



**CURRY COUNTY  
BOARD OF COMMISSIONERS**

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**AGENDA  
WORKSHOP**

**February 21, 2024**

**1:00 p.m.**

*Items may be taken out of sequence to accommodate staff availability and the public.*

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- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- 2. AMENDMENT AND APPROVAL OF THE AGENDA**
- 3. DISCUSSION**
  - A. Community Development Code Compliance Program Policy & Procedures (Pg. 1)
    - i. CCP P&P Manual (Pg. 2)
  - B. Curry County Building Code (Pg. 21)
    - i. Curry County Building Code Updated (Pg. 22)
  - C. Curry County Building Division Fee Schedule (Pg. 47)
    - i. Building Division Fee Schedule w/ Updates (Pg. 48)
    - ii. Proposed Fee Change Justification (Pg. 55)
- 4. OTHER**

ORS 192.640(1) provides that "... notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."
- 5. ADJOURN**



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
2/21/24	Community Development Code Compliance Program Policy and Procedures Manual	
<b>Time Needed:</b>		
15 mins		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
None	Creating an outline of how to perform the duties of the Code Compliance position.	
<b>Category:</b>		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
To discuss and finalize the manual for approval.		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1. CCP P&P Manual	Schedule the adoption of the Community Development Code Compliance Policy and Procedures Manual on the next available Commissioners Business Meeting	
2.		
3.		
4.		
5.		
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>
Garrett Thomson		2/5/24



# COMMUNITY DEVELOPMENT

## Code Compliance Program Policy and Procedures Manual

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## PREFACE

Code Compliance is an essential service. The Board has labored diligently to restructure, restaff and reinstate the program since they were forced to temporarily disband the program in mid 2023. The Board believes the policies and procedures in this manual will enhance code compliance and thereby the quality of life in Curry County.

### I. MISSION

The mission of Curry County Code Compliance Program is to protect the health and safety of the County's residents and visitors, and the livability of the community, by assuring compliance with the County's land use, environmental and construction codes. The County will assure County Code Compliance both by encouraging voluntary compliance and by sanctioning code violators who do not comply.

### II. PURPOSE

The purpose of the Curry County Code Compliance Program Policy and Procedures Manual (hereafter "manual") is to provide written guidelines for:

- A. Prioritization of code compliance cases;
- B. Initiation and investigation of code violation complaints;
- C. Compliance of the County Code through voluntary compliance;
- D. Prosecution of code violators who do not comply;
- E. Sanctioning of code violators and the assessment of fines and penalties; and
- F. The Recovery of the County's investigation and compliance costs.

These written guidelines are intended to increase consistency and predictability within the County's Code Compliance Program, and to educate the County's residents and property owners about code compliance and the consequences of violating the County Code.

### III. INTERPRETATION

This manual describes the standard policies and procedures for code compliance and should be interpreted so as to maximize both the efficiency of the program and operations as well as compliance with County Code. This manual should be followed unless otherwise directed by the Building Official/Code Compliance Manager or designee or the Board of County Commissioners ("Board") or designee.

### IV. CODE COMPLIANCE PHILOSOPHY

**Policy:** The County's policy is to achieve compliance with County Code in all cases of reported and verifiable code violations. However, the County may not always have sufficient resources to expeditiously address all cases. Consequently, the County has established, through this manual, both a priority ranking for code Compliance and procedures designed to maximize available code compliance resources. The Code Compliance Program should follow the priority ranking set forth in Section V of this manual. It also should be flexible enough to allow the level of Compliance that best fits the type and circumstances of the code violation(s), within clear and objective criteria set forth in this manual and consistent with the priorities.

A. **Compliance Levels.** The levels of Compliance available to the County are:

1. Settlement of code violation complaints;
2. Pre-Compliance Notice (hereafter "PCN");
3. Investigative fees on permits required for code compliance;
4. Obtaining voluntary compliance;
5. Warning letters;
6. Citation and prosecution of violation in circuit court or Notice of Violation and Proposed Civil Penalty (hereafter "NOV") through County administrative hearings;
7. Mediated Petition for injunction in circuit court;
8. Nuisance or dangerous building abatement;
9. Permit revocation

B. **Sequence of Compliance.** The levels of compliance are not mutually exclusive and may be used alone or in sequence or combination with other levels. However, in most code violation cases, the County will use the code compliance levels in the sequence they appear in Paragraph A.

C. **Criteria for Choosing Level of Compliance.** Some code violation cases may have aggravating circumstances requiring a different sequence for compliance activity than that set forth in Paragraph A. The County may choose a different sequence if one or more of the following circumstances is present:

1. The code violation is severe (e.g., deviates greatly from the Code);
2. The violation poses a significant threat to public health and safety, or to the environment as determined by the Building Official/Code Compliance Manager or designee;
3. The violation may cause economic harm to residents or to the County as a whole;
4. The physical size or extent of the violation is significant as determined by the Building Official/Code Compliance Manager or designee;
5. The violation has existed uncorrected for a significant period as determined by the Building Official/Code Compliance Manager or designee;
6. There is a previous history of complaints and code compliance on the subject property and/or with the alleged code violation;
7. There is good potential for combining compliance action on the violation with other violations;
8. There is little likelihood of obtaining voluntary compliance.

## V. PRIORITIES FOR CODE COMPLIANCE

**Policy:** County staff shall attempt to investigate and resolve all code violations within budget and staffing resources. However, because of limited code compliance resources, there may be times when all code violations cannot be given the same level of attention, and some code violations may receive no attention at all for a period of time as determined by the Building Official/Code Compliance Manager or designee.

In circumstances where not all code violations can be investigated, the most serious violations, as determined under the priorities set forth in this section and the criteria for compliance in Section IV(C) of this manual, shall be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received. However, complaints alleging both priority and non-priority violations should be processed together to maximize efficiency.

- A. **Priority Cases.** The Board has established the following priorities for Community Development Department (CDD) code violations:
1. Violations that present an imminent threat to public life, health and safety;
  2. Violations which impact rivers, streams, floodplains, and wetlands,
  3. Solid Waste Code violations, Environmental Soils violations, and Building Code violations consisting of ongoing non-permitted construction or failure to obtain permits;
  4. Land use violations.

B. **Lower Priority Cases**

**Policy:** Complaints alleging code violations that do not fall within the priority ranking above should be processed in the order in which the complaints are received, and as code compliance resources allow.

**Exception.** At the discretion of Code Compliance Specialist and in consultation with the Building Official/Code Compliance Manager or designee, complaints may be processed in any order that maximizes the efficiency of compliance.

**Procedure:** All complaints concerning a particular type of code violation (e.g., non-permitted manufactured homes in manufactured home parks), or all complaints of violations occurring in a particular geographic area, may be processed together, regardless of the order in which the complaints are received.

- C. **Solid Waste.** The Building Official/Code Compliance Manager may engage any other County Department/ Office to administer its code compliance program for County solid waste code violations.

## VI. APPLICABILITY

**Policy:** This manual applies to all code compliance administered by CDD, its employees and agents. Except as otherwise provided, the policies and procedures in this manual apply to all alleged code violations whether or not they existed or were known by the County on the effective date of this manual. The policies and procedures in this manual supersede any conflicting County policies and procedures.

**Non-Applicability to Covenants, Conditions and Restrictions.** Many subdivisions and planned communities are subject to private, recorded covenants, conditions, and restrictions (CC & Rs). The County's policy is not to enforce private CC & Rs.

**Non-Applicability to Private Legal Action.** Residents may undertake private legal action to enforce County Code, including civil litigation against the alleged code violator, as well as personally filing citations and prosecuting County Code violations in court. The policies and procedures in this manual do not apply to private legal action to abate violations. Neither should they be interpreted to suggest that the County will participate in such private legal action.

## VII. INITIATION OF CODE COMPLIANCE

Code compliance may be initiated by any of the following methods:

- A. **Resident Complaints.** Any person may make a complaint to the County alleging one or more code violations.
1. **Form.** A resident may initiate a complaint by submitting a letter or email, complaint form (available online), by contacting the Code Compliance Specialist or the CDD in person or by telephone. If a resident submits a complaint by phone or written communication other than a completed

complaint form, County staff shall complete the complaint form. If the County receives a written complaint other than the County- approved complaint form, the written complaint shall be attached to a complaint form completed by County staff. To be investigated, a resident complaint must contain all information required on the complaint form.

## 2. Anonymous Complaints

**Policy:** The County's policy is to not accept anonymous County Code violation complaints.

The County believes that anonymous complaints are not as reliable as those made by complainants who are willing to identify themselves. In addition, in many cases, the complainant's identification and testimony in court may be necessary for successful prosecution of Code violators and code compliance.

**Exceptions.** The County recognizes there may be cases justifying an exception to this policy. These are cases where the nature of an anonymous complaint reliably suggests the existence of code violations presenting an imminent threat to public life, health and safety or to the environment, which threat easily may be verified by County staff. In such cases, as determined by the CDD Director or designee, County staff shall accept the anonymous complaint *for* investigation.

## 3. Confidentiality

**Policy:** The County's policy is to maintain the confidentiality *of* code compliance complaint files and computer records, including the identity of the complainant, to the extent legally possible. The County believes it is important to maintain this confidentiality to assure effective investigation and prosecution of code violations. In addition, the County recognizes that some complainants do not want their names disclosed to the alleged code violator for fear of retaliation. However, in some cases it may be necessary for successful prosecution and compliance for the complainant to be identified and to testify in court.

