

ARTICLE THIRTEEN - COMMUNITY DEVELOPMENT LAND USE, BUILDINGS  
AND CONSTRUCTION

DIVISION ONE - ESTABLISH COMMUNITY DEVELOPMENT PROGRAM  
AND RESPONSIBILITIES

SECTION 13.01.010 ADMINISTRATION

Coos County Community Development Department shall administer the Land Use Program, Building Program, Code Enforcement Portion of the Program that relates to land use and building, and other programs as assigned by the Coos County Board of Commissioners.

The Community Development Director shall be appointed by the Board of Commissioners and shall act as the Planning Director to serve the role defined in ORS 215.042. The Community Development Director shall also oversee all administrative duties related to the Community Development Program and may serve as the Building Official at the determination of the Board of Commissioners.

SECTION 13.01.015 FEES

- (1) Building Codes Fees:
  - (a) Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Coos County Board of Commissioners deems reasonable to cover the cost of administering the building code program shall be set and adopted from time to time by order of the Coos County Board of Commissioners. Review of fees shall be done at the minimum of once a year by the Community Development Director in consultation with administrative staff and Building Official or Assistant Building Official. The County may set any permit fee at any amount approved by the state or set a fee for a permit for which the state has failed to set a fee by proper resolution.
  - (b) The Building Official or Assistant Building Official in consultation with the Community Development Director and/or administrative staff may authorize the refunding of fees paid in accordance with the refund policy in effect.
  - (c) The determination of value or valuation under any provisions of the building code shall be made by the Building Official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing,

electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

- (2) Land Use Fees:
- (a) The governing body shall establish fees charged for processing land use permits at an amount no more than the actual or average cost of providing that service as consistent with ORS 215.416.
  - (b) Land Use Application Appeal on Noticeable Decisions. If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded as consistent with ORS 215.416(11).
  - (c) Refunds. A refund may be issued at the written request made by an applicant, but the applicant shall only be intitled to refunds of unspent portion of the application fees.
    - i. Staff will calculate the time spent on an application and times that by the adopted hourly rate.
    - ii. No refund will be issued if the application that is void under ORS 215.427(4) or has received a final decision as described in Article 5 of the Coos County Zoning and Land Development Ordinance.
  - (d) If an application requires a hearings office the applicant is responsible for all cost associated with hiring the hearings office.
  - (e) Waiver of fees may be approved pursuant to the adopted waiver policy.
- (3) Other Fees. Coos County Community Development may collect other department fees to allow fees to be paid in one transaction. However, if a refund is requested the department that received the fee is responsible for any refunds. Community Development processes certain non-land use applications that are not subject to this section. Those fees will be adopted by the Coos County Board of Commissioners.

DIVISION TWO - COOS COUNTY PLANNING AND ZONING PROGRAM

SECTION 13.02.010                      ADMINISTRATION

Coos County incorporates the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance by reference. These documents shall be administered through the Planning Program and will be recognized as separate standalone document unless otherwise directed in the County Code, Comprehensive Plan or Zoning or the Land Development Ordinance.

SECTION 13.02.015                      COMPREHENSIVE PLAN

The Coos County Comprehensive Plan (CCCP) was prepared in accordance with Oregon Planning Law including ORS Chapters 92, 195, 197, 203 and 215. The effective date of the Coos County Comprehensive Plan is January 1, 1986. Volume I Part 1 of the plan provides the history of all planning efforts. Periodic review was last completed for the Coos County Comprehensive Plan in 2001. There have been updates since that time to the plan to ensure that it complies with legislative changes and needed community updates.

The Coos County Comprehensive Plan is presented in three volumes. Each volume is coordinated with the other two.

- (1) Volume I Coos County Comprehensive Plan (excludes estuarine coastal shorelands)
- (2) Volume II Coos Bay Estuary Management Plan
- (3) Volume III Coquille River Estuary Management Plan

The Coos County Comprehensive Plan's three volumes are coordinated with the plans of cities and special districts in Coos County (unless otherwise noted).

