

June 22, 2022

VEGETATION PRESERVATION SUB-COMMITTEE PROGRESS STATUS

From: Phil Tarvin, Sub-committee Member & Planning Commission

To: Wendy Farley-Campbell, Planning Director
Lisa Walter-Sedlacek, Sub-committee Member & EMAC
Eric Hauptman, Sub-committee Member & Planning Commission
Erick Oshel, Sub-committee Member & EMAC

To: Planning Commission Members

Through: Wendy Faley-Campbell, Planning Director

In preparation of an upcoming Planning Commission Workshop tentatively scheduled to occur at 5:30 PM - June 28, 2022 an informational packet is being forwarded under cover of this letter.

Along with this cover letter, the following materials are attached as files being transmitted via email;

☐ **FCC 4-6 Proposed Text Revisions.pdf**

An outline of current sub-committee work product related to proposed revisions to FCC 4-6: Vegetation Preservation.

☐ **FCC 4-6 Current (Extract).pdf**

Full extract of currently published FCC Chapter 4-6 downloaded June 20, 2022 for convenient reference.

☐ **FCC 4-1 Current (Extract).pdf**

Full extract of currently published FCC Chapter 4-1 downloaded June 20, 2022. This marked up file highlights sections incorporated by reference into the outline of proposed FCC 4-6 revisions. It also highlights proposed text to be added to FCC 4-1 to facilitate revising FCC 4-6.

☐ **FCC 1-1 Official City Code (Extract).pdf**
FCC 1-4 General Penalty (Extract).pdf

Full extract of both currently published FCC Chapter 1-1 and FCC Chapter 1-4 downloaded June 20, 2022. These marked up files highlight portions of the sections to be referenced during sub-committee presentation of the work session topic.

Retained original language in dark gray text
Revised/Added language in *in black italics text*
See Notes at end of proposed text revisions

TITLE 4
CHAPTER 6

VEGETATION PRESERVATION

SECTION:

- 4-6-1: Purpose
- 4-6-2: ***Definitions***
- 4-6-3: Vegetation Clearing Permit Required
- 4-6-4: Procedure for Obtaining a ***Vegetation Clearing*** Permit
- 4-6-5: Appeal of Design Review Board Action
- 4-6-6: ***Violations and Penalties***

4-6-1: PURPOSE: The City Council finds that it is necessary to regulate tree and vegetation removal on private property to:

- A. Provide for revegetation and maintenance of plant materials on private property;
- B. Preserve the scenic quality of the City by retaining native vegetation;
- C. Protect the property from storm run-off and wind erosion.

4-6-2: DEFINITIONS: As used in this Chapter, the following definitions apply:

CLEAR <i>[Clearing]</i>	<i>To remove vegetation material(s) or root mass necessary for the survival of the vegetation using either manual means or mechanical equipment.</i>
FELL <i>[Felling]</i>	To remove or sever a tree or the intentional use of any procedure to cause the death or substantial destruction of the tree. Fell does not include normal pruning, trimming or topping of trees.
NATIVE VEGETATION	Those woody plant species native to this region including, Shorepine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinikinic, Salal and other associated plants.
OCCUPIED PARCEL	<i>Real property within the boundaries of a tax lot as found in the Lane County, Oregon, tax records, with one or more lawfully constructed single-family or duplex dwellings thereon.</i>
PARCEL	Real estate within the boundaries of a tax lot as found in the Lane County, Oregon, tax records.
PRUNE <i>[Pruning]</i>	<i>Severing of diseased, distressed or dead vegetation, branches or limbs for the purposes of restoring, maintaining or enhancing the overall health and prospects for continued survival of a plant or tree.</i>

REMOVE
[Removal, Removed]

To take away from, in whole or in part, the vegetation material or root mass of a plant or tree either manually, by mechanical means or through chemical or herbicidal applications. Encompasses specific procedures such as clearing, felling, topping to maintain existing sightline(s) and trimming to improve visual appeal. Does not encompass normal pruning.

TOP
[Topping]

Severing vertically oriented vegetation material to the extent minimally necessary to slow or substantially hinder further vertical growth of a plant or tree for the purposes of maintaining existing sightline(s) or to obtain code required clearance(s) from utility lines.

TREE

A living, standing, woody plant having a trunk 25 inches in circumference (approximately eight inches in diameter) measured at a point 4 1/2 feet above mean ground level at the base of the trunk.

TRIM
[Trimming]

Severing of vegetation material, branches or limbs for the purposes of improving the visual appeal or to obtain code required sightlines or clearance(s) from utility lines and above the public right of way such that the health of the plant or tree is not adversely affected.

4-6-3: VEGETATION CLEARING PERMIT REQUIRED:

A. A vegetation clearing permit shall be required in any of the following circumstances:

1. Clearing native vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have been designated by the City as a significant riparian corridor, significant wetland buffer zone, greenbelt, or view corridor.
2. Removing native vegetation from any parcel for which a valid building permit specifically authorizing vegetation removal has not been issued.
3. When the Planning Commission or Design Review Board has required such a permit as a condition of approval for land development.

B. Exemptions: Subsection A of this section does not apply to removal or clearing of native vegetation under the following conditions:

1. Action by a public employee by an employee of a corporation holding a public franchise which allows clearing or removal of vegetation or an authorized contractor to protect human life or property; install or restore services; improve deeded rights-of-way; or to maintain or restore vision clearance at street or alley intersections.
2. Clearing or felling of native vegetation in conjunction with development of a single-family or duplex dwelling on a parcel located within a zoning district which permits such use outright, except in locations specified in Section 4-6-3-A-1.
3. Clearing or felling of native vegetation on a residential building lot within an approved Planned Unit Development (PUD), except in locations specified in Section 4-6-3-A-1.
4. Clearing or felling of native vegetation on an Occupied Parcel as defined within Section 4-6-2, except in locations specified in Section 4-6-3-A-1.
5. Removal or trimming of trees and shrubs required by Code Section 8-4-2. (This section amended by Ordinance No. 22 Series 1994).