**Exceptions.** In cases where the County chooses to cooperate with, or defer to, federal or state agencies for code compliance, the contents of the file may be disclosed, as necessary, to the other agency.

**Procedure:** In order to maintain the confidentiality of code compliance complaint files and the identity of the complainants, while assuring effective prosecution and compliance with state law, the following procedures apply:

- a. Code compliance files will be maintained as confidential files throughout investigation, violation prosecution and/or other types of code compliance to the extent legally permissible.
- b. The contents of code compliance files will not be disclosed to anyone other than County staff who have a reason to know about and who are involved in the investigation, or to similar staff of an agency with which the County is cooperating. The contents of the file will not be disclosed to any other person absent court order, until: 1) the investigation is complete, and a citation discovery request is made; or 2) the file is closed, and disclosure is made pursuant to the public records law.

- B. **Observation by Code Compliance Staff.** Code compliance staff often observe additional potential County Code violations while conducting complaint investigations. Such observations may form the basis for additional investigation and compliance action.

**Policy:** The County's policy is that code compliance staff document any potential code violations the staff observes on property that is the subject of their current investigation. Code compliance staff shall investigate documented additional potential violations. If substantiated, staff



may address noted additional violations. Staff may also document and address code violations observed on any property adjacent to the subject property, which violations are observable from the subject property.

- C. **Proactive Code Compliance.** Within available code compliance resources, the County may undertake a number of County-initiated procedures for proactive code compliance. These procedures may include:
1. Investigations and prosecutions of code violations in particular geographic areas;
  2. Investigations and prosecutions of code violations of a particular type throughout the County;
  3. Timely and regular follow-up by CDD staff for compliance with conditions and requirements for permits and approvals;
  4. Reporting by County staff of code violations observed while conducting County business;
  5. Examination and comparison of County files for evidence of code violations;
  6. Revocation of permits and approvals for failure to comply with requirements or conditions;
  7. Cooperation with code compliance by other regulatory and licensing agencies; and
  8. Cooperation with Utility companies to terminate service, to the extent authorized by law, to non-permitted uses on property.
- D. **Permit/Approval Condition Monitoring by CDD Staff.** The County routinely issues land use, environmental and construction permits with a variety of requirements and conditions, and timelines for meeting them. For example, a land use approval may require erosion control on site by a certain date, and building permits expire if construction progress and inspections are not made within periods set by state law. Code violations occur when these permit and approval conditions are not timely met.

**Policy:** The County's policy is that CDD staff may conduct timely and regular monitoring of conditions of approval and similar permit requirements for all permits and approvals.

**Procedure:**

1. All persons issued permits or approvals shall be given written notice of the consequences of failure to comply with requirements and conditions, including potential code compliance.
  2. If any permits and approvals are found not to be in compliance with conditions of approval or other permit requirements, staff in the appropriate CDD division assigned to the permit or approval monitoring shall undertake appropriate action to obtain compliance.
  3. If the assigned CDD staff are unable to obtain compliance within a reasonable time established for that purpose, they shall report the violation and any compliance action already taken to Code Compliance staff for further code compliance action.
- E. **Report by County Staff.** In many cases, County staff may be in a unique position to observe potential code violations. For example, a property appraiser in the Assessor's office may be the only person able to observe new construction for which there is no permit.
- Policy:** Any County staff member may report to code compliance staff possible code violations observed while conducting County business.
- Procedure:** Reports by County staff under this subsection shall be made on a complaint form provided by CDD Code Compliance Staff.
- F. **Report by County Commissioner.** A County Commissioner may report a potential code violation, or request that code compliance staff investigate a resident report of a potential

code violation by submitting a complaint form or in any other written form or requesting CDD staff to submit a complaint form on behalf of the Commissioner, along with necessary information to initiate an investigation.

- G. **Information from Official County Records.** Potential code violations may be discovered by examining the County's own official records. For example, cross-referencing between the Assessors records and CDD's records may reveal construction or land use activity without necessary permits or approvals. CDD staff may also discover code violations by comparing the County's own land use, environmental health, and construction permit records with each other.

**Policy:** CDD staff may regularly compare all pertinent County records to identify potential code violations.

**Procedure:** Code violations discovered through comparison of information in County files shall be reported to Code Compliance on a complaint form.

## VIII. RECORDING COMPLAINTS

All complaints received by the Code Compliance Program shall be recorded in CDD's computer system. The Complaint Record is the official record of the complaint and its investigation and resolution. The Complaint Record shall include the following minimum information:

1. An assigned complaint number;
2. The tax map number and tax map for the subject property;
3. Which code Compliance staff is assigned to the case;
4. The complaint form;
5. Documentation of investigation;
6. Assessor's information on the subject property.

## IX. NOTICE OF INVESTIGATION

When Code Compliance staff initiates an investigation, they may provide notice to any CDD division, other County department, or federal or state agency that may have an interest in the alleged code violation.

## X. INVESTIGATION

- A. **Preliminary Matters.** At the beginning of each investigation, the following shall be established:

1. **Jurisdiction.** The property upon which the alleged code violation exists must be in the County's code compliance jurisdiction.
2. The zoning of the subject property shall be determined.
3. **Permit Status.** The status of any land use, environmental soils, building, electrical, construction (including, but not limited to structural, mechanical, plumbing) or other similar permits on the subject property shall be determined.
4. **Property Ownership.** All persons with a recorded legal interest in the subject property should be identified. These persons should include the owners, contract purchasers, lessees and lienholders or other security interest holders.

5. **Other Potentially Responsible Persons.** In addition to the persons listed in subparagraph 4 of this paragraph, any other persons potentially responsible for the alleged code violation(s) should be identified. These persons could include tenants, construction and landscape contractors and excavators.
6. **Identification of Applicable Code Provisions.** Code Compliance staff, with the assistance of other CDD staff and County Legal Counsel as necessary, shall identify the pertinent provisions of the County Code that may have been violated according to the complaint.
7. **Prior Complaint History.** Code Compliance staff shall examine CDD records to determine the existence and status of any prior or existing code violation complaints on the subject property or concerning the alleged violator.

- B. **Establishing the Elements of a Violation.** Before a Pre-Compliance Notice ("PCN") is sent, it must be determined whether the complaint establishes a code violation. If it does not, the case will be resolved by file closure as provided in Section XII of this manual. Code Compliance staff may, in some instances, make mediation referrals where such referral is anticipated to protect safety or livability.

Code Compliance staff, with the assistance of other CDD staff and County Legal Counsel as necessary, and after any necessary field investigation, shall determine if the following elements have been established.

1. **Responsible Person.** The person or persons who are reasonably believed to have committed the code violation, or who are or may be legally responsible for the alleged code violation, have been identified.
2. **Alleged Violation Occurred or is Occurring.** A complaint may allege a code violation that occurred in the past (e.g., construction without a permit) or that occurs only intermittently (e.g., surfacing sewage from a drain field, or periodic non-permitted commercial activity in a residential zone). Code Compliance staff shall determine whether there are reasonable grounds to find the alleged violation occurred or is occurring. Such grounds may be established either by personal observation by Code Compliance staff or by reliable evidence from a complainant.

If Code Compliance staff determines that reasonable grounds do not exist, no compliance action will be taken until the complainant, or the Code Compliance staff has had a reasonable opportunity to develop such grounds. If no reasonable grounds are developed within a reasonable period, the case will be resolved by file closure as provided in Section XII of this manual.

3. **Relevance of Statute.** In some instances, a complaint may allege a code violation on property subject to other protections. A common example is the State's prohibition on local laws governing forest and farm practices (ORS 30.934 and 30.935). *Code Compliance* staff shall, with the assistance of other CDD staff and County Legal Counsel as necessary, consider the relevance of statutes in substantiating a County Code violation. If Code Compliance staff verifies conflicting relevance under the law, the case should be resolved by file closure as provided in Section XII of this manual.

### C. Assignment of Investigation and Compliance Responsibility

**Policy:** The responsibility for field investigation and code compliance should be assigned to the CDD staff most able and qualified to conduct the investigation and undertake appropriate compliance action. For example, alleged violations of residential structures on resource lands may best be investigated and resolved by County Zoning Codes Specialist. However, all code Compliance activity should be coordinated with Code Compliance staff and all PCN's and Voluntary Compliance Agreements (VCA's) will be drafted by Code Compliance staff.

#### Procedure:

1. **Assignment.** Assignment of field investigation and code compliance responsibility shall be made by the Building Official/Code Compliance Manager, on a case-by-case basis or pursuant to standing policies in this manual or elsewhere. The following criteria shall be used for Assignment of responsibility:
  - a. The nature of the code violation(s) alleged in the complaint;
  - b. The knowledge and expertise needed to investigate the alleged violation;
  - c. The history of prior code compliance on the subject property or with the alleged violator;
  - d. The status of permits and approvals on the subject property; and
  - e. The workload of the relevant CDD division staff and the projected timeline for investigation and resolution of the complaint.
2. **Coordination.** Whenever responsibility for code compliance activity is assigned to CDD staff other than Code Compliance staff, such staff shall consult with Code Compliance staff and keep them advised of their activities. When CDD staff other than Code Compliance staff is assigned to investigate a code violation complaint for which a Complaint Record has been created, such staff shall enter into the record a report of any action undertaken to investigate or to obtain compliance.