SECTION 13.02.020                      COOS COUNTY ZONING AND LAND DEVELOPMENT  
ORDINANCE (CCZLDO)

- (1) County Zoning and Land Development Ordinance of 1985 and is enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan. All provisions of this Ordinance shall remain in compliance with the Comprehensive Plan and State law.
- (2) Purpose - Ordinance to implement the Coos County Comprehensive Plan by:
  - (a) Promoting the orderly growth of Coos County,
  - (b) Protecting and enhancing the environment,

- (c) Conserving and stabilizing the value of property,
- (d) Reducing excessive traffic congestion,
- (e) Preventing overcrowding of land by establishing standards for proper density,
- (f) Providing adequate open space for light and air,
- (g) Conserving natural resources,
- (h) Encouraging the most appropriate use of land,
- (i) Preventing water and air pollution,
- (j) Facilitating fire and police protection,
- (k) Providing for community facilities,
- (l) Promoting and protecting the public health, safety, convenience and general welfare.

- (3) COMPLIANCE WITH COMPREHENSIVE PLAN AND ORDINANCE PROVISIONS: The Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located.

No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body. Any use permitted within a primary zone but specifically not permitted by an overlaying floating zone restriction (required by the Comprehensive Plan) shall not be permitted.

DIVISION THREE - BUILDING AND CONSTRUCTION PROGRAM AND CODES

SECTION 13.03.010                      TITLE.

This Chapter shall be referred to as the "Coos County Building Code," may be cited as such and will be referred to herein as "the building code."

SECTION 13.03.015                      AUTHORITY; AREA OF APPLICATION; POLICY

- (1) The building code is adopted pursuant to and under the authority of ORS 203.035, 455.150, and 479.855 and OAR Chapter 918, Division 308, and constitutes the exercise of authority over a matter of county concern.
- (2) The building code applies to all unincorporated areas within the county and to all areas within the corporate limits of any city that has entered into an intergovernmental agreement with the county or does not operate building codes program under 455.148 that so provides.
- (3) Adoption of the building code is necessary for the protection of public health, safety, and welfare.
- (4) No building permit shall be issued for the construction, reconstruction, remodeling, enlargement, alteration, repair or conversion of any residential, commercial or industrial structure, or public use structure until plans therefor, including plot plan, are submitted to the Planning Department and approved by it as conforming to the zoning ordinances of the appropriate local jurisdiction.

SECTION 13.03.020                      ADOPTION

In the areas under the jurisdiction of the County (including cities that do not operate the building code program), the County shall administer and enforce pursuant to ORS 455.153. The following Oregon Specialty Codes, Oregon Administrative Rules, and standards, are adopted and incorporated, except as modified in these codes, is enforced as part of the Coos County Building Code, herein set forth as follows:

- (1) The Oregon Structural Specialty Code, as adopted by and together with OAR Chapter 918, Division 460.
- (2) The Oregon Mechanical Specialty Code, as adopted by and together with OAR Chapter 918, Division 440.
- (3) The Oregon Plumbing Specialty Code, as adopted by and together with OAR Chapter 918, Division 750 thru Division 780.

- (4) The Oregon One and Two Family Dwelling Specialty Code, as adopted by and together with OAR Chapter 918, Division 480.
- (5) The manufactured dwelling parks and mobile home parks rules, as adopted by and together with OAR Chapter 918, Division 600.
- (6) The manufactured dwelling installation rules, as adopted by and together with OAR Chapter 918, Division 500 thru Division 520, including the Oregon Manufactured Dwelling Standard.
- (7) The recreational park and organizational camp rules, as adopted by and together with OAR Chapter 918, Division 650.
- (8) The Oregon Electrical Specialty Code, as adopted by and together with OAR Chapter 918, Division 305.

SECTION 13.03.025                      DEFINITIONS

The following definitions apply to the building codes:

- (1) Appeals Board means the Coos County Building Code Board of Appeals.
- (2) Board means the Coos County Board of County Commissioners.
- (3) Building Official means the person appointed by the board to administer the provisions of the building code.
- (4) Assistant Building Official means an employee hired to serve in place of the Building Official and assist the Building Official and/or the Community Development Director with operation and management duties over the Building Department.
- (5) Director means Community Development Director.
- (6) Inspector means an employee with the appropriate certifications that ensure that construction meets code, ordinances and applicable county zoning regulations.
- (7) County means Coos County, a political subdivision of the State of Oregon.
- (8) Appointing Authority means the Board of County Commissioners
- (9) Discretionary Decision means: (A) Waiving a plan review, an inspection or a provision of the state building code; or (B) Allowing an alternative material, design or method of construction.
- (10) Floodplain Administrator means the County Planning Staff member designated to administer the floodplain program.