4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT:

- A. A vegetation clearing permit application is required unless the application includes a concurrent application for a building permit or Conditional Use Permit, except that the criteria in FCC 4-6-4 C shall also apply to any removal of native vegetation from a significant riparian or wetland buffer zone requested as part of a setback adjustment granted under FCC 10-7-4.
- B. All requests for a Vegetation Clearing Permit shall be submitted to the Planning *Department* on a form available from that department, and containing the following minimum information. (See FCC 10-7-4 for additional submission requirements for areas within significant wetland or riparian buffer zones):
 - 1. Name, address, telephone number of applicant, property description and date;
 - 2. Lot dimensions and footprint of structure(s) drawn to scale;
 - 3. A plot plan showing **each tree and specimen of native vegetation to be removed** and reason for clearing or felling, **areas where no removal(s) are proposed**, approximate location(s) of **any existing and proposed structures and other improvements**;
 - 4. A description of any plan to replace, landscape, or otherwise reduce the effect of removal of vegetation and time of implementation.
- C. The Planning Department shall process the Vegetation Removal Permit application through the Administrative Review Procedures in FCC Title 10 Chapter 1 within **forty-five (45) days** of filing a complete application. Review and approval shall be based on the following criteria, as applicable to the request:
 - 1. The necessity to remove native vegetation in order to construct proposed improvements or otherwise utilize the property in a reasonable manner consistent with the City Code and policies;
 - 2. The environmental and physical impacts such clearing may have, including visual drainage, wind erosion, protection of adjoining property and structures, and impacts on significant riparian corridors or wetland buffer zones. Impacts on any affected significant wetland or riparian buffer zones shall be supported by a qualified professional or through consultation with staff from the Soil and Water Conservation District, Siuslaw Watershed Council, Oregon Department of Fish and Wildlife (ODFW), Oregon State University (OSU), or another person or agency with knowledge or experience with the affected resource.
 - 3. The adequacy of the applicant's proposed landscaping or revegetation plan, including plant selection, staking, irrigation, and other maintenance provisions. (This section amended by Ordinance No. 22 Series 1994).

4-6-5: ORGANIZATION AND ENFORCEMENT: *Organizational authority and enforcement proceedings shall be administered in accordance with the following sections provided within Title 4, Chapter 1;*

- 1. *FCC Nos. 4-1-5-1; 4-1-5-2; 4-1-5-3; 4-1-5-4; 4-1-5-5; 4-1-5-10; 4-1-5-11; 4-1-5-16; 4-1-5-17; and 4-1-5-18.*

4-6-6: VIOLATIONS AND PENALTIES:

- A. *Violation: Except where explicitly exempted within FCC 4-6-3-B, failure to obtain a valid Vegetation Clearing Permit pursuant to this Chapter prior to commencing removal of vegetation from any parcel or; comply with a condition of said permit or; comply with a requirement of this Chapter shall be deemed a violation of City Code and subject to one or more of the following penalties:*
- B. *Penalties:*
1. *Replacement of damaged or removed vegetation which approximates the site condition prior to the offense;*
 2. *Replacement of damaged or removed vegetation within a time frame which has been determined by the Planning Commission to provide sufficient mitigation of the offense;*
 3. *Payment of an administrative civil penalty not to exceed \$5,000 for each offense, or, in the case of a continuing offense not more than \$5,000 for each offense plus \$1,000 for the second and each subsequent day of the same offense.*
 4. *Withholding or revocation of a business license, final PUD or subdivision approval, building permits, and suspension of building inspections until each offense has been satisfactorily mitigated. (This section amended by Ordinance No. 22 Series 1994).*

4-6-7: APPEAL OF DESIGN REVIEW BOARD ACTION:

Any decision of the Design Review Board may be appealed to the City Council in accordance with the procedures specified in Code Section 10-1-1-6. (This section amended by Ordinance No. 22 Series 1994).

Notes:

Standard formatted footers, page numbering & footnotes are not shown on this outline.

Need discussion & guidance regarding interplay between a) proposed 4-6-6-B-3 [\$1000.00] & b) referenced 4-1-5-16- I [Continuing Violations] & 1-1-1 [General Penalty inclusion] & 1-4-2-B/C.

Need discussion & guidance regarding implementing required inspection(s) and/or Notice to Proceed Considerations.

Revised definition of Native Vegetation pending.

**TITLE 1
CHAPTER 1**

OFFICIAL CITY CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alteration

1-1-1: **TITLE:** Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Florence. This City Code of ordinances shall be known and cited as the FLORENCE CITY CODE, and it is hereby published by authority of the Council and shall be kept up to date as provided in Section 1-1-3 of this Chapter. **Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause, relating thereto, as well as to the section itself,** when reference is made to this City Code by title in any legal documents.

1-1-2: **ACCEPTANCE:** The City Code as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of the Code.

1-1-3: **AMENDMENTS:** Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

1-1-4: **CODE ALTERATION:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Recorder shall see that the replacement pages are properly inserted in the official copies maintained in the office of the City Recorder. Any person having in his custody an official copy of the City Code shall make every effort to maintain said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Recorder. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the City Recorder when directed so to do by order of the City Council. (1981 Code)

TITLE 1
CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application of Provisions
- 1-4-3: Liability of Officers

1-4-1: GENERAL PENALTY: Any person convicted of violation of any section or provision of this City Code, where no other penalty is set forth, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for any one offense, each day constituting a separate offense, or by imprisonment in the City or County jail for a period of not more than six (6) months or by both such fine and imprisonment.¹

1-4-2: APPLICATION OF PROVISIONS:

- A. The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section unless otherwise indicated. Any person convicted of a violation of any section of this City Code except section 3-1-4 of Chapter 1 of Title 3, where a duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, which has as a possible penalty incarceration, shall be deemed guilty of a misdemeanor. Offenses without incarceration declared crimes under state law continue as crimes. However, offenses without incarceration that are not state crimes are civil offenses.(ORD 9 Series 1985)
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing any act or the omission to do any act constitutes a breach of ¹any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-3: LIABILITY OF OFFICERS: No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intent of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.² (1981 Code)

¹ ORS 161.505, 161.615, 161.635; also see Title 6, Chapter 2 of this Code for regulations regarding the City jail and prisoners.