### D. Field Investigation

1. **Purpose.** The purposes of code compliance field investigation are to:
  - a. Verify the existence and severity of code violations;
  - b. Document code violations by means of written notes, photographs, witness interviews, etc.; and
  - c. Obtain supporting evidence such as photographs, measurements, names and statements of potential witnesses, etc.
2. **Coordination.** Whenever responsibility for field investigation is assigned to CDD staff other than Code Compliance staff, the coordination and notification described in Paragraph C [2] of this section shall occur.
3. **Preparations and Precautions**

**Policy:** Code Compliance staff and other assigned CDD staff, as well as members of the public, should not be exposed to unreasonable risks of violent confrontation or injury during the course of field investigations. Code Compliance staff and other assigned CDD staff shall take whatever actions are reasonable and necessary to minimize the known risk of violent confrontation or injury to themselves or others in conducting their field investigations.

#### Procedure:

- a. **Law Enforcement Assistance.** When appropriate, Code Compliance staff or other assigned CDD staff should contact the Sheriff's Office to determine if there have been previous criminal complaints or investigations concerning the subject property or alleged code violator, and whether, in the opinion of the Sheriff's Office, a field investigation would present any threat to the safety of Code Compliance staff, other staff, the alleged *code* violator or other persons present during a field investigation. Code Compliance staff or another assigned CDD staff person may request law enforcement assistance in conducting the field investigation and may postpone such investigation until law enforcement assistance is available.
- b. **Announced/Unannounced Field Visits.** At the discretion of Code Compliance staff or other assigned CDD staff, a field visit to the vicinity of the subject property may be conducted with or without prior notice to the property owner, occupant or alleged code violator. The determination of whether to give prior notice shall be made on the basis of the following criteria:
  1. The nature of the alleged violation;
  2. Whether or not prior notice will make detection and documentation of the alleged violation more difficult; and
  3. Whether or not prior notice will unnecessarily increase the known risk of violent confrontation or injury to Code Compliance staff or other assigned CDD staff.
- c. **Entering Upon Property or Premises Policy.** It is the County's policy that Code Compliance staff and other assigned CDD staff shall not enter upon private property or premises to conduct a field investigation without authority to enter.

**Procedure:** Code Compliance staff may enter unposted property to seek permission to investigate on the premises. Unless permission is granted, the investigation shall be conducted from public roads or property where permission to enter has been granted. If Code Compliance staff or other assigned CDD staff does not have permission or other authority to enter upon property or premises, and entry upon the property or premises is necessary to conduct the investigation, Code Compliance staff or other assigned CDD staff shall consult with County Legal Counsel about obtaining a search warrant.

#### E. Report of Investigation

**Report.** Upon completion of the initial investigation, Code Compliance staff or other assigned CDD staff shall complete a report of investigation in the Case Record. The Field Investigation Report should be completed as soon as reasonably possible after the date and time of the field visit to ensure a complete and accurate report.

1. The report shall include at least the following information:
  - a. Name of investigator;
  - b. Date, time and place of field visit;
  - c. Code violation(s) observed;
  - d. If no code violation(s) observed, an explanation;
  - e. Witnesses, if any, interviewed and other persons present, if known, on site at the time of the investigation;
  - f. Evidence, if any, obtained (e.g., photographs);

- g. Discussion, if any, of violation with owner, occupant or other responsible person;
  - h. Action necessary, if known, to correct violation; and
  - i. Recommended compliance action.
2. **Complainant Notification.** Upon completion of the initial investigation, Code Compliance staff shall notify all resident and other agency complainants of the status of complaint investigation. This notification should include information on whether a case will be opened, the reason a case will or will not be opened, and name and contact information of the staff member assigned the code Compliance case.

## XI. COMPLIANCE PROCEDURES

### A. Voluntary Compliance

**Policy:** The primary objective of the CDD Code Compliance Program is voluntary compliance. Staff encourages voluntary code compliance by providing code violators and other responsible persons with information about the County Code and an opportunity to comply with the County Code within reasonable timeframes and with little or no penalty. The County believes that voluntary compliance generally is less expensive for all parties and of a more satisfactory and lasting nature than involuntary compliance.

Notwithstanding this objective, the County believes that allowing Code violators the opportunity to voluntarily comply any time during code compliance, or outside reasonable time limits for such compliance, may actually result in abuse of this opportunity in order to delay compliance. Therefore, it is the County's policy to limit the time frame during which Code violators may come into voluntary compliance with little or no penalty.

**Procedure:** The following procedure shall apply whenever a Code violator brings his or her property into compliance during the code compliance process:

#### 1. Compliance Timing and Staff Response

Timing of Compliance	Disposition
After complaint:/ before citation or NOV.	File closed. Application of permit investigative fees where applicable.
After citation/before trial or hearing before hearings officer	CDD recommends dismissal of citation, no cost recovery, application of permit investigative fees where applicable.
At time of trial or hearing before hearings officer	CDD recommends prosecution, conviction, or guilty plea, fine or civil penalty, injunction, cost recovery, application of permit investigative fees where applicable.

2. **Limited Time Frames.** Opportunities for voluntary compliance, where provided, shall be of limited duration. The facts in each case differ. Therefore, Code Compliance staff shall consider the appropriate time frame for compliance on a case-by-case basis.

3. **Time Extended by Voluntary Compliance Agreement.** Following the issuance of a PCN, if the alleged violator admits the violation(s) and requests extended time for voluntary compliance, the alleged violator shall sign a "Voluntary Compliance Agreement" in a form acceptable to the County. County Legal Counsel will determine what is acceptable to the County. The agreement shall provide that, in exchange for the extended time for voluntary compliance, the alleged violator agrees to abate the violation(s) by a specified time, and, if voluntary compliance is not obtained during this extended time, to waive hearing in any subsequent violation proceeding and consent to entry of judgment and imposition of penalties, costs, injunction, and/or such other relief as is deemed appropriate.

**B. Pre-Compliance Notice (PCN)**

1. **Timing.** When Code Compliance staff or other assigned CDD staff determines there are reasonable grounds to find a violation did or does occur, based upon the information in the complaint and any field investigation, a PCN shall be sent on a standard form approved by the Building Official/Code Compliance Manager in a letter or notice sent by the appropriate CDD division staff.
2. **To Whom Sent.** A PCN shall be sent to all persons liable for the violation under Curry County Code.
3. **How Sent.** PCNs shall be sent by certified mail or by other method of delivery as approved by the Building Official/Code Compliance Manager to the best available address for the persons described in Subsection 2 above. Email may be used in addition to certified or other mail delivery options to expedite the notification process.
4. **Follow Up.** If, within 15 days of the mailing of the PCN, the liable persons have not contacted Code Compliance staff, staff shall determine the next step in the code compliance process, including warning and/or citation.
5. **Compliance.** If the Code Compliance staff determines that the required corrections have been made or the liable persons have provided evidence that no violation exists, the date and method of compliance shall be noted in the Complaint Record and the case shall be resolved by file closure pursuant to section XII of this manual.
6. **Corrective Action.** In some cases, corrective action may consist of both applying for and obtaining necessary permits or approvals. In such cases, the permit or approval application alone will not be sufficient to assure compliance. The liable person must complete the application process, including all appeals, within a reasonable time and not allow the application to expire. Once permit approval is obtained, the liable person must complete all permit conditions prior to the expiration of any permit approval.

**Policy** All code violation cases shall remain open until all permit conditions and other required corrective measures are completed.

**Procedure:**

1. Where the required corrective action consists of both applying for and obtaining permits or approvals, Code Compliance staff, in consultation with other appropriate CDD staff, shall determine a reasonable time frame for applying for and obtaining the necessary permits or approvals.



2. If at any time during the process for obtaining necessary permits or approvals the alleged violator fails to meet the reasonable timelines established by Code Compliance staff and such failure does not result from the actions of others, Code Compliance staff shall cite the alleged violator pursuant to Paragraph C of this section.
3. If the alleged code violator is not granted the necessary permits or approvals, Code Compliance staff shall cite the alleged violator pursuant to Paragraph C of this section unless (a) the alleged code violator enters into a written agreement with the County to comply with the County Code within a time frame established by Code Compliance staff, or (b) a lender has begun foreclosure proceedings and, in the opinion of Code Compliance staff, is likely to address the violation within a reasonable time after the foreclosure.

## C Citation and Complaint

1. **Non-Compliance.** Where voluntary compliance cannot be obtained by CDD within a reasonable timeframe, Code Compliance staff may cause a citation to issue or may issue a Notice of Violation and Proposed Civil Penalty (NOV) and initiate administrative compliance hearing proceedings in accordance with County Code.
2. **Investigation Required.** No citation to state court or NOV shall be prepared unless and until an investigation has verified the existence of a Code violation.
3. **Form.** All citations to circuit court shall be on a uniform citation which conforms to ORS 153.045 through ORS 153.051. NOV's for administrative Compliance hearing proceedings shall be on the form required by County Code.
4. **Issuance of Citation.** Any person authorized by County Code Section 10.01.100 may issue a citation or NOV. The person issuing the citation or NOV must verify the conduct or circumstances constituting a violation.
5. **Service.** All citations to circuit court should be served in accordance with ORS 153.154. NOV's shall be served in accordance with County Code.
6. **Setting Arraignment/Administrative Hearings.** For citations to circuit court, the officer serving the citation shall set the date for arraignment. For NOV's, Code Compliance Staff shall set the date for the hearing in accordance with the County Code.
7. **Arraignment in Circuit Court**
  - a. **Purposes:** The purposes of arraignment are to:
    1. Allow the defendant to enter a plea to the citation;
    2. Resolve any jurisdictional issues;
    3. Set a trial date if the plea is not guilty; and
    4. If the plea is guilty, allow the defendant, the Sheriff's Office Deputy and other County Code Compliance staff the opportunity to provide information to the court regarding penalties and related matters.
  - b. **Appearance by County Legal Counsel.** County Legal Counsel may not represent the County at arraignment unless the defendant has legal counsel at arraignment.
8. **Failure to Appear at Arraignment in State court.** If the defendant fails to appear at arraignment, Code Compliance staff may request that the court enter a default judgment in favor of the County and impose penalties against the defendant.