SECTION 13.03.030

CREATION OF ENFORCEMENT AGENCY

There is established in Coos County a code enforcement agency which shall be under the administrative and operational control of the Community Development Director and the Building Official.

SECTION 13.03.035

GENERAL POWERS & DUTIES OF THE BUILDING OFFICIAL

- (1) The Building Official is authorized and directed to enforce all the provisions of the building codes. For such purposes, the Building Official shall have the powers of a law enforcement officer.
- (2) The Building Official shall have the power to render written and verbal interpretations of the building code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the building code. In the areas under the jurisdiction of the County, the County may administer and regulate the following in accordance with ORS 455.020(4):
  - (a) Abatement of nuisances and dangerous buildings.
  - (b) Demolition.
  - (c) Fences.
  - (d) Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
  - (e) Signs not attached to or supported by a regulated building.
  - (f) Transitional housing accommodations.
  - (g) Administration and implementation of a National Flood Insurance Program (NFIP).
  - (h) Other structures not regulated by the state building code consistent with the scope of ORS 455.020

SECTION 13.03.040

ALTERNATE MATERIALS AND METHODS

The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically proscribed by this code, provided such alternate has been approved and its use authorized by the building official. The building official may approve any such alternate material, design or method, provided the building official finds that the proposed

material, design, or method complied with the provisions of this code and that it is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The building official shall require that evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any approval of any alternate material, design, or method shall be recorded and entered in the files of the division.

SECTION 13.03.045                      MODIFICATIONS

When there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications provided the building official finds that the modification is in conformance with the intent and purpose of this code and that said modification does not lessen any fire protection requirements nor the structural integrity of the building involved. Any action granting modification shall be recorded in the files of land development building services.

SECTION 13.03.050                      TESTS

Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction. Test methods shall be as specified by this code or by other recognized and accepted test methods. The building official shall determine test procedures. All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

SECTION 13.03.055                      INSPECTORS

The Building Official may appoint Inspectors and other employees to carry out the functions of the code enforcement agency. References to the "Building Official" shall include the Building Official's appointed designees.

SECTION 13.03.160                      INSPECTIONS

It shall be the duty of the permit holder or the permit holder's agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the Building Official. The permit holder shall not proceed with the building construction until authorized by the



Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper installation shall be the responsibility of the permit holder or the permit holder's agent.

SECTION 13.03.065

PLANS AND PERMITS

- (1) Except as otherwise provided by law, no building or structure regulated by the building code shall be erected, constructed, enlarged, altered, repaired, moved, improved or converted unless a separate permit for each building or structure has first been obtained from the Building Official.
- (2) The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this the county to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the building code and other pertinent laws and ordinances, and that the fees have been paid, the Building Official shall issue a permit therefore to the applicant.
- (3) When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications. Such approved plans and specifications shall not be changed, modified and altered without authorizations from the Building Official, and all work regulated by the building code shall be done in accordance with the approved plans.
- (4) The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the building code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.
- (5) Special consideration for rural or remote areas: Based on ORS 455.485 determination of compliance with fire,

life safety and other building code standards. (1) When adopting the state building code, the Director of the Department of Consumer and Business Services shall give special consideration to the unique needs of construction in rural or remote parts of this state. (2) Notwithstanding any description of State Fire Marshal duties in ORS 476.030, 476.033, 476.035, 476.150 or 476.155, the Director of the Department of Consumer and Business Services or a local building official administering a building inspection program under ORS 455.148 or 455.150 may determine whether the structure as set forth in the plans and specifications or as constructed meets the standards of the state building code, including but not limited to fire and life safety standards. The State Fire Marshal, or a local fire official for a governmental subdivision exempted from State Fire Marshal regulations as described under ORS 476.030, may provide advice to building officials, inspectors or Department of Consumer and Business Services employees concerning state building code standards. A local building official or department employee shall consider advice of the State Fire Marshal or local fire official that does not conflict with the state building code, but shall retain the authority to make final decisions regarding the code.

