

# **BAY CITY ORDINANCES**

## **ORDINANCE NO. 621**

**AN ORDINANCE ADOPTING THE STATE BUILDING  
CODE AND SPECIALTY CODES RELATED THERETO,  
REPEALING ORDINANCE NO. 559 AND  
PROVIDING TIME PERIODS FOR BUILDING COMPLETION**

The City of Bay City ordains as follows:

Section 1. Repeal. By City Ordinance 559, codified as Bay City Ordinance 9-1, is hereby repealed in its entirety. All other ordinances and resolutions inconsistent with this Ordinance are hereby repealed to the extent that any provisions are in conflict with this Ordinance.

Section 2. Standards Applicable to Building. In addition to compliance with this and other ordinances of the City, building and related activities shall comply with provisions of each of the specialty codes making up the Oregon State Building Code and of the Fire and Life Safety Code adopted by the State Fire Marshal, which are hereby adopted by the City, as these codes are constituted on as the date of adoption of this Ordinance, including all subsequent amendments as adopted by the State of Oregon.

The adopted Codes in Oregon include, but are not limited to:

- 2.1. The 2003 Oregon One-and-two Family Dwelling Specialty Code;
- 2.2. The 2002 Oregon Manufactured Dwelling and Park Specialty Code;
- 2.3. The 2005 Oregon Residential Specialty Code;
- 2.4. The 2005 Oregon Electrical Specialty Code;
- 2.5. The 2005 Oregon Elevator Specialty Code;
- 2.6. The 2004 Oregon Mechanical Specialty Code;
- 2.7. The 2005 Oregon Plumbing Specialty Code;
- 2.8. The 2004 Oregon Structural Specialty Code;
- 2.9. The Boiler Safety Code as adopted by the State of Oregon;

2.10. All of the above, together with all amendments adopted by the State of Oregon to each of said Codes and all future amendments to said Codes.

Section 3. City Code Administration. The City shall provide for the administration of plan review, building permits and inspection programs for structural work, but not for mechanical, plumbing and electrical work. The City program is applicable to both public and private buildings.

Section 4. Excavation and Grading. The City adopts all State standards regarding Excavation and Grading and all subsequent Code amendments shall be in effect in the City. Further, any Ordinances subsequently adopted by the City applicable to excavation and grading shall apply, where applicable.

Section 5. Local Interpretation. In addition to the provisions of the Codes adopted in Section 2 herein, the building official may approve a material or a method of construction not specifically prescribed by this ordinance provided the official finds that the proposed design is satisfactory and that the material, method or work offered is for the purpose intended at least the equivalent of that specifically prescribed by this Ordinance in quality, effectiveness, fire resistance, durability, safety and energy conservation and that the Director of the Consumer and Business Services Department or the Oregon Building Codes Division has not issued a report disapproving the material or methods for the purpose intended. The building official may refer the proposed design to the City Council as provided in the Structural Specialty Code and a person affected by a ruling of the building official may appeal such ruling to the City Council within thirty (30) days of the date of the ruling.

The provisions of this section shall not be interpreted to preclude a person from requesting a ruling for the Director of the Department of Consumer and Business Services Department or Building Codes Division prior to submitting an application to the City for a permit or after withdrawing a previously submitted application.

Section 6. Fees. All fees associated with the permits and inspection of this Ordinance shall be set by the Building Code or by special permission of the Building Codes Division, or by the City of Bay City or by Tillamook County, as may be applicable

Section 7. Violations and Penalties. It shall be unlawful for any person, firm or other legal entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building structure or street in the City, or cause the

same to be done, contrary to or in violation of any of the provisions of this Ordinance.

- 7.1 Any persons or legal entities found guilty of violating any provision of this Ordinance shall be punishable as a Class A violation, for each violation and for each day of violation, as determined by the Tillamook County Justice Court, plus the City's court costs.
- 7.2. Each day of violation of a provision of this Ordinance constitutes a separate offense.
- 7.3 The abatement of a nuisance or dangerous building or condition is not a penalty for violating this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance or condition, however, abatement of a nuisance or condition within the time period specified by the Council, or if a written protest has been filed, then within ten days of the Council determination that a nuisance exists, will excuse the person responsible from the imposition of any fine under Section 11.1 of this Ordinance.
- 7.4 Violation of this Ordinance shall be subject to a fine up to the maximum allowed in accordance with Tillamook County Justice Court's violation schedule for each day for each violation, or the actual cost to the City to remedy the violation, whichever is greater.
- 7.5 Further, the City may, in addition to any other remedy elected by it, withhold permits, withhold water service to any property in violation of this ordinance until such violation is remedied and all costs associated with the violation are paid in full to the City.
- 7.6 The City shall be able to enforce these provisions by any remedy or remedies available to it, in law or in equity, including injunctive proceedings.

Section 8. Severability. The sections and subsection of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

PASSED AND ADOPTED by the City Council of the City of Bay City this 13<sup>th</sup> day of June, 2006 and APPROVED by the Mayor this 13<sup>th</sup> day of June, 2006.

/s/ Shaena E. Peterson  
Shaena E. Peterson, Mayor

ATTEST:

/s/ Linda Dvorak  
Linda Dvorak, City Recorder

First Reading: 06/13/2006  
Second Reading: 06/13/2006  
Adoption: \_\_\_\_\_  
Ayes: 6  
Nayes: 0  
Abstentions: 0