9. **Trial.** If the defendant pleads not guilty to the allegations in the citation, Code Compliance staff shall request that the court set the matter for trial at the earliest available date.
  - a. **Burden of Proof.** The County has the burden of proving at trial, by a preponderance of the evidence, the allegations in the citation.
  - b. **Responsibility of Code Compliance Staff.** The responsibility of Code Compliance staff is to prosecute the case by presenting evidence, calling witnesses and offering any relevant documents and other exhibits in support of the citation.
  - c. **Appearance by County Legal Counsel.** County Legal Counsel may not represent the County at trial unless the defendant is represented by legal counsel at trial.
10. **Fines**
  - a. **Schedule.** The schedule of maximum fines for County Code violations is set forth in the County Fee Schedule.
  - b. **Amount.** If the defendant is convicted, Code Compliance staff shall request that the court impose a fine in an amount consistent with the County Code.
11. **Suspension of Fines.** The Circuit Court has authority to suspend the imposition of all or a portion of a fine. In some cases, the court may wish to suspend imposition of a fine or a part thereof on the condition that the defendant comply with County Code within a specified period of time.
  - a. **Policy:** It is the County's policy to increase the effectiveness of code compliance activity and the incentives for code compliance by discouraging any suspension of fines in County Code violation cases.
  - b. **Procedure:** If a defendant is convicted, Code Compliance staff and/or County Legal Counsel shall advise the court of the County's policy against fine suspension and shall ask the court not to suspend imposition of fines.
12. **Collection and Distribution of Fines.** Fines imposed by the circuit court for County Code violations are collected by the Circuit Court Administrator and are remitted in part to the County. Fines imposed from civil penalty hearings are remitted to the County Treasurer.
  - a. **Policy:** It is the County's policy that all fines imposed for County Code violations and remitted to the County should be used to pay the costs of County Code Compliance.
  - b. **Procedure:** All fines imposed by the court or the Code Compliance Hearings Officer for County Code violations and remitted to the County shall be deposited in the CDD Revenue Fund for budgeting and expenditure in the Code Compliance program.

#### **D. Injunctions**

**Policy:** Code Compliance staff shall seek injunctions from the court in cases where other methods of code compliance may be inadequate or have been unsuccessful.

##### **Procedure:**

1. **When Sought.** Code Compliance staff may request County Legal Counsel to obtain/coordinate injunctions in Any case in which:
  - a. Code violation(s) present an imminent threat to the public life, health and safety or to the environment; or

- b. Code violations have not been corrected within a reasonable time after a defendant was found by the court or County Hearings Officer to be guilty of a code violation.
2. **By Whom.** Pursuant to CCC 10.01.140, Code Compliance staff (or County Legal Counsel if appearing in the case) may request that the court order injunctive relief and/or abatement as part of the penalty in a code compliance proceeding. Alternatively, County Legal Counsel may initiate a separate legal action for injunctive relief and/or abatement of a violation.
3. **How Enforced.** After issuance of an injunction, if the defendant fails to comply within the time period specified in the injunction, the Sheriff's Office or CDD staff shall request that County Legal Counsel initiate civil contempt proceedings against the defendant.

**E Permit Revocation.** Certain County Codes authorize the revocation of permits or approvals for failure to comply with their requirements or conditions.

**Policy:** To maximize code compliance, the County shall revoke permits and approvals to the extent authorized by law in appropriate cases. Revocation of permits are particularly appropriate in cases in which corrective action may not be effective in bringing the subject property into code compliance due to the nature of the violation and the deliberateness of the code violator's actions in violating the Code.

**Procedure:**

1. **Report to Code Compliance Staff.** If the County staff responsible for monitoring and/or reviewing a particular type of permit determines that the conditions or requirements of a permit or approval have not been met, that staff member shall inform Code Compliance staff of such violation, and Code Compliance staff shall enter the information in the code compliance electronic files.
2. **Revocation Procedure.** The County staff responsible for monitoring and/or reviewing a particular type of permit shall determine whether to undertake permit revocation proceedings as authorized under the applicable County Code provisions. The following factors shall be considered:
3. Whether the criteria for permit revocation set forth in the applicable County Code provisions exist;
4. The severity of the deviation from the permit or approval requirements or conditions;
5. The deliberateness of the deviation from the permit or approval requirements or conditions;

and

6. Whether compliance can be achieved more effectively through other code Compliance methods.

**F. Nuisance Abatement.** Section 10.01.080 of the Curry County Code (hereafter "Code") authorizes

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he abatement of County Code violations that are defined as "public nuisances."

**Policy:** County Code violations constituting public nuisances may be abated pursuant to Section 10.01.140 of the Code and within available resources.

**Procedure:** When County staff discovers or receives a verified complaint of a code violation that may constitute a "public nuisance," staff shall provide the information to Code Compliance staff who shall enter the information into the code Compliance file. Code Compliance staff or other assigned CDD staff may consult County Legal Counsel to initiate nuisance abatement

proceedings pursuant to Section 10.01.140 of the Code.

- G. Dangerous Building Abatement.** Section 2.08.130 of the Code authorizes the abatement of buildings containing violations rendering them "dangerous buildings" as defined in the Code.
- Policy:** County Code violations that may render a structure a "dangerous building" shall be abated pursuant to Section 2.08.130 of the Code and within available resources.
- Procedure:** When Code Compliance staff or other CDD staff discovers or receives a verified complaint of code violations in a structure that may render the structure a "dangerous building," the staff shall provide the information to Code Compliance staff, who shall enter the information into a Complaint Record. The Curry County Building Official (hereafter "building official") shall be notified and shall promptly consult with County Legal Counsel to initiate abatement proceedings under Section 2.08.130 of the code.
- H. Investigative Fees.** Certain provisions of the state building code allow municipalities administering and enforcing a building inspection program to charge investigative fees for work commencing without the required permit.
- Policy:** To maximize the incentives to comply with County Code, the County shall charge investigative fees, to the extent authorized by law, for permits sought for non-permitted construction or installation.
- Procedure:** Whenever County staff discovers or receives a verified complaint of non-permitted construction or installation, the information shall be submitted to Code Compliance staff, who shall enter the information into the Code Compliance Complaint Record.
- To the extent allowed by law, the County shall charge investigative fees for the permit(s) necessary to comply with the County Code.
- I. Assisting Compliance by Other Regulatory/Licensing Agencies.** In some cases, County Code violations also may constitute violations of federal and/or state statutes or administrative rule. For example, surface mining without County land use approval may also violate state statutes and administrative rules governing mining, and performing building construction without necessary permits may also constitute violations of state statutes and administrative rules governing the conduct of licensed contractors.
- Policy:** To maximize code compliance and the incentives for compliance, County staff shall promptly advise the appropriate federal and/or state agency of County Code violations reported or discovered that may also violate the statutes or administrative rules of that agency.
- The County shall also cooperate with federal or state agencies, to the extent authorized or required by law or by intergovernmental agreement, to obtain voluntary compliance or to punish violations. The County may defer investigation and prosecution to the appropriate federal or state agency in cases in which, as determined by the Building Official/Code Compliance Manager, the federal or state agency compliance procedure will result in more effective correction of the violation(s).
- Procedure:**
- 1. Reporting.** Whenever County staff discovers or receives a verified complaint regarding a County Code violation that may also constitute a violation of federal or state statute or administrative rule, the staff shall advise the appropriate federal or state agency.

2. **Cooperation.** To the extent authorized or required by law or by intergovernmental agreement, County staff shall cooperate with the federal or state agency to obtain voluntary compliance or to prosecute and punish violations. That cooperation may include sharing information, conducting joint investigations, appearing as witnesses and/or providing evidence in compliance proceedings, and coordinating the timing of investigations and/or compliance proceedings to maximize their effectiveness.
3. **Deferral to Other Agency.** The County may defer some or all code compliance to a federal or state agency, and forego County Code Compliance, where the Board, Building Official/Code Compliance Manager determines that the federal or state compliance activity will be more effective than County Code Compliance. In making the determination to defer to other agencies, the following factors shall be considered:
  - a. The nature of the violation and necessary corrective action;
  - b. The comparative severity of the penalties available to the federal or state agency and to the County; and
  - c. The comparative time frames required for compliance by the federal or state agency and by the County.

**J. County Cost Recovery.** The County incurs costs investigating code violations and enforcing codes. They include the cost of personnel and equipment, legal advice and representation, service of citation, and administrative expenses.

**Policy:** It is the policy of the County to maximize code compliance and to increase the incentives for code compliance by recovering its reasonable code compliance costs from code violators.