SECTION 13.03.070

RETENTION OF PLANS

Minimum retention of records by the county shall be consistent with ORS 166-150-0020.

SECTION 13.03.075

VALIDITY OF PERMIT

- (1) No permit shall be issued if the parcel of land or the use of the land on which the building, structure, or equipment is to be placed, erected, altered, equipped or used is in violation of any Coos County ordinance or code.
- (2) The issuance or granting of a permit or approval of plans, specification and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the building code or of any other Coos County ordinance or code. Permits presuming to give authority to violate or cancel the provisions of the building code or other Coos County ordinance or code shall not be valid.

- (3) The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of the building code or of any other Coos County ordinance or code.

SECTION 13.03.080

EXPIRATION OF APPLICATIONS, PLANS AND PERMITS

- (1) Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- (2) Every permit issued by the Building Official under the provisions of the building code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days unless an extension is requested. If a permit is allowed to expire and before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. To obtain a new permit after expiration, the permittee shall pay a new full permit fee.
- (3) Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required. The

Building Official may extend any permit for an additional 180 days to allow completion. No application shall be extended more than twice. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- (4) Whenever a property is the subject of enforcement for violation of this chapter, the Coos County Comprehensive Plan, other county ordinances or codes, the Building Official may, in writing, suspend a permit or deny a request for an extension of a permit on that basis.

SECTION 13.03.085

PERMITS NOT TRANSFERABLE

A permit issued to one person or firm may be transferable and if the proper amendment application is submitted. There may be a fee for the transfer of the permit to cover the cost of updating the permit. The does not apply to restricted energy electrical permit as provided in OAR 918-309-0400, as they are issued to one person or firm and may not permit any other person or firm to perform any electrical work thereunder.

SECTION 13.03.090

APPEALS AND VIOLATION PENALTY

- (1) Appeals relating to the administrative provisions of the Coos County Building Code shall be to the Building Official.
- (2) An appeal shall be in writing, shall describe the basis for the appeal and shall first be filed with the Building Official. If the appeal does not provide the basis for the appeal it will result in an automatic denial. Within 10 business days of this decision the person aggrieved may appeal the decision to the Board of Appeals or Hearings Officer.
- (3) Appeal of a plans examiner or inspector's interpretation is to the Building Official. After input from technical staff, the Building Official will render a decision within 10 business days for receiving the appeal.
- (4) Any person aggrieved by a decision of the Building Official made may appeal to the Board of Appeals or Hearings Officer on the appropriate appeal form within ten (10) days of release of the written decision described in C.

- (5) Any person aggrieved by a Building Official on Alternative Materials and Methods shall follow the process set out in Section 03.03.100
- (6) Violations Penalties: Violation of any provision any specialty code or building code requirement administered by the County pursuant to this chapter, ORS 455.153, or the fire code is a Class A violation. The Building Official may initiate proceedings to assess a civil penalty for any violation of this chapter or codes adopted herein except for violations of the fire code.
  - (a) A Fire Chief is authorized to initiate proceedings under the fire code to assess a civil penalty for a violation of the fire code.
  - (b) In the case of a continuing offense, a civil penalty for a violation under a building inspection program may not exceed \$1,000.00 per day the violation exists.
  - (c) The Building Official, a Building Inspector, or a Fire Chief may not serve as a hearings officer in proceedings to assess civil penalties under this chapter.
  - (d) A Fire Chief is authorized to issue citations that charge a person with a violation of the fire code.

SECTION 13.03.095

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 interpretation of this code, there shall be and is created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at the pleasure of the appointing body. 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. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. The Board may serve more than one jurisdiction.

SECTION 13.03.100

APPEALS OF ALTERNATIVE MATERIALS AND  
METHODS

- (1) Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the Building Official with regard to the building code may be appealed to the board of appeals in conformance with procedures provided herein. Any person aggrieved by a decision of the Building Official made pursuant to the following specialty codes may appeal that decision to the following:
- a. Electrical Specialty Code. Appeals may be made to the state of Oregon, Building Codes Division, Chief Electrical Inspector.
  - b. Structural Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.
  - c. Mechanical Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.
  - d. Plumbing Specialty Code. Appeals may be made to the state of Oregon, Building Codes Division.
  - e. One and Two Family Dwelling Specialty Code. Appeals may be made to the state of Oregon, Building Codes Structures Board.
  - f. Manufactured Dwelling Code. Appeals may be made to the state of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.
  - g. Recreational Park and Organization Camp Regulations. Appeals may be made to the state of Oregon, Manufactured Structures and Parks Advisory board as per ORS 455.690.
- (2) An appeal shall be in writing, shall describe the basis for the appeal, and shall first be filed with the Building Official.