² ORS 30.285

TITLE 4
BUILDING REGULATIONS

<u>SUBJECT</u>	<u>CHAPTER</u>
BUILDING REGULATIONS	1
	2
	3
FLOOD DAMAGE PREVENTION	4
ABATEMENT OF DANGEROUS BUILDINGS	5
VEGETATION PRESERVATION	6
SIGN REGULATIONS	7

0-1-2-3-A

: Indicates Proposed Sections To Be Referenced In 4-6 Revise
All examples within 4-1-5 on pages 8 thru 13

Red text / arrow

: Indicates Proposed Language Revise / Insertion Point
One example within 4-1-5 on page 8

Highlighted Text

: Indicates Miscellaneous Passages of Note

TITLE 4
CHAPTER 1

BUILDING REGULATIONS

- 4-1-1: Codes Adopted: Title, Purpose, Scope and Conflicts**
- 4-1-2: Application to Existing Buildings and Building Service Equipment
- 4-1-2-2: Existing Installations
- 4-1-2-3: Existing Occupancy
- 4-1-2-4: Maintenance
- 4-1-2-5: Moved Buildings
- 4-1-2-6: Temporary Structures
- 4-1-2-7: Historic Buildings
- 4-1-3: Definitions**
- 4-1-4: Conflicting Provisions
- 4-1-4-1: Alternate Materials, Methods of Design and Methods of Construction
- 4-1-4-2: Modifications
- 4-1-4-3: Tests
- 4-1-5: Organization and Enforcement
- 4-1-5-1: Authority-Creation of Enforcement Agency**
- 4-1-5-2: Powers and Duties of Building Official**
- 4-1-5-3: Deputies
- 4-1-5-4: Right of Entry
- 4-1-5-5: Stop Orders
- 4-1-5-6: Occupancy Violations
- 4-1-5-7: Authority to Disconnect Utilities
- 4-1-5-8: Abatement
- 4-1-5-9: Connection After Order to Disconnect
- 4-1-5-10: Liability
- 4-1-5-11: Cooperation of Other Official and Officers
- 4-1-5-12: Unsafe Buildings, Structures or Building Service Equipment
- 4-1-5-13: Board of Appeals
- 4-1-5-14: Limitations of Authority
- 4-1-5-15: Violations and Penalties**
- 4-1-5-16: Building Official—Authority to Impose Administrative Civil Penalty
- 4-1-5-17: Appeal Procedures
- 4-1-5-18: Unpaid Penalties
- 4-1-6: Permits and Inspections
- 4-1-6-1: Permits Required
- 4-1-6-2: Work Exempt from Permit
- 4-1-6-3: Building Permits
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- 4-1-6-5: Electrical Permits
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- 4-1-7: Application for Permit
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- 4-1-7-2: Information on Plans and Specifications
- 4-1-7-3: Architect or Engineer of Record
- 4-1-7-4: Deferred Submittals
- 4-1-7-5: Inspection and Observation Program
- 4-1-8: Permits Issuance
- 4-1-8-1: Issuance
- 4-1-8-2: Retention of Plans
- 4-1-8-3: Validity of Permit
- 4-1-8-4: Expiration

- 4-1-8-5: Suspension or Revocation
- 4-1-9: Fees
- 4-1-9-1: Permit Fees
- 4-1-9-2: Plan Review Fees
- 4-1-9-3: Expiration of Plan Review
- 4-1-9-4: Investigation Fees: Work Without a Permit
- 4-1-9-5: Investigation
- 4-1-9-6: Fee
- 4-1-9-7: Fee Refunds
- 4-1-10: Inspections
- 4-1-10-1: General
- 4-1-10-2: Inspection Record Card
- 4-1-10-3: Inspection Requests
- 4-1-10-5: Required Building Inspections
- 4-1-10-6: Required Building Service Equipment Inspections
- 4-1-10-7: Operation of Building Service Equipment
- 4-1-10-8: Other Inspections
- 4-1-10-9: Reinspections
- 4-1-11: Special Inspections
- 4-1-11-1: Special Inspector
- 4-1-11-2: Duties and Responsibilities of the Special Inspector
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- 4-1-11-5: Approved Fabricators
- 4-1-12: Structural Observation
- 4-1-13: Connection to Utilities
- 4-1-13-1: Energy Connections
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- 4-1-14: Certificate of Occupancy
- 4-1-14-1: Use of Occupancy
- 4-1-14-2: Change in Use
- 4-1-14-3: Certificate Issued
- 4-1-14-4: Temporary Certificate
- 4-1-14-5: Posting
- 4-1-14-6: Revocation
- 4-1-15: Building Site Elevation, Control of Local Flooding and Erosion Prevention
- 4-1-15-1: Building Site Elevation
- 4-1-15-2: Drainage Ditches, Drainage Ways
- 4-1-15-3: **Securing Loose, Open or Raw Sand**
- 4-1-16: Minor Accessory Buildings or Additions; Placement Approval Permits

4-1-1: CODES ADOPTED: In addition to compliance with this Chapter and other ordinances of the City, the City of Florence adopts the following Building Administrative Code.

- A. TITLE:** These regulations shall be known as the Building Administrative Code, may be cited as such and will be referred to herein as "this code."
- B. PURPOSE:** The purpose of this code is to provide for the administration and enforcement of the Oregon Specialty Codes.
- C. SCOPE:** The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the Specialty Codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.
- D. CONFLICTS:** Where in any specific case there is a conflict between this Code and Oregon Revised Statute, the statute shall govern.

4-1-2: APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the Specialty Codes for new facilities, except as specifically provided in this section.

4-1-2-1: ADDITIONS, ALTERATIONS OR REPAIRS:

- A. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the Specialty Codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the Specialty Codes nor all such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

1. Exception: Alterations of existing structural elements, or additions of new structural elements, which are not required by Section 4-1-2-2 and which are initiated for the purpose of increasing the lateral-force-resisting structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:
 - a. The capacity of existing structural elements required to resist forces is not reduced, and
 - b. The lateral loading to required existing structural elements is not increased beyond their capacity, and
 - c. New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
 - d. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
 - e. An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the building Official. Installation or replacement of glass shall be as required for new installations.

- B. Minor additions, alterations, and repairs to existing building service equipment installations may be made in accordance with the Specialty Codes in effect at the time the original installation was made, subject to approval of the Building Official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

4-1-2-2: EXISTING INSTALLATIONS: Building service equipment lawfully in existence at the time of the adoption of the Specialty Codes may have their use, maintenance or repair continued if the use maintenance or repair is in accordance with the original design and a hazard to life, health, or property has not been created by such building service equipment.

4-1-2-3: EXISTING OCCUPANCY: Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the building Code, and provided continued use is not dangerous to life, health, and safety.

4-1-2-4: MAINTENANCE: Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Specialty Codes shall be maintained in conformance with the Specialty Codes under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this subsection, the Building Official may cause a structure to be reinspected.

4-1-2-5: MOVED BUILDINGS: Buildings or structures and building service equipment moved into or within this jurisdiction shall comply with the provisions of the specialty Codes for new buildings or structures and their building service equipment.