**Procedure:** In determining whether to cite a code violator to court or to engage in the administrative hearings process, Code Compliance staff may consider which process will prompt code compliance and/or result in the maximum cost recovery to the CDD.

**K. Liens.** In many cases, the most effective way for the County to recover its code compliance costs, as well as to collect any civil penalties assessed through administrative hearings, is to file a legal claim for those costs or penalties against the property subject to code compliance, or against other property owned by the code violator.

**Policy:** It is the County's policy to assure recovery of its costs, as well as the collection of civil penalties assessed through administrative hearings, by filing claims for those costs and penalties in the form of liens on property subject to code compliance, or upon other property owned by code violators.

**Procedure:** In the appropriate cases, the County staff will explore with County Legal Counsel the means by which liens may be placed against the real property of the code violator for the collection of code compliance costs and civil penalties assessed through County administrative hearings.

## XII. RESOLUTION OF CODE COMPLAINTS

**Policy:** It is the County's policy to attempt to reach final, satisfactory resolution of all code violation complaints. However, the County recognizes that not all complaints may be resolved successfully, due to factors outside the County's control. These factors can include the indigence of the code violator, the lack of County or other resources to assist the violator, statutory limitations on potential fines or other penalties for code violations, and the large number of complaints to be resolved.

Therefore, the County shall focus its code compliance resources on the code violations that meet the priorities set forth in Section V of this manual, and attempt to resolve those violations within a reasonable period. It is the County's policy not to close a case until it is resolved.

### Procedure:

- A. **File Closure.** A code violation complaint will be resolved by file closure in the following cases:
  - 1. When no code violation is found after investigation;
  - 2. After there is voluntary compliance;
  - 3. After the property owner and/or other responsible person has been found guilty of a violation and has corrected the violation(s);
  - 4. After an injunction has been issued and the property owner or other responsible person has corrected the violation(s);
  - 5. After investigation and prosecution of the violation(s) have been completed by a federal or state agency to which the County deferred code compliance;
  - 6. When the property on which the violation exists is sold or transferred and a new Code Compliance case is opened in the name of the new owner.
- B. **Notice of Resolution.** The County shall notify complainant when the complaint is resolved, describing the resolution.
- C. **Alternate Methods of Resolution.** The County may explore alternate methods to resolve Code violations including mediation.

## XIII. AMENDMENTS

This manual may be amended when deemed necessary by the Building Official/Code Compliance Manager or the Board.



**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
2/21/24	Curry County Building Code	
<b>Time Needed:</b>		
15 mins		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
None	Updating and improving the Curry County Building Code. Adding additional language to allow the Code Compliance Officer to enforce the contents of this ordinance.	
<b>Category:</b>		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
To discuss and finalize the updates and additions to the Curry County Building Code so that it can be taken to a Commissioners Business Meeting for approval.		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1. Curry County Building Code	Schedule the Adoption of the updated code on the next available Commissioners Business Meeting.	
2.		
3.		
4.		
5.		
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>
Garrett Thomson		2/5/24



## CURRY COUNTY BUILDING CODE

A CODIFICATION OF THE BUILDING DIVISION ORDINANCES OF CURRY  
COUNTY, OREGON

### ARTICLE TWO, DIVISION EIGHT

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SECTION 2.08.020	AUTHORITY; PURPOSE
SECTION 2.08.030	ADOPTION; SCOPE
SECTION 2.08.040	DEFINITIONS
SECTION 2.08.050	FEES
SECTION 2.08.060	GENERAL POWERS AND DUTIES OF THE BUILDING OFFICIAL
SECTION 2.08.070	DEPUTIES
SECTION 2.08.080	RIGHT OF ENTRY
SECTION 2.08.090	STOP WORK ORDERS
SECTION 2.08.100	AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES
SECTION 2.08.110	CONNECTION AFTER ORDER TO DISCONNECT
SECTION 2.08.120	OCCUPANCY VIOLATION
SECTION 2.08.130	CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

#### CHAPTER 1 TITLE AND SCOPE

SUB-SECTION 101	TITLE
SUB-SECTION 102	PURPOSE AND SCOPE
SUB-SECTION 103	ALTERATIONS, ADDITIONS AND REPAIRS

#### CHAPTER 2 ENFORCEMENT

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SUB-SECTION 202	ABATEMENT OF DANGEROUS BUILDINGS
SUB-SECTION 203	VIOLATIONS
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SUB-SECTION 205	BOARD OF APPEALS

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#### CHAPTER 4 NOTICES AND ORDERS OF BUILDING OFFICIAL

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#### CHAPTER 5 APPEAL

SUB-SECTION 501	GENERAL
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SUB-SECTION 604	CONDUCT OF HEARING
CHAPTER 7	ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS
SUB-SECTION 701	COMPLIANCE
SUB-SECTION 702	EXTENSION OF TIME TO PERFORM WORK
SUB-SECTION 703	INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED
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SUB-SECTION 802	REPAIR AND DEMOLITION FUND
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SUB-SECTION 901	ACCOUNT OF EXPENSE, FILING OF REPORT
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SUB-SECTION 908	LIEN OF ASSESSMENT
SUB-SECTION 909	REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL
SUB-SECTION 910	FILING COPY OF REPORT WITH COUNTY AUDITOR
SUB-SECTION 911	COLLECTION OF ASSESSMENT PENALTIES FOR FORECLOSURE
SUB-SECTION 912	REPAYMENT OF REPAIR AND DEMOLITION FUND
SECTION 2.08.140	PLANS AND PERMITS
SECTION 2.08.150	RETENTION OF PLANS
SECTION 2.08.160	VALIDITY OF PLANS
SECTION 2.08.170	EXPIRATION OF APPLICATION, PLANS AND PERMITS
SECTION 2.08.180	WORK WITHOUT PERMIT; INVESTIGATION FEES
SECTION 2.08.190	PERMITS NOT TRANSFERABLE
SECTION 2.08.200	SUSPENSION; REVOCATION
SECTION 2.08.210	INSPECTIONS
SECTION 2.08.220	PUBLIC NUISANCE
SECTION 2.08.230	JURISDICTION
SECTION 2.08.240	REMEDIES NOT EXCLUSIVE



## ARTICLE TWO

### **DIVISION EIGHT**

### **CURRY COUNTY BUILDING CODE**

#### **SECTION 2.08.010**

#### **TITLE**

These regulations shall be known as the "Curry County Building Code", may be cited as such and will be referred to herein as "this Code" or "the Building Code".

#### **SECTION 2.08.020**

#### **AUTHORITY; PURPOSE**

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 that so provides.
3. Adoption of the Building Code is necessary for the protection of public health, safety, and welfare.

#### **SECTION 2.08.030**

#### **ADOPTION; SCOPE**

1. The following Oregon Specialty Codes, Oregon Administrative Rules, and standards, are adopted and incorporated herein as if fully set forth:
  - A. The Oregon Structural Specialty Code, as adopted by and together with OAR chapter 918, division 460, including section 116 and the appendices adopted by the state of Oregon and specifically adopting Appendices F, G, H and J all optional items available for local adoption.
  - A-B. The Oregon Fire Code, as adopted by ORS 476.060 and OAR Chapter 837 Division 39.
  - B-C. The Oregon Mechanical Specialty Code, as adopted by and together with OAR chapter 918, division 440.
  - C-D. The Oregon Plumbing Specialty Code, as adopted by and together with OAR chapter 918, division 750 thru division 780.
  - D-E. The Oregon One and Two Family Dwelling Residential Specialty Code and specifically all optional items available for local adoption, as adopted by and together with OAR chapter 918, division 480, however excluding ORS 455.320 and shall make its provisions to not be applicable within the County.
  - E-F. The manufactured dwelling parks and mobile home parks rules, as adopted by and together with OAR chapter 918, division 600.
  - F-G. 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.
  - G-H. The recreational park and organizational camp rules, as adopted by and together with OAR chapter 918, division 650.
  - H-I. International Existing Building Code, specifically including appendix's A through C.
2. The Building Code shall apply to the construction, reconstruction, alteration, moving, repair, maintenance, and installation of any building or structure except those located in a public way.

#### **SECTION 2.08.040**

#### **DEFINITIONS**

For the purpose of the Building Code, the following definitions shall apply:

1. "Building Official" means the person appointed by the Curry County Board of Commissioners to administer the provisions of the Building Code with responsibility for administration and enforcement.

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of the state building codes within the county.

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### **SECTION 2.08.050**      **FEES**

1. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Curry County Board of Commissioners deems reasonable in order to administer the Building Code shall be as provided in the Building Division Fee Schedule.
2. The Building Official may authorize the refund of fees paid in accordance with the refund policy in effect.
3. 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.

### **SECTION 2.08.060**      **GENERAL POWERS and DUTIES of the BUILDING OFFICIAL**

1. There is hereby established a Building Code enforcement agency which shall be under the administrative and operational control of the Building Official.
2. The Building Official is authorized and directed to enforce all the provisions of the Building Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.
3. 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.

### **SECTION 2.08.070**      **DEPUTIES**

The Building Official may appoint deputies, technical officers, inspectors, and other employees to carry out the functions of the Building Code enforcement agency.