SECTION 13.03.105

NUISANCE

The erection, construction, reconstruction, alteration, maintenance, installation or use of any building, structure, manufactured dwelling, or mobile home in violation of the building code or Coos County Zoning and Land Development Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 13.03.110

NUMBERS FOR ADDRESSES; PLACEMENT.

Addresses shall be issued and consistent with Article four Division Eight of the Coos County Code. Address shall be assigned prior to receiving an occupancy or placement permit.

SECTION 13.03.115

ACCESS, DRIVEWAY AND PARKING STANDARDS

An occupancy permit shall not be issued until the Roadmaster has signed off on the access, driveway and parking permits.

SECTION 13.03.120

SOILS AND FOUNDATIONS

- (1) This section shall apply to building and foundation systems.
- (2) If the Building Official requires a site soil analysis and site recommendation report as a condition of approval for issuance of a building permit for a residence for human habitation, and the analysis and report identify the presence of highly expansive soils, then prior to issuance of the building permit the county agency shall:
  - (a) Include a copy of that report with the construction plans filed with the building permit issuing agency; and
  - (b) Record, in the County Clerk Lien Record in the county in which the property is located, a notice containing:
    - i. The legal description of the property; and
    - ii. An informational notice in substantially the following form:

"This property has been identified as having highly expansive soils. This condition may create special maintenance requirements. Before signing or accepting any instrument transferring title, persons acquiring title should check with the appropriate planning or building department."

- (3) No action may be maintained against a county for failing to meet the requirements of subsections (2) of this section.
- (4) If a report described in subsections (2) of this section identifies the presence of highly expansive soils, the first transferor shall supply to the first transferee written suggestions for care and maintenance of the residence to address problems associated with highly expansive soils.

- (5) If the first transferor violates the provisions of subsection (4) of this section, the first transferee shall have a cause of action to recover damages of \$750 from the first transferor. The court may award reasonable attorney fees to the prevailing party in an action under this section.
- (6) Sites for structures and facilities defined by ORS 455.447 as major structures or Risk Category III or IV buildings shall be evaluated on a site-specific basis for vulnerability to seismic-induced geologic hazards and reported in accordance with Chapter 18 of the Oregon Structural Specialty Code. The degree of detail of investigation shall be compatible with the type of development and geologic complexity, and the structural system required by other parts of Oregon Structural Specialty Code. This evaluation shall be done by an especially qualified engineer or engineering geologist registered by the state to practice as such. Such an evaluation and report may require the services of persons especially qualified in fields of engineering seismology, earthquake geology or geotechnical engineering.

SECTION 13.03.125

DEMOLITION PERMITS

A demolition permit shall be acquired from the Building Official prior to removal of any regulated non-residential structure, or residential structure.

SECTION 13.03.130

FENCES

All fences shall comply with the requirements of the current edition of the International Building Code published by the International Code Council.

SECTION 13.03.135

FIRE CODE

In accordance with OAR 837-040-0010, the currently adopted edition of the International Fire Code, as published by the International Code Council and as amended by the Office of State Fire Marshal, hereinafter referred to as "fire code," is adopted in its entirety as the fire code of the County and incorporated by reference herein.



SECTION 13.03.140

FLOODPLAIN

No certificate of occupancy shall be issued for either residential, industrial or commercial located within the floodplain without the approval of the County Floodplain Administrator. Any past or present certificate of occupancy issued in error without approval of the County Floodplain Administrator or Manager may be revoked without appeal.

SECTION 13.03.145

(RESERVED FOR NATURAL HAZARDS)

SECTION 13.03.150

MOBILE HOMES; PLACEMENT PERMIT;  
INSPECTION

No mobile home shall be occupied within the areas under the jurisdiction of the County without first obtaining a placement permit and satisfactory inspection of placement on the site, electrical connections and plumbing connections. The mobile home shall be subject to all applicable current building and safety codes.