4-1-2-6: TEMPORARY STRUCTURES: Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around an injunction with construction work may be erected by special permit from the Building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

4-1-2-7: HISTORIC BUILDINGS: 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 the Specialty Codes when authorized by the building Official, provided:

- A.
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.

4-1-3: DEFINITIONS: For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings with the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

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:	As 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. (OSSC)
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 EQUIPT.	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 BLDGS 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 RESIDENTIAL SPECIALTY CODE (ORSC)
ELECTRICAL CODE:	The Oregon Electrical Specialty Code. (OESC)
ELEVATOR CODE:	The safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.
JURISDICTION:	The City which adopts this code for administrative regulations within its area of authority.
LISTED & LISTING:	Terms 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 DWELLING 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 legal or equitable interest in the property.
PERMIT:	<u>An official document or certificate issued by the Building Official authorizing performance of a specified activity.</u>
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. (OPSC)
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, performed by the design professional or an approved alternate. (Reports of structural observation shall be submitted to the Building Official.) Structural observation does not include or waive the responsibility for the inspections required by this code.
STRUCTURE:	That which is built or constructed, an edifice or building of any kind, any piece of work artificially built up or composed of parts jointed together in some definite manner.
REFERENCE STANDARDS:	Those standards published by nationally recognized testing and standards organizations and referenced in the building codes adopted by this jurisdiction.

VALUATION OR VALUE:

As applied to a building and its building service equipment, shall be the estimated cost to construct or replace the building and its building service equipment in kind, based on current replacement costs from the BUILDING SAFETY JOURNAL Building valuation data table; or if inconclusive, as determined by the Building Official.

4-1-4: CONFLICTING PROVISIONS:

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

4-1-4-1: ALTERNATE MATERIALS, METHODS OF DESIGN AND METHODS OF CONSTRUCTION:

- A. The provisions of the Specialty Codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the specialty Codes, provided an alternate has been approved and its use authorized by the Building Official.
- B.
 - 1. The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of the Specialty Codes and that the material, method of work offered is, for the purpose intended, at least the equivalent of that prescribed in the Specialty Codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.
 - 2. The Building Official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

4-1-4-2: MODIFICATIONS: Whenever there are practical difficulties involved in carrying out the provisions of the Specialty Codes, the Building Official may grant modifications for individual cases.

- A.
 - 1. The Building Official shall first find that a special individual reason makes the strict letter of the Specialty Codes impractical and the modification is in conformity with the intent and purpose of the Specialty Codes, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of granting modifications shall be recorded and entered in the files of the code enforcement agency.

4-1-4-3: TESTS:

- A. Whenever there is insufficient evidence of compliance with the provisions of the Specialty Codes or evidence that materials or construction do not conform to the requirements of the Specialty Codes, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

- B. Test methods shall be as specified by the Specialty Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall determine test procedures.
- C. Tests shall be made by an approved agency. Reports of such test shall be retained by the Building Official for the period required for the retention of public records.

4-1-5: ORGANIZATION AND ENFORCEMENT

4-1-5-1: AUTHORITY - 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.

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

4-1-5-2: POWERS AND DUTIES OF BUILDING OFFICIAL: The Building Official is hereby authorized and directed to enforce all the provisions of this code, and the referenced Specialty Codes. For such purposes, the Building Official shall have the powers of a law enforcement officer.

and FCC 4-6: Vegetation Preservation.

4-1-5-3: DEPUTIES: In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

4-1-5-4: RIGHT OF ENTRY: When necessary to make an inspection to enforce any of the provisions of this code and the Specialty Codes, or when the Building Official has reasonable cause to believe that there exists in any 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 all 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 persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.

4-1-5-5: STOP ORDERS: When work is being done contrary to the provisions of this code, the Specialty Codes, 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 persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

4-1-5-6: OCCUPANCY VIOLATIONS: When a building or structure or building service equipment therein regulated by this code and the Specialty Codes is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written 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 such codes.

4-1-5-7: AUTHORITY TO DISCONNECT UTILITIES: The Building Official or his/her designee shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the Specialty Codes in case of emergency where 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 building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility,

owner and occupant of the building, structure or building service equipment in writing, of such disconnection immediately thereafter.

4-1-5-8: ABATEMENT:

- A. Authority to Abate. A condition caused or permitted to exist in violation of this code or the Specialty Codes is a public nuisance which may be abated by any of the procedures set forth by City Ordinance or state statutes.
- B. Authority to Condemn Building Service Equipment:
 - 1. When the Building Official ascertains that building service equipment regulated in the Specialty Codes has become hazardous to life, health or property, or has become insanitary, 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.
 - 2. 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.
 - 3. 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.

4-1-5-9: 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.

4-1-5-10: LIABILITY:

- A. 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.
- B. 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.
- C. Where Building Official is a contracted service, the contractor will defend, Indemnify and hold harmless the CITY, its officials, employees and agents from any claims, suits, or actions arising out of acts by contract, his employees, agents and subcontractors outside the scope of the Contract Agreement while on duty as a Building Official for the CITY.
- D. 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.

4-1-5-11: COOPERATION OF OTHER OFFICIAL AND OFFICERS: The Building Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other

4-1-5-12: UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT:

- A. Buildings or structures regulated by this code and the Specialty Codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.
- B. Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment 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.
- C. 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 a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.
- D. 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 this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

4-1-5-13: BOARD OF APPEALS: In order to hear and decide appeals of orders, decisions or determinations 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.

4-1-5-14: LIMITATIONS OF AUTHORITY: 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.

4-1-5-15: VIOLATIONS AND PENALTIES:

- A. Violation. 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, structure or building service equipment or cause or permit the same to be done contrary to or in violation of this code and Specialty Codes.
- B. Penalties. Violation of a provision of this code shall be subject to an administrative civil penalty not to exceed \$5,000 for each offense, or in the case of a continuing offense, not more than \$1,000 for each day of the offense, and shall be processed in accordance with the procedures set forth in this section.
- C. Cumulative Remedies. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under this code, other applicable City ordinances, and state law.