### **SECTION 2.08.080**      **RIGHT of ENTRY**

When the Building Official deems it desirable or necessary to make an inspection to enforce the provisions of the Building Code, 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 the Building Code; or which otherwise 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 the Building 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 are deemed to 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 for the purpose of requesting entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

### **SECTION 2.08.090**      **STOP WORK ORDERS**

1. When any work is being performed in violation of this Title, the Building Official may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Building Official issues a stop work order, the responsible party may not resume work until such time as the Building Official gives specific approval in writing. The stop work order will be in writing and will include:
  - A. The date that the order is issued;

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- B. The permit or registration number, where applicable;
  - C. The site address, legal description or project location that is subject to the order;
  - D. A description of the violations that have been observed; and
  - E. The conditions under which the work may resume.
2. The stop work order will be posted by the Building Official at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered to the responsible party or delivered by Registered or Certified Mail to the responsible party. If the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.
  3. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
  4. A stop work order is effective upon posting.
  5. When an emergency condition exists, the Building Official may issue a stop work order orally. The Building Official will then issue a written order as provided under Subsection A. above within one working day.

### **SECTION 2.08.100**

### **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 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 2.08.110**

### **CONNECTION AFTER ORDER to DISCONNECT**

No person shall make connections from an energy, fuel or power supply, nor supply energy or fuel to any equipment regulated by this 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 such time as the Building Official authorizes the reconnection and use of such equipment.

### **SECTION 2.08.120**

### **OCCUPANCY VIOLATION**

Whenever any building, structure or equipment therein regulated by the Building Code is being used contrary to the provision of this 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 persons 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 2.08.130**

### **CODE for the ABATEMENT of DANGEROUS BUILDINGS**

#### **1. CURRENTLY ADOPTED EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.**

**Preface.** The provisions of this code were developed to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings.

This Code is designed to be compatible with the International Existing Building Code. While the housing Code is applicable only to residential buildings, the International Existing Building Code is designed to apply to all types of buildings and structures. The notices, orders and appeals procedures specified have been found to be workable and are referenced by the Uniform Building Code.

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If properly followed, the provisions of this code will provide the Building Official with the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

### 2. CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

#### CHAPTER 1 TITLE AND SCOPE

##### SECTION 101 — TITLE

These regulations shall be known as the Code for the Abatement of Dangerous Buildings, may be cited as such, and will be referred to herein as "this Code."

##### SECTION 102 — PURPOSE AND SCOPE

**102.1 Purpose.** It is the purpose of this Code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

**102.2 Scope.** The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

##### SECTION 103 — ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the currently adopted edition of the International Existing Building Code.

#### CHAPTER 2 ENFORCEMENT

##### SECTION 201 — GENERAL

**201.1 Administration.** The Building Official is hereby authorized to enforce the provisions of this code.

The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

**201.2 Inspections.** The health officer, the fire marshal and the Building Official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

**201.3 Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official or the Building Official's authorized representative 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 this code which makes the building or premises unsafe, dangerous or hazardous, the Building

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Official may enter the building or premises at 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. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

"Authorized representative" shall include the officers named in Section 201.2 and their authorized inspection personnel.

### SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

### SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

### SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this code and Sections 110 and 1701 of the currently adopted edition of the Oregon Structural Specialty Code and Section R109 of the currently adopted edition of the Oregon Residential Specialty Code.

### SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the 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. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the Building Official, who shall make them freely accessible to the public.

**205.2 Limitations of Authority.** 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.

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### CHAPTER 3 DEFINITIONS

#### SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary 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.

"Building Code" means the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

"Dangerous Building" means any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

"Housing Code" means the currently adopted edition of the International Existing Building Code, as adopted by this jurisdiction.

#### SECTION 302 — DANGEROUS BUILDING

For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the Building Code for such buildings.

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7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.



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### CHAPTER 4 NOTICES AND ORDERS OF BUILDING OFFICIAL

#### SECTION 401 — GENERAL

**401.1 Commencement of Proceedings.** When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

**401.2 Notice and Order.** The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Building Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. A statement of the action required to be taken as determined by the Building Official as follows:
  - 3.1 If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.
  - 3.2 If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.
  - 3.3 If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the Building Official shall determine is reasonable.
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the Building Official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

**401.3 Service of Notice and Order.** The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

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**401.4 Method of Service.** Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

**401.5 Proof of Service.** Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

### SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

### SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the Building Official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:
  - 1.1 The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or
  - 1.2 The building shall be demolished at the option of the building owner; or
  - 1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. If the building or structure is in such condition as to render it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

### SECTION 404 — NOTICE TO VACATE

**404.1 Posting.** Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER**

**UNSAFE TO OCCUPY**

**It is a misdemeanor to occupy this building, or to remove or deface this notice.**

## ARTICLE TWO

### Building Official

.....of.....

**404.2 Compliance.** Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

### CHAPTER 5 APPEAL

**501.1 Form of Appeal.** Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the Building Official under this code by filing at the office of the Building Official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the ..... of....."
2. A caption reading: "Appeal of ....., " giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the Building Official.

**501.2 Processing of Appeal.** Upon receipt of any appeal filed pursuant to this section, the Building Official shall present it at the next regular or special meeting of the board of appeals.

**501.3 Scheduling and Noticing Appeal for Hearing.** As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

### SECTION 502 — EFFECT OF FAILURE TO APPEAL

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Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

### SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

### SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the Building Official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

## CHAPTER 6 PROCEDURES FOR CONDUCT OF HEARING APPEALS

### SECTION 601 — GENERAL

**601.1 Hearing Examiners.** The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

**601.2 Record.** A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

**601.3 Reporting.** The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.

**601.4 Continuances.** The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

**601.5 Oaths – Certification.** In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

**601.6 Reasonable Dispatch.** The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

### SECTION 602 — FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before (the board of appeals or name of hearing examiner) at [location] on [date + time] upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present

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any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (board of appeals or name of hearing examiner)."

### SECTION 603 — SUBPOENAS

**603.1 Filing of Affidavit.** The board or examiners may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular aspect.

**603.2 Cases Referred to Examiner.** In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

**603.3 Penalties.** Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

### SECTION 604 — CONDUCT OF HEARING

**604.1 Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

**604.2 Oral Evidence.** Oral evidence shall be taken only on oath or affirmation.

**604.3 Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

**604.4 Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

**604.5 Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

**604.6 Rights of Parties.** Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

**604.7 Official Notice.**

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**604.7.1 What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

**604.7.2 Parties to be notified.** Parties present at the hearing informed of the matters to be noticed, and these matters noted in the record, referred to therein, or appended thereto.

### CHAPTER 7 ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

#### SECTION 701 — COMPLIANCE

**701.1 General.** After any order of the Building Official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

**701.2 Failure to Obey Order.** If, after any order of the Building Official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

**701.3 Failure to Commence Work.** Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

#### **DANGEROUS BUILDING**

#### **DO NOT OCCUPY**

**It is a misdemeanor to occupy this building, or to remove or deface this notice.**

#### **Building Official**

**.....of.....**

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Building Official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
3. The Building Official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost

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of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

### SECTION 702 — EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

### SECTION 703 — INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

## CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

### SECTION 801 — GENERAL

**801.1 Procedure.** When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the Building Official shall, issue an order therefor to a private contract under the direction of the Building Official and the work shall be accomplished. Plans and specifications therefor may be prepared by said Building Official, or may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard contractual procedures shall be followed.

**801.2 Costs.** The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

### SECTION 802 — REPAIR AND DEMOLITION FUND

**802.1 General.** The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

**802.2 Maintenance of Fund.** The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so

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transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

### CHAPTER 9 RECOVERY OF COST OF REPAIR OR DEMOLITION

#### SECTION 901 — ACCOUNT OF EXPENSE, FILING OF REPORT

The Building Official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said official shall prepare and file with the administrative assistant to the Community Development Department of this jurisdiction 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 Section 401.3.

#### SECTION 902 — NOTICE OF HEARING

The Building Official shall also present the completed report to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The Building Official of this jurisdiction 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 appears on the last equalized assessment roll of the county, if such so appears, or as known to the official. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the official'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

Any person interested in or affected by the proposed charge may file written protests or objections with the administrative assistant to the Community Development Department of this jurisdiction at any time prior to the time set for the hearing on the report of the official. 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. The administrative assistant to the Community Development of this jurisdiction shall endorse on every such protest or objection the date of receipt. The Building Official shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

#### SECTION 904 — HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the official together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body 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



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legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

### SECTION 905 — PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

**905.1 General.** The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

**905.2 Personal Obligation.** If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

**905.3 Special Assessment.** If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

### SECTION 906 — CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

### SECTION 907 — AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal monthly installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

### SECTION 908 — LIEN OF ASSESSMENT

**908.1 Priority.** Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

**908.2 Interest.** All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

### SECTION 909 — REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

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### SECTION 910 — FILING COPY OF REPORT WITH COUNTY AUDITOR

If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

### SECTION 911 — COLLECTION OF ASSESSMENT PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

### SECTION 912 — REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

### **SECTION 2.08.140**      **PLANS and PERMITS**

1. 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 jurisdiction 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.
2. 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.
3. 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.

### **SECTION 2.08.150**      **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 one set of approved plans and specifications shall be returned to the applicant, and the returned set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

## ARTICLE TWO

### **SECTION 2.08.160**      **VALIDITY of PLANS**

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 Curry 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 Curry County ordinance or code. Permits presuming to give authority to violate or cancel the provisions of the Building Code or other Curry 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 Curry County ordinance or code.

