specialty Codes, there shall be and is hereby created a board of appeals ~~consisting of the members of the City Council of this jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.~~

A. Membership. The board of appeals shall be appointed by the City Council governing body and shall hold office at its pleasure.

1. The ~~local appeals~~ board of appeals shall consist of seven (87) members to include the following:
 - a. Members of the Florence City Council.
 - b. The Building Official of Lane County or the building official of an adjacent county.
 - c. An individual who engages in the business of building design or construction.
2. The Building Official of Florence ~~who shall be an ex officio member and shall act as secretary to the said board of appeals but shall have no vote upon any matter before the board.~~
3. For appeals of discretionary decisions made by a contract building official relative to the application and interpretations of the Specialty Codes, the board of appeals shall not include as a member:
 - a. Any building official contracted by the City.
 - b. Any owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections
 - c. An individual who engages in the business of building design or construction concerning a project that involves a business, or competitor of a business that:
 - i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
 - ii. A family member or a member of the individual's householder owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.
- B. For purposes of this section, a ~~D~~ discretionary ~~D~~ decision is defined as a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.
- C. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building

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Official.

4-1-5-14: LIMITATIONS OF AUTHORITY: Except in the review of a discretionary decision made by the Building Official the board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the board be empowered to waive requirements of either this code or the Specialty Codes.

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