- A. **Civil Penalties.** Upon a determination by the Building Official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the Building Official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by this section. For purposes of this section, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, also includes the owner. This authority in no way precludes the Building Official from attempting to secure voluntary compliance prior to issuing an order to correct a violation.
- B. **Order to Correct.** Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the Building Official shall issue an order to correct a violation (Order to Correct) to one or more of the responsible persons. Except where the Building Official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than five calendar days.
- C. **Notice of Civil Violation.** Following the date or time by which the correction must be completed as required by an Order to Correct, the Building Official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the Building Official may issue a notice of civil violation and assess an administrative civil penalty to each responsible person to whom an Order to Correct was issued.
- D. **Knowing, Intentional or Repeat Violations.** Notwithstanding subsection 4-1-5-16-B, the Building Official may issue a notice of civil violation and assess an administrative civil penalty without having issued an Order to Correct where the Building Official determines that the violation was knowing, intentional, or a repeat of a similar violation.
- E. **Penalty Considerations.** In assessing an administrative civil penalty authorized by this section, the Building Official shall consider:
1. The person's cooperativeness and past history in taking steps to correct the violation;
 2. Any prior violations of this code, of the Specialty Codes, or other City ordinances;
 3. The gravity and magnitude of the violation;
 4. Whether the violation was repeated or continuous; and
 5. Whether the violation was caused by an unavoidable accident, negligence, or an intentional act.
- F. **Notice Requirements.** A notice of civil violation issued under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall:
1. Describe the alleged violation, including any relevant code provision numbers, ordinance numbers, or other identifying references;
 2. State that the City intends to assess a civil penalty for the violation and state the amount of the civil penalty and other penalties imposed;
 3. State the date on which the Order to Correct was issued and the time by which correction was required, or, if the penalty is imposed pursuant to subsection 4-1-5-15-D of this code, a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated;

4. State that the party may challenge the assessment of civil penalty to the board of appeals; and
 5. Describe the process and the deadline for informing the City that the party is challenging the assessment of the civil penalty.
- G. **Appeal.** Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the board of appeals. The provisions of section 4-1-5-17 of this code shall govern any requested appeal.
 - H. **Penalty Final.** A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, if no appeal is timely filed with the board of appeals.
 - I. **Continuing Violations.** Each day the violator fails to remedy the code violation shall constitute a separate violation.
 - J. **Additional Penalties.** The civil administrative penalty authorized by this section shall be in addition to: (1) assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and (2) any other actions authorized by law, provided that the City shall not issue a citation to Municipal Court for a violation of this code.

4-1-5-17: APPEAL PROCEDURES

- A. **Appeal Contents.** Any recipient aggrieved by a notice of civil penalty may, within 14 days after receipt of the notice, appeal in writing to the board of appeals. The written appeal shall be accompanied by an appeal fee in an amount set by Council resolution and shall include:
 1. The name and address of the appellant;
 2. The nature of the matter being appealed;
 3. The reason appellant claims the Building Official's determination is incorrect; and
 4. Appellant's desired determination of the appeal.

If appealed, the civil penalty shall become final, if at all, upon issuance of the board of appeals' decision affirming the Building Official's assessment.
- B. **Hearing Date and Notice.** Unless the appellant and the City agree to a longer period, an appeal shall be heard by the board of appeals within 30 days of the receipt of appellant's notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.
- C. **Hearing Procedure.** The board of appeals shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the board of appeals deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the Building Official. The rules of evidence as used by courts of law do not apply.
- D. **Decision.** The board of appeals shall issue a written decision within 10 days of the hearing date. The written decision of the board of appeals is final.
- E. **Fee Refundability.** Other than as provided in this subsection, the appeal fee is non-refundable. If the Building Official's assessment is not affirmed, the board of appeals may refund all or part of the appeal fee upon appellant's motion.

4-1-5-18:**UNPAID PENALTIES:**

- A. **Penalty Collection.** Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a separate violation. The Building Official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection 4-1-5-18-B below, other provisions of this code, or state statute.
- B. **Assessment Lien.** If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from a prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty becomes final, the Building Official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the City's lien docket. At the time such an assessment is made, the Building Official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the City's lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.
- C. **Additional Penalties.** In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

4-1-6:**PERMITS AND INSPECTIONS**

4-1-6-1: PERMITS REQUIRED: Except as specified in 4-1-6-2, 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.

4-1-6-2: WORK EXEMPT FROM PERMIT: A permit shall not be required for the types of work in each of the separate classes of permit as listed below. 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.

4-1-6-3: BUILDING PERMITS: Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

- A. Nonhabitable one-story detached accessory structure, provided the floor area does not exceed 200 square feet (18.58 m²) or a height of 10 feet (3048 mm) measured to the eave .
- B. Except for barriers around swimming pools as required in Appendix G of the RESIDENTIAL SPECIALTY CODE , fences not over 6 feet (1829 mm) high.
- C. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- D. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- E. Concrete sidewalks, slabs and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
- F. Painting, papering, tiling, carpeting, cabinets, counter tops, interior wall, floor or ceiling covering and similar finish work.

- G. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- H. Swings and other playground equipment accessory to a one or two-family dwelling.
- I. Window awnings and patio covers supported by an exterior wall not over 120 square feet (11 m²) in area.
- J. Nonbearing partitions, except when such partitions create habitable rooms.
- K. Replacement or repair of siding not required to be fire resistant.
- L. Retrofitted insulation
- M. Masonry repair.
- N. Porches and decks, where the floor or deck is not more than 30 inches (762 mm) above grade, and where the edge of the porch, deck or floor does not come closer than 3 feet (914 mm) to property lines.
- O. Gutters and downspouts.
- P. Door and window replacements where no structural member is changed.
- R. Reroofing, except in wildfire hazard zones or where replacement or repair of roofing does not exceed 30 percent of the required live load design capacity and is not required to be fire resistant.
- S. Plastic glazed storm windows.
- T. Frame-covered accessory buildings not more than 500 square feet (37.16 m²) in area, one story in height or closer than 3 feet (914 mm) to the property line, where the structure is composed of a rigid framework to support tensioned fabric membrane that provides a weather barrier.

4-1-6-4: PLUMBING PERMITS: The stopping of leaks in drains, water, soil, waste or vent pipe; provided however, that if any concealed trap, drainpipe, water, soil, water or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes valves or fixtures, and the removal of reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of values, pipes or fixtures.

4-1-6-5: ELECTRICAL PERMITS: Repairs and Maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved, permanently installed receptacles.

4-1-6-6: MECHANICAL PERMITS: A mechanical permit shall not be required for the following:

- A. Portable cooking or clothes drying appliances.
- B. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- C. Portable heating appliances.
- D. Portable ventilation appliances.
- E. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

- F. Portable evaporative cooler.
- G. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors by 1 horsepower (746 W) or less.
- H. Other portable appliances such as freezers, washing machines, refrigerators, portable barbeques grills, etc.