### **SECTION 2.08.170**      **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. 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.
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 by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended without justifiable cause demonstrated in writing.

### **SECTION 2.08.180**      **WORK WITHOUT PERMIT; INVESTIGATION FEES**

1. Whenever any work for which a permit is required by the Building Code has 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.

## ARTICLE TWO

### **SECTION 2.08.190**      **PERMITS NOT TRANSFERABLE**

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

### **SECTION 2.08.200**      **SUSPENSION; REVOCATION**

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.

### **SECTION 2.08.210**      **INSPECTIONS**

1. 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.
2. Work requiring a permit shall not be commenced until the permit holder or the permit holder's agent has posted or otherwise made available a inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

### **SECTION 2.08.220**      **PUBLIC 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 shall be deemed a nuisance and may be enjoined, abated or removed.

### **SECTION 2.08.230**      **JURISDICTION**

The Circuit Court for the State of Oregon for the County of Curry has jurisdiction over any and all violations of the Building Code.

### **SECTION 2.08.240**      **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.

### **2.08.250 Violations – Penalties – Remedies.**

- A. No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the county, or cause the same to be done, contrary to or in violation of this code.
- B. Violation of a provision of this chapter shall be subject to an administrative civil penalty not to exceed the amounts shown in the Curry County Fee Schedule and shall be processed in accordance with the procedures set forth in this code.
- C. Each day that a violation of a provision of this chapter exists constitutes a separate violation.

## ARTICLE TWO

D. A property owner had been cited for previously within a 12-month period.

E. In addition to the above penalties, a condition caused or permitted to exist in violation of this chapter is a public nuisance and may be abated by any of the procedures set forth under law.

F. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the county under any ordinance, statute or law.

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### **2.08.260 Authority to impose administrative civil penalty.**

A. 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 subsections (A) through (K) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

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B. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

C. 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 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 15 days.

D. Following the date or time by which the correction must be completed as required by an order to correct a violation, 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 impose an administrative civil penalty to each responsible person to whom an order to correct was issued.

E. Notwithstanding subsections (B) and (C) of this section, the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

F. In imposing an administrative civil penalty authorized by this section, the building official shall consider:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
2. Any prior violations of statutes, rules, orders, and permits;
3. The gravity and magnitude of the violation;
4. Whether the violation was repeated or continuous;
5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
6. The violator's cooperativeness and efforts to correct the violation;
7. Any relevant rule of the building official.

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G. Any notice of a civil violation that imposes an administrative civil penalty 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 include:

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## ARTICLE TWO

1. Reference to the particular code provision, ordinance number, or rule involved;
2. A statement of the matters asserted or charged;
3. A statement of the amount of the penalty or penalties imposed;
4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (E) of this section, a statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
5. A statement of the party's right to appeal the civil penalty to the city manager; a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.

H. Any person, firm, corporation or other entity however organized that is issued a notice of civil penalty may appeal the penalty to the County Operations Manager. The provisions of CCBC 2.08.130.501.1 shall govern any requested appeal.

I. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the city manager pursuant to, and within the time limits established by, CCBC 2.08.130.501.1.

J. Each day the violator fails to remedy the code violation shall constitute a separate violation.

K. The civil administrative penalty authorized by this section shall be in addition to:

1. Assessments or fees for any costs incurred by the county in remediation, cleanup, or abatement; and
2. Any other actions authorized by law; provided, that the county shall not issue a citation to municipal court for a violation of this chapter.

### 2.08.270 Unpaid penalties.

A. Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid 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 (B) of this section, other provisions of this code, or state statutes.

B. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty becomes final, the finance and human services director shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of county liens. At the time such an assessment is made, the finance and human services director 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 docket of county liens. The lien shall be enforced in the same manner as all county liens. Interest shall commence from the date of entry of the lien in the lien docket.

C. 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.-

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**CURRY COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR AGENDA ITEM**  
*BUSINESS MEETING*

<b>Agenda Date:</b>	<b>Agenda Item Title:</b>	
2/21/24	Curry County Building Division Fee Schedule	
<b>Time Needed:</b>		
15 mins		
<b>Financial Impact:</b>	<b>Description and Background:</b>	
None	Updating the Curry County Building Division Fee Schedule. The fee schedule should be reviewed and updated every couple of years to confirm that the fees are appropriate for the current economy.	
<b>Category:</b>		
<input checked="" type="checkbox"/> Action/Discussion		
<input type="checkbox"/> Consent		
<input type="checkbox"/> Executive Session		
<input type="checkbox"/> Hire Order		
<input type="checkbox"/> Presentation		
<b>Requested Motion:</b>		
To get approval of the proposed fee schedule update so that it can be sent to the state Building Codes Division to be noticed per ORS 455.210. After the states noticing period the fee schedule shall be presented to the Commissioners for adoption.		
<b>Attachments:</b>	<b>Instructions Once Approved:</b>	
1. Building Division Fee Schedule		
2. Proposed Fee Change Justification		
3.		
4.		
5.		
<b>Contact Person – Name and Department:</b>		<b>Date Submitted:</b>
Garrett Thomson		2/5/24



## Curry County Fee Schedule - 202~~41~~<sup>42</sup>

### A. Structural Permit Fees

Structural Permit Fee table	
Valuation	Fee
\$1 - \$500	<del>\$200.00</del> <u>\$320.00</u>
\$501 - \$2,000	<del>\$200.00</del> <u>\$320.00</u> for the first \$500 plus \$2.83 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 - \$25,000	<del>\$242.45</del> <u>\$334.15</u> for the first \$2,000 plus \$11.22 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 - \$50,000	<del>\$500.51</del> <u>\$592.21</u> for the first \$25,000 plus \$8.34 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 - \$100,000	<del>\$709.01</del> <u>\$800.71</u> for the first \$50,000 plus \$5.57 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and above	<del>\$987.51</del> <u>\$1,079.21</u> for the first \$100,000 plus \$4.60 for each additional \$1,000 or fraction thereof

*When a structural permit is required by the state building code for retaining walls, decks, fences, accessory structures, etc – see Structural Permit fees by valuation*

Other Structural Fees	
Structural Plan Review (when applicable)	65% of structural permit fee
Additional Plan Review (when applicable) – hourly	<del>\$108.00</del> <u>\$100.00</u> , minimum one hour
Expedited Plan Review (when requested) – hourly	<del>\$108.00</del> <u>\$155.00</u> , minimum 2 hours
Fire Life Safety Plan Review (when applicable)	40% of structural permit fee
Reinspection – per each	<del>\$125.00</del> <u>\$160.00</u>
Each additional inspection, above allowable – per each	<del>\$125.00</del> <u>\$160.00</u>
Inspections for which no fee is specifically indicated (as required) - hourly	<del>\$125.00</del> <u>\$160.00</u> , minimum one hour
Inspection outside of normal business hours – hourly	<del>\$200.00</del> <u>\$250.00</u> , minimum 2 hours
Deferred Submittal Plan Review Fee – in addition to project plan review fees	65% of the building permit fee calculated using the value of the deferred portion with a \$100 minimum
Phased Project Plan Review Fee – in addition to project plan review fees	\$275.00 minimum phasing (application) fee plus 10% of the TOTAL project building permit fee not to exceed \$1,500.00 per phase
Structural demolition – complete demolition, not subject to State Surcharge	\$30.00
Structural alteration ( <u>not</u> demo) – partial, soft, interior	See Structural Permit Fee table by valuation, incurs State Surcharge
Structural Minimum Permit Fee	<del>\$200.00</del> <u>\$320.00</u>
Temporary Certificate of Occupancy, ea 30 days	\$200.00
Community Development Fee	\$.00 <del>52</del> of valuation

Residential Fire Suppression – Standalone System, fee includes plan review (See Plumbing Fee section for Continuous Loop/Multipurpose System)	
Square Footage of Area to be Covered	Fee
0 – 2000 sq ft	\$195.00
2001 – 3600 sq ft	\$270.00
3601 – 7200 sq ft	\$350.00
7201 sq ft and greater	\$400.00

<b>Commercial Fire Suppression</b>	<b>See Structural Permit Fee table by valuation</b>
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Solar Structural Installation Permits – <i>separate Electrical Permit application may also be required</i>	
Solar Permit – Prescriptive Path System, fee includes plan review	\$250.00
Solar Permit – Non-Prescriptive Path System	Fee as per Structural Permit Fee table by valuation to include the solar panels, racking, mounting elements, rails and the cost of labor to install. <i>Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation.</i>

Investigation Fees – <i>at hourly cost, may include supervision, overhead, equipment, and/or rate/wage of the employee(s) involved. Applicable to all disciplines.</i>	
Investigation Fee – hourly	<del>\$150.00</del> <u>160.00</u> /hour, minimum one hour
<u>Consultation Fee</u>	<del>\$150.00</del> – <u>First hour, minimum one hour.</u> <del>\$100.00</del> – <u>each additional hour</u>
<b>When applicable, structural permits use valuation as determined by ICC Valuation Table current as of April 1 of each year, as per OAR 918-050-0000.</b>	

## B. Manufactured Dwelling Placement Permit Fees

Manufactured Dwelling Placement Fee *	<del>\$525.00</del> <u>859.39</u> + <del>\$63.00</del> <u>12%</u> surcharge
State (Cabana) Fee	\$30.00
	Total <del>\$618.00</del> <u>992.52</u>
<i>* Includes the concrete slab, runners or foundations that are prescriptive, electrical feeder and plumbing connections and all cross-over connections and up to 30 lineal feet of site utilities. Decks, other accessory structures, and foundations that are not prescriptive, utility connections beyond 30 lineal feet, new electrical services or additional branch circuits, and new plumbing - may require separate permits. All decks 30" above ground, carports, garages, porches, and patios are based on valuation and may also require separate permits.</i>	
-- See Structural schedule by valuation for non-dwelling modular placements	
Other Manufactured Dwelling Fees	
Reinspection – per each	<del>\$125.00</del> <u>160.00</u>
Each additional inspection, above allowable – per each	<del>\$125.00</del> <u>160.00</u>
Inspections for which no fee is specifically indicated (as required) - hourly	<del>\$125.00</del> <u>160.00</u> , minimum one hour
Inspection outside of normal business hours - hourly	<del>\$200.00</del> <u>250.00</u> , minimum 2 hours
Investigation Fee – Manufactured Dwelling - hourly	<del>\$150.00</del> <u>160.00</u> /hour, minimum one hour

Reinstatement Fee ( <b>One permit reinstatement shall be allowed within 30 days of the expiration date.</b> )	\$300.00 + surcharge
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### C. Manufactured Dwelling/RV Parks – Area Development Permit (ADP)

The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp – and applying the valuation amount to Table 1 as referenced for each.