No modular or factory-built home shall be located in the area under the jurisdiction of the County until such modular or factory-built home has been certified by the state as meeting all state requirements.

SECTION 13.03.155

CERTIFICATE OF OCCUPANCY

- (1) No residential dwelling, with the exception of manufactured homes with the correct certification, shall be occupied until a certificate of occupancy has been issued. Issuance of a certificate of occupancy is contingent upon the requirements of the State of Oregon Building Code as well as other applicable County requirements.
- (2) No industrial or commercial structure shall be occupied until a certificate of occupancy has been issued. Issuance of a certificate of occupancy is contingent upon the requirements of the State of Oregon Building Code as well as other applicable County requirements.

SECTION 13.03.160

VIOLATION PROCEEDINGS

- (1) The Building Official is delegated the authority to designate, from time to time, specific employees of the Building Department that are authorized to issue citations for the commission of violations of the

building code. The Building Official and the employees so designated shall be deemed to be "enforcement officers," within the meaning of ORS 153.005 to 153.145.

- (2) Violations of the building code shall be deemed to be "violations," within the meaning of ORS 153.008. Violations of this ordinance shall be considered Class A violations.
- (3) Violation proceedings shall follow the processes set forth for the prosecution of violations of Coos County Ordinances set forth in Coos County Code Article Eleven, Division One and Division Seven

SECTION 13.03.165

OCCUPANCY VIOLATIONS

Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in his notice and make the structure, or portion thereof, comply with the requirements of this code.

SECTION 13.03.170

SUSPENSION; REVOCATION

- (1) The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the building code whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any provision of the building code or planning ordinance.
- (2) The building official may suspend any permit upon finding any of the following:
  - (a) The permittee's activity presents a serious danger to public health or safety;
  - (b) The permittee has refused, prevented, interfered with, or otherwise obstructed any inspection required by this code;
  - (c) The permittee made inaccurate or misleading representations on the permit application;
  - (d) The permittee is failing to use required licensed contractors;
  - (e) The permittee is intentionally or negligently failing to comply with the requirements of this code or other city ordinance;

- (f) For any other good cause shown.
- (3) Notice and order of suspension shall be provided by the building official, in writing, to the permittee, and shall state the specific reasons for suspension, along with a statement of the permittee's right to appeal the building official's action. Service may be by personal delivery or by certified or registered mail.
- (4) The building official shall revoke any permit upon finding the permittee made fraudulent or intentional misrepresentations on the permit application, lacks sufficient funds to cover the costs of the permit, or has engaged in any other actions which provide good cause for revocation.
- (5) The building official shall serve written notice of intent to revoke and an order of revocation on the permittee. Service may be by personal delivery or by certified or registered mail.
- (6) The notice of intent to revoke shall include a short and plain statement of facts sufficient to apprise the permittee of the basis of the building official's action. The notice of intent to revoke shall contain a statement advising the permittee of a right to appeal the building official's action as provided by this code.

SECTION 13.03.175

WORK WITHOUT PERMIT; INVESTIGATION FEES

- (1) Whenever any work for which a permit is required by the building code had been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- (2) An investigation fee, in addition to the permit fee, may be collected whether, or not, a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the building code nor from any penalty prescribed by law.

SECTION 13.03.180

OCCUPANCY VIOLATIONS

Whenever any building or structure or equipment therein regulated by the building code is being used contrary to the provision of the building code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be discontinued.

Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the building code.

SECTION 13.03.185                      REMEDIES NOT EXCLUSIVE

None of the remedies available to the County as set forth in the building code are exclusive. Nothing in the building code shall preclude any remedy otherwise available to the County, either in law or equity.

SECTION 13.03.190                      RIGHT OF ENTRY

When it is necessary to make an inspection to enforce the provisions of these codes, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of these codes which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by these codes; provided, that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official or enforcement officer shall obtain an administrative search warrant prior to entry onto premises pursuant to regulations under Section 11.07.060 of the Coos County Code.