4-1-7: APPLICATION FOR PERMIT: To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made.
- B. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- C. Indicate the use or occupancy for which the proposed work is intended.
- D. Be accompanied by plans, diagrams, computations and specifications and other data as required in Section 4-1-7-1 and the BUILDING CODE.
- E. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
- F. Be signed by the applicant, or the applicant's authorized agent.
- G. Give such other data and information as may be required by the Building Official.

4-1-7-1: SUBMITTAL DOCUMENTS:

- A. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit.
- B. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that State law does not require that the plans be prepared by a licensed architect or engineer.
- C. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such even if not required by State law.

EXCEPTION: The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

4-1-7-2: INFORMATION ON PLANS AND SPECIFICATIONS:

- A. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

- B. Plans for buildings more than two stories in height of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

4-1-7-3: ARCHITECT OR ENGINEER OF RECORD: When it is required that documents be prepared by an architect or engineer:

- A. The Building Official may require the owner to engage and designate on the building permit application, an architect or engineer who shall act as the architect or engineer of record.
- B. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record.
- C. The Building Official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

4-1-7-4: DEFERRED SUBMITTALS:

- A. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.
- B. Deferral of any submittal items shall have prior approval of the Building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official.
- C. Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been approved by the Building Official.

4-1-7-5: INSPECTION AND OBSERVATION PROGRAM:

- A. When special inspection is required by this code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.
- B. The special inspector shall be employed by the owner, the engineer or architect or record, or an agent of the owner, but not the contractor or any other person responsible for the work.
- C.
 - 1. When structural observation is required by this code, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.
 - 2. The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

4-1-8: PERMITS ISSUANCE:

4-1-8-1: ISSUANCE:

- A.
 - 1. The application, plans, specifications, computations and other data filed by an applicant for 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.

2. If the building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the Specialty Codes and other pertinent laws and ordinances, and that the fees specified in this code have been paid, the Building Official shall issue a permit therefore to the applicant.
- B.
 1. When a permit is issued when plans are required, the Building Official shall endorse in writing or stamp the plans and specifications APPROVED or REVIEWED.
 2. Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this code shall be done in accordance with the approved plans.
 - C. The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Specialty Codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

4-1-8-2: 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 as prescribed by rule or law (OAR); and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

4-1-8-3: VALIDITY OF PERMIT:

- A. The issuance 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 the Specialty Codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.
- B. 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 thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

4-1-8-4: EXPIRATION: Every permit issued by the Building Official under the provisions of the Specialty Codes 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 therefore 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.

4-1-8-5: SUSPENSION OR REVOCATION: The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the Specialty Code when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

4-1-9: FEES: Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the City Council.

4-1-9-1: PERMIT FEES:

- A. The fee for each permit shall be in accordance with uniform fee methodology prescribed by the State of Oregon and the schedule established by the City.
- B. The determination of value or valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the building permit and building 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 other permanent equipment.

4-1-9-2: PLAN REVIEW FEES:

- A. When submittal documents are required by Section 4-1-7-1, a plan review fee shall be paid at the time of permit issuance. Said plan review fee shall be 65 percent of the permit fee.
- B. The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.
- C. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee shall be charged.
- D. Plans requiring a fire-life safety review as required by ORS 479.155 (2) and OSSC 106.3 shall be assessed an additional fee of 40% of the permit fee.

4-1-9-3: EXPIRATION OF PLAN REVIEW:

- A. Applications for which no permit is issued within 180 days following the date of 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.
- B. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once.
- C. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

4-1-9-4: INVESTIGATION FEES: WORK WITHOUT A PERMIT:

4-1-9-5: INVESTIGATION: Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

4-1-9-6: FEE: An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The investigation fee shall be the actual or average cost of investigation to ensure the unpermitted work complies with the state building code. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the Specialty Codes nor from the penalty prescribed by law. Permits for emergency repairs obtained within five business days after commencement of the repair are not subject to the "investigative fee."

4-1-9-7: FEE REFUNDS:

- A. The Building Official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

1. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
2. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
3. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

4-1-10: INSPECTIONS:

4-1-10-1: GENERAL:

- A. Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in Section 4-1-11.
 1. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- B. The Building Official may implement additional or alternate inspection procedures or requirements by written administrative rules.
- C. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the City shall not be valid.
- D. A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

4-1-10-2: INSPECTION RECORD CARD: Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Official conveniently to 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.

4-1-10-3: INSPECTION REQUESTS:

- A. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.
- B. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

4-1-10-5: REQUIRED BUILDING INSPECTIONS:

- A. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.
- B. The Building Official, upon notification, shall make the following inspections:

1. Foundation Inspection: To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with U.B.C. Standard 19-3, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.
2. Concrete slab or under-floor inspection: To be made after in-slab or under-floor building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
3. Frame Inspection: To be made after the roof, framing, fire blocking, and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and hearing wires, pipes, and ducts are approved.
4. Lath and/or Wallboard Inspection: To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.
5. Final Inspection: To be made after finish grading and the building is completed and ready for occupancy.

4-1-10-6: REQUIRED BUILDING SERVICE EQUIPMENT INSPECTIONS:

- A. Building Service equipment for which a permit is required by this code shall be inspected by the Building Official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, and additional and final inspection shall be made.
- B. Building service equipment regulated by the Specialty Codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

4-1-10-7: OPERATION OF BUILDING SERVICE EQUIPMENT: The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building Official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

4-1-10-8: OTHER INSPECTIONS: In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or Specialty Codes and other laws which are enforced by the code enforcement agency.

4-1-10-9: REINSPECTIONS:

- A.
 1. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.
 2. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building official.

- B. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the Specialty Codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.
- C. To obtain a reinspection, the applicant shall file an application in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the Specialty Code or as set forth in the fee schedule adopted by this City.
- D. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

4-1-11: SPECIAL INSPECTIONS: In addition to the inspections required by Section 4-1-10, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction as required by the Building Code (OSSC Chapter 17). Special inspectors shall be approved as required in 4-1-11-1.

4-1-11-1: SPECIAL INSPECTOR: The Special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.

4-1-11-2: DUTIES AND RESPONSIBILITIES OF THE SPECIAL INSPECTOR:

- A. The special inspector shall observe the work assigned for conformance with the approved design drawings and specifications.
- B.
 - 1. The special inspector shall furnish inspection reports to the Building Official, the engineer or architect of record, and other designated persons. Discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the Building Official.
 - 2. The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of these codes.

4-1-11-3: WAIVER OF SPECIAL INSPECTION: The Building Official may waive the requirement for the employment of a special inspector if the construction is of minor nature.