### D. Mechanical Permit Fees

Residential	Fee – per each appliance
Air conditioner	\$36.00
Air handling unit of up to 10,000 cfm	\$25.80
Air handling unit 10,001 cfm and over	\$44.70
Appliance or piece of equipment regulated by code but not classified in other appliance categories	\$36.00
Attic or crawl space fans	\$17.40
Chimney/liner/flue/vent	\$17.40
Clothes dryer exhaust	\$17.40
Decorative gas fireplace	\$36.00
Ductwork – no appliance/fixture	\$17.40
Evaporative cooler other than portable	\$36.00
Floor furnace, including vent	\$36.00
Flue vent for water heater or gas fireplace	\$36.00
Furnace – greater than 100,000 BTU	\$60.00
Furnace – up to 100,000 BTU	\$60.00
Furnace/burner including duct work/vent/liner	\$60.00
Gas or wood fireplace/insert	\$36.00
Gas fuel piping outlets	1-4 Outlets \$11.40-Additional Outlets \$2.80/ea
Heat pump	\$36.00
Hood served by mechanical exhaust, including ducts for hood	\$36.00
Hydronic hot water system	\$36.00
Installation or relocation domestic/type incinerator	\$36.00
Mini split system	\$36.00
Oil tank/gas diesel generators	\$60.00
Pool or spa heater, kiln	\$36.00
Range hood/other kitchen equipment	\$25.80
Repair, alteration, or addition to mechanical appliance including installation of controls	\$36.00
Suspended heater, recessed wall heater, or floor mounted heater	\$36.00
Ventilation fan connected to single duct	\$17.40
Ventilation system not a portion of heating or air-conditioning system authorized by permit	\$36.00
Water heater (Gas Tankless)	\$36.00
Wood/pellet stove	\$36.00

Other heating/cooling	\$36.00
Other fuel appliance	\$36.00
Other environment exhaust/ventilation	\$36.00

Commercial Mechanical Fees	
Valuation	Fee
\$0 - \$1000	<del>\$125.00</del> 160.00
\$1001 - \$10,000	<del>\$125.00</del> 160.00 for first \$1,000 plus \$3.04 for each additional \$100 or fraction thereof, to and including \$10,000
\$10,001 - \$100,000	<del>\$398.60</del> 433.60 for first \$10,000 plus \$18.33 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and above	<del>\$2,048.30</del> 2,083.30 for first \$100,000 plus \$12.45 for each additional \$1,000 or fraction thereof

Other Mechanical Fees	
Mechanical Plan Review (when applicable)	25% of mechanical permit fee
Additional Plan Review (when applicable) – per hour	<del>\$108.00</del> 100.00, minimum one hour
Reinspection – per each	<del>\$125.00</del> 160.00
Each additional inspection, above allowable – per each	<del>\$125.00</del> 160.00
Inspections for which no fee is specifically – per each indicated (as required)	<del>\$125.00</del> 160.00, minimum one hour
Inspection outside of normal business hours	<del>\$200.00</del> 250.00, minimum 2 hours
Investigation fee – Mechanical - hourly	<del>\$150.00</del> 160.00/hour, minimum one hour
Mechanical Minimum Permit Fee	<del>\$125.00</del> 160.00
Mechanical Reinstatement Fee ( <b>One permit reinstatement shall be allowed within 30 days of the expiration date.</b> )	75% of mechanical permit fee + surcharge ( <u>minimum \$120.00 + surcharge</u> )

## E. Plumbing Permit Fees

Plumbing Permit Fees	
New 1&2 Family Dwelling – includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system. <i>Half bath counted as whole.</i>	
One bathroom, one kitchen	\$324.00
Two bathrooms, one kitchen	\$427.25
Three bathrooms, one kitchen	\$529.00
Each additional bathroom > 3 – or – kitchen >1	\$108.00/each

Each additional 100 ft or fraction thereof of site utilities – water, sewer, storm (which includes rain, footing, trench, and leach) – <i>first 100 ft included in bathroom/kitchen fee</i>	\$47.50
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<b>Commercial and Non-New Residential</b>	
<b>Site Utilities</b>	<b>Fee</b>
Sanitary Sewer - First 100 feet or less	\$87.25
Sanitary Sewer - Each additional 100 feet or fraction thereof	\$47.50
Storm – first 100 feet or less	\$87.25
Storm – Each additional 100 feet or fraction thereof	\$47.50
Water – first 100 feet or less	\$87.25
Water – Each additional 100 feet or fraction thereof	\$47.50
<b>Fixtures</b>	<b>Fee – per each</b>
Absorption valve	\$35.00
Backflow preventer	\$35.00
Backwater valve	\$35.00
Catch basin or area drain	\$35.00
Clothes washer	\$35.00
Dishwasher	\$35.00
Drinking fountain	\$35.00
Ejectors/sump pump	\$35.00
Expansion tank	\$35.00
Fixture cap	\$35.00
Floor drain/floor sink/hub drain	\$35.00
Garbage disposal	\$35.00
Hose bib	\$35.00
Ice maker	\$35.00
Primer	\$35.00
Sink/basin/lavatory	\$35.00
Stormwater retention/detention tank/facility	\$35.00
Swimming pool piping	\$35.00
Trench drain	\$35.00
Tub/shower/shower pan	\$35.00
Urinal	\$35.00
Water closet	\$35.00
Water heater	\$35.00
Other – plumbing	\$35.00
Alternate potable water heating system	\$35.00
Interceptor/grease trap	\$35.00
Manholes	\$35.00
Roof drain (commercial)	\$35.00

<b>Medical Gas – fee based on installation costs and system equipment, including but not limited to inlets, outlets, fixtures and appliances</b>	
<b>Valuation</b>	<b>Fee</b>
\$0 - \$500	<del>\$200.00</del> <u>320.00</u>
\$500.01 - \$2,000	<del>\$200.00</del> <u>320.00</u> for the first \$500 plus \$6.00 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,000.01 - \$25,000	<del>\$290.00</del> <u>410.00</u> for the first \$2,000 plus \$31.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,000.01 - \$50,000	<del>\$1,003.00</del> <u>1,123</u> for the first \$25,000 plus \$26.00 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 - \$100,000	<del>\$1,615.00</del> <u>1,773</u> for the first \$50,000 plus \$16.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and above	<del>\$2,453.00</del> <u>2,573</u> for the first \$100,000 plus \$12.00 for each additional \$1,000 or fraction thereof

<b>Residential Fire Suppression – Multipurpose/Continuous Loop System 13D, fee includes plan review [See Structural Fee section for Standalone System 13R]</b>	
<b>Square Footage of Area to be Covered</b>	<b>Fee</b>
0 – 2000 sq ft	<del>\$180.00</del> <u>300.00</u>
2001 – 3600 sq ft	<del>\$240.00</del> <u>360.00</u>
3601 - 7200 sq ft	<del>\$300.00</del> <u>420.00</u>
7201 sq ft and greater	<del>\$360.00</del> <u>480.00</u>
<b>Other Plumbing Fees</b>	
RV and Manuf Dwelling Parks	\$165.00 per space
Plumbing Plan Review (when applicable) – commercial	40% of commercial plumbing permit fee
Plumbing Plan Review (when applicable) – residential	25% of residential plumbing permit fee
Additional Plan Review (when applicable) – per hour	<del>\$108.00</del> <u>100.00</u> /hour, minimum one hour
Expedited Plan Review (when requested) – hourly	<del>\$108.00</del> <u>155.00</u> , minimum 2 hours
Reinspection – per each	<del>\$125.00</del> <u>160.00</u>
Each additional inspection, above allowable – per each	<del>\$125.00</del> <u>160.00</u>
Inspections for which no fee is specifically indicated (as required) – per hour	<del>\$125.00</del> <u>160.00</u> /hour, minimum one hour
Inspection outside of normal business hours – hourly	<del>\$200.00</del> <u>250.00</u> , minimum 2 hours
Investigation fee – Plumbing - hourly	<del>\$150.00</del> <u>160.00</u> /hour, minimum one hour
Plumbing Minimum