SECTION 13.03.195                      STOP WORK ORDERS

Whenever any work is being done contrary to the provisions of the building code, or other pertinent laws or ordinances implemented through the enforcement of the building code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

SECTION 13.03.200                      AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES

The Building Official shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure,

premises or equipment regulated by the building code in case of emergency when necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

SECTION 13.03.205

AUTHORITY TO ABATE HAZARDOUS EQUIPMENT

When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice. When equipment or an installation is to be disconnected, written notice of the disconnection (and cause therefor) shall be given within twenty-four hours to the involved utility and the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as he/she deems necessary to prevent, restrain, correct or abate the violation.

SECTION 13.03.210

CONNECTION AFTER ORDER TO DISCONNECT

Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by the building code which has been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the Building Official, until the Building Official authorizes the reconnection and use of such equipment.

SECTION 13.03.215

ABATEMENT OF DANGEROUS BUILDINGS

- (1) Coos County hereby adopts the Uniform Code for the Abatement of Dangerous Buildings, International Conference of Building Officials, 1997 Edition in its entirety, except Chapters 7, 8, and 9, which by this reference is made a part hereof just as though it were fully set forth herein and shall be known as the Coos County Dangerous Building Code. The Coos

County Dangerous Building Code shall apply to structures in all unincorporated areas of Coos County, Oregon.

- (2) The following definitions shall apply to the Coos County Dangerous Building Code:
  - (a) Board of Appeals. In lieu of the composition established in Section 205 of the Dangerous Building Code, the Coos County hearings officer or Board of Commissioners shall be deemed to be the board of appeals and shall assume all rights and responsibilities granted in the code to the board of appeals.
  - (b) Building Code. In lieu of the definition established in Section 301 of the Dangerous Building Code, the term "building code" shall be deemed to be a reference to these codes.
  - (c) Health Official. The health official shall be the environmental health supervisor or the health officer with Coos County Health Department.
- (3) The following sections are amended as follows:
  - (a) Section 302 Item 15. The term "health officer" is replaced with health official.
  - (b) Section 302 Item 16. The term "fire marshal" is replaced with Building Official.
- (4) The Uniform Code for the Abatement of Dangerous Buildings is adopted as amended below:
  - (a) The words "or premises" are inserted after the word "building" under sections 401, 402, 403, 404, 701, 703, 802 and 901;
  - (b) Chapter 9 is amended as follows:

**Section 901.** Account of Expense, Filing of Report: Contents. The Director of the Community Development Department shall keep an itemized account of the expense incurred by the County in the repair or demolition of any building done pursuant to the provisions of section 701(C)3 of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the Board a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure

is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection (c) of section 401.

**Section 902.** Report Transmitted to Board-Set for Hearing. Upon receipt of said report, the Board shall fix a time, date and place for hearing said report and any protests or objections thereto. The Board shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appear on the last assessment roll of the County. Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour and place when the Board will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

**Section 903.** Protests and Objections-How Made. Any person interested in or affected by the proposed charge may file written protests or objections with the Board at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection.

**Section 904.** Hearing of Protests. Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report of the director, together with any objections or protests. The Board may make such revision, correction, or modification in the report or the charge as it may deem just; and when the Board is

satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge, and on all protests or objections, shall be final and conclusive.

**Section 905.** Personal Obligation and Lien Against Property.

- (a) General. The Board may thereupon order that said charge may be made a personal obligation of the property owner and/or assess said charge as a lien against the property involved.
- (b) Personal Obligation. If the Board orders that the charge shall be a personal obligation of the property owner, it shall direct County Legal Counsel to collect the same on behalf of the County by use of all appropriate legal remedies.
- (c) Lien. If the Board orders that the charge shall be assessed as a lien against the property, it shall direct County Legal Counsel to take all necessary action to perfect the lien under the provisions of ORS 87.

**Section 906.** Lien.

- (d) Priority. Any lien filed pursuant to this chapter shall have the priority established in ORS 87 for construction liens. The lien shall continue until the principle and all interest due and payable thereon are paid.
- (e) Interest. Any such lien filed shall bear interest at the then legal rate.

**Section 907.** Foreclosure of Lien. The lien filed pursuant to section 905 of this chapter shall be foreclosed as provided in ORS 87.

**Section 912.** Disbursement of Lien. All money recovered from the sale of the property through lien foreclosure proceedings under ORS 87 shall be paid to the County Treasurer, who shall credit the same to the County general fund.