4-1-12: STRUCTURAL OBSERVATION:

- A. Structural observation shall be provided when one of the following conditions exists:
 - 1. The structure is defined in Building Code Chapter 16 as an Occupancy Category III or IV. (Critical or essential facility.)
 - 2. When so designated by the architect or engineer of record, or
 - 3. When such observation is specifically required by the Building Official for unusual lateral-force-resisting systems or irregular structures as defined in OSSC Chapter 16 .
- B. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observation as defined in OSSC Chapter 16 . Observed deficiencies shall be reported in writing to the owner's representative, contractor and the Building Official. The engineer or architect shall submit a statement in writing to the Building Official stating that the site visits have been made.

4-1-13: CONNECTION TO UTILITIES:

4-1-13-1: ENERGY CONNECTIONS: Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the Specialty Codes and for which a permit is required by this code, until approved by the Building Official.

4-1-13-2: TEMPORARY CONNECTIONS: The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

4-1-14: CERTIFICATE OF OCCUPANCY:

4-1-14-1: USE OF OCCUPANCY: Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefore as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the City shall not be valid.

4-1-14-2: CHANGE IN USE: Changes in the character or use of a building shall not be made except as specified in the Building Code.

4-1-14-3: CERTIFICATE ISSUED:

A. After the Building Official inspects the buildings or structure and finds no violations of the provisions of this code or other laws which are endorsed by the code enforcement agency, the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official

4-1-14-4: TEMPORARY CERTIFICATE: If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

4-1-14-5: POSTING: The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

4-1-14-6: REVOCATION: The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulations or the provisions of this code.

4-1-15: BUILDING SITE ELEVATION, CONTROL OF LOCAL FLOODING AND EROSION PREVENTION

4-1-15-1: BUILDING SITE ELEVATION:

- A. Due to extended periods of rainfall, low areas without sufficient drainage are subject to ponding and flooding can occur in areas near drainage ways and creeks.
- B.
 - 1. Adjacent to Paved Streets: The top of the stem wall, or if concrete slab construction, the floor level, is to be set a minimum of six inches (6") above the crown of the adjacent street.

Exception: The City's Engineer may recommend a higher elevation to insure that crawl spaces are not flooded, if the area has a high groundwater table.
 - 2. Adjacent to Existing Unimproved Streets: For building site elevations on unpaved streets, the City's Engineer will determine correct height.
 - 3. Near Creeks and Drainage Ways: The applicant for the building permit shall show high water levels and building site elevations on the plot plan submitted on all building lots adjacent to creeks and drainage ways.
 - a. These elevations are to be established by a licensed engineer and the plot plan must carry his stamp.
 - b. The Engineer must state in writing that expected flood levels have been established and the building is at an elevation to escape any expected flooding.
 - 4. Sloping Lots Below Adjacent Street Level, With Sufficient Drainage: The top of the stem wall may be placed below street level if the following criteria can be met.
 - a. Sufficient drainage can be shown to exist.
 - b. The area has no history of flooding or high groundwater table.

4-1-15-2 DRAINAGE DITCHES, DRAINAGE WAYS:

- A. Obstruction of ditched or natural drainage ways on public or private property is prohibited.
- B. Rerouting and culverting of existing drainage ways must be approved by the City Engineer.
- C. The City Engineer may require engineered sizing or routing of drainage ditches or culverts before approving such change.

4-1-15-3: SECURING LOOSE, OPEN OR RAW SAND:

- A. Prior to taking any of the following actions, any person, firm, corporation, or public agency (city, special district, county, state or federal) shall contact the Community Development Department staff to determine if such actions are likely to cause off-site movement or displacement of loose sand in ways that would damage adjacent properties or create unsafe traffic conditions:
 - 1. Excavation
 - 2. Removal of any natural or planted ground cover, trees, shrubs, grass
 - 3. Alteration or removal of any existing building or structure

If determination is made that there is a real possibility that movement of sand would cause damage to adjacent properties or create unsafe traffic conditions, then a Sand Management Plan will be required.

B. The Sand Management Plan shall set out the means by which the applicant will ensure that its actions will not result in the off-site movement or displacement of loose, open or raw sand onto any public way, or public or private property by action of wind or water erosion. If the Community Development Department determines that the Plan includes measures (vegetative, mechanical, and/or other means of sand management) to reasonably ensure that the proposed action's movement or displacement of sand will not result in damage to adjacent properties or unsafe traffic conditions, then the Sand Management Plan will be approved.

C. The following shall constitute a violation of this section of Title 4 of the Florence City Code:

1. Taking any actions listed in Section A without a City-approved Sand Management Plan; or
2. Violating a provision of an approved Sand Management Plan.

In the case of such a violation, the City shall mail notice of the violation(s) by certified letter, return receipt requested, to the violating person, firm, corporation or public agency. Such notice shall describe the violation(s) and shall require compliance with this Section of Title 4 of the Florence City Code within 30 working days of receipt of the notice of violation.

D. If the violation(s) is not corrected within 30 working days of receipt of the notice of violation, the City hereby has the authority to cause the violation(s) to be corrected, and to bill the violator for costs of the corrections plus a 10% administrative fee. If the bill is not paid within 30 days from the date of billing, the City may place a lien in the amount of the correction costs plus a 10% administrative fee against the subject property and/or business in a manner authorized by law.

4-1-16: MINOR ACCESSORY BUILDINGS OR ADDITIONS; PLACEMENT APPROVAL PERMITS:

A. Permits:

1. Application for permits will be made at the Building Department.
2. Placement permit approval will be given by the Building Official or his deputy after ascertaining that the structure will comply with Title 10, zoning requirements, of this Code.
3. Separate plumbing, electrical or mechanical permits will be required, if applicable.

B. Fees: A fee, to be set by resolution, shall be charged for each placement permit, payable when the permit is issued.

C. Inspections: An inspection will be made to insure the placement is according to the approved plan.

D. Compliance with Codes: A placement permit will not require a structural inspection for compliance with Building Codes. However, a placement permit shall not grant authorization for any work to be done in any manner in violation of the provisions of any laws or ordinances of this jurisdiction, including requirements of the Structural Specialty Code as adopted by the State of Oregon. (Ord. 635, 10-28-80)

Amended by Ord. No. 2 Series 1990 Effective January 1, 1990

Amended by Ord. No. 5 Series 1994 Effective July 1, 1994

Amended by Ord. No. 6 Series 1997 Effective April 21, 1997

Amended by Ord. No. 7 Series 2000 Effective December 7, 2000

Amended by Ord. No. 8, Series 2003 Effective May 7, 2003

Amended by Ord. No. 2, Series 2010, Effective January 4, 2010

Section 4-1-9-6 Amended by Ord. No. 6, Series 2014, effective November 5, 2014

TITLE 4
CHAPTER 6

VEGETATION PRESERVATION

SECTION:

- 4-6-1: Purpose
- 4-6-2: Definition
- 4-6-3: Vegetation Clearing Permit Required
- 4-6-4: Procedure for Obtaining Permit
- 4-6-5: Appeal of Design Review Board Action
- 4-6-5: Penalties

4-6-1: PURPOSE: The City Council finds that it is necessary to regulate tree and vegetation removal on private property to:

1. Provide for revegetation and maintenance of plant materials on private property;
2. Preserve the scenic quality of the City by retaining native vegetation;
3. Protect the property from storm run-off and wind erosion.

4-6-2: DEFINITIONS: As used in this Chapter, the following definitions apply:

CLEAR	The use of manual or mechanical equipment to remove vegetation material and root mass necessary to the survival of the vegetation.
FELL	To remove or sever a tree or the intentional use of any procedure to cause the death or substantial destruction of the tree. Fell does not include normal pruning, trimming or topping of trees.
NATIVE VEGETATION	Those woody plant species native to this region including, Shorepine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinikinic, Salal and other associated plants.
OCCUPIED PARCEL	Real property within the boundaries of a tax lot as found in the Lane County, Oregon, tax records, with one or more structures thereon, or a parcel that has been approved for a dwelling.
PARCEL	Real estate within the boundaries of a tax lot as found in the Lane County, Oregon, tax records.
TREE	A living, standing, woody plant having a trunk 25 inches in circumference (approximately eight inches in diameter) measured at a point 4½ feet above mean ground level at the base of the trunk.

4-6-3: VEGETATION CLEARING PERMIT REQUIRED:

- A. A vegetation clearing permit shall be required in any of the following circumstances:
1. Clearing native vegetation from any property within 120 feet or within the direct line of sight from Highway 101, Highway 126, Munsel Lake Road, 9th Street, Bay Street, Rhododendron Drive, and areas which have been designated by the City as a significant riparian corridor, significant wetland buffer zone, greenbelt, or view corridor.
 2. Removing native vegetation from any parcel for which a valid building permit has not been issued.
 3. When the Planning Commission or Design Review Board has required such a permit as a condition of approval for land development.

- B. Exemptions: Subsection A of this section does not apply to removal or clearing of native vegetation under the following conditions:
1. Action by a public employee by an employee of a corporation holding a public franchise which allows clearing or removal of vegetation or an authorized contractor to protect human life or property; install or restore services; improve deeded rights-of-way; or to maintain or restore vision clearance at street or alley intersections.
 2. Clearing or felling of native vegetation in conjunction with development of a single-family or duplex dwelling on a parcel located within a zoning district which permits such use outright, except in locations specified in Section 4-6-3-A-1.
 3. Clearing or felling of native vegetation on a residential building lot within an approved Planned Unit Development (PUD), except in locations specified in Section 4-6-3-A-1.
 4. Cutting and trimming of native vegetation necessary for site surveying or topographical mapping.
 5. Removal or trimming of trees and shrubs required by Code Section 8-4-2. (This section amended by Ordinance No. 22 Series 1994).

4-6-4: PROCEDURE FOR OBTAINING A VEGETATION CLEARING PERMIT:

- A. A vegetation clearing permit application is required unless the application includes a concurrent application for a building permit or Conditional Use Permit, except that the criteria in FCC 4-6-4 C shall also apply to any removal of native vegetation from a significant riparian or wetland buffer zone requested as part of a setback adjustment granted under FCC 10-7-4.
- B. All requests for a Vegetation Clearing Permit shall be submitted to the Planning on a form available from that department, and containing the following minimum information. (See FCC 10-7-4 for additional submission requirements for areas within significant wetland or riparian buffer zones):
1. Name, address, telephone number of applicant, property description and date;
 2. Lot dimensions and footprint of structure(s) drawn to scale;
 3. A plot plan showing trees or native vegetation to be removed and reason for clearing or felling, and location of proposed structures and other improvements;
 4. A description of any plan to replace, landscape, or otherwise reduce the effect of removal of vegetation and time of implementation.
- C. The Planning Department shall process the Vegetation Removal Permit application through the Administrative Review Procedures in FCC Title 10 Chapter 1 within thirty (30) days of filing a complete application. Review and approval shall be based on the following criteria, as applicable to the request:
1. The necessity to remove native vegetation in order to construct proposed improvements or otherwise utilize the property in a reasonable manner consistent with the City Code and policies;
 2. The environmental and physical impacts such clearing may have, including visual drainage, wind erosion, protection of adjoining property and structures, and impacts on significant riparian corridors or wetland buffer zones. Impacts on any affected significant wetland or riparian buffer zones shall be supported by a qualified professional or through consultation with staff from the Soil and Water Conservation District, Siuslaw Watershed Council, Oregon Department of Fish and Wildlife (ODFW), Oregon State University (OSU), or another person or agency with knowledge or experience with the affected resource.

3. The adequacy of the applicant's proposed landscaping or revegetation plan, including plant selection, staking, irrigation, and other maintenance provisions. (This section amended by Ordinance No. 22 Series 1994).

4-6-5: APPEAL OF DESIGN REVIEW BOARD ACTION:

Any decision of the Design Review Board may be appealed to the City Council in accordance with the procedures specified in Code Section 10-1-1-6. (This section amended by Ordinance No. 22 Series 1994).

4-6-6: PENALTIES: Failure to obtain a permit, or comply with a condition or requirement of this Chapter shall be deemed a violation of City Code and subject to one or more of the following penalties:

- A. Replacement of damaged or removed vegetation which approximates the site condition prior to the offense;
- B. Replacement of damaged or removed vegetation which has been determined by the Planning Commission to provide sufficient mitigation of the offense within a reasonable time-frame;
- C. Pursuant to the General Penalty clause contained in Code Section 1-4-1, each offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00), each day constituting a separate offense.
- D. Withholding or revocation of a business license, final PUD or subdivision approval, building permits, and suspension of building inspections until each offense has been satisfactorily mitigated. (This section amended by Ordinance No. 22 Series 1994).

Amended by Ordinance No. 22 Series 1994 effective 11-22-94
Amended by Ordinance No. 2, Series 2013 effective 10-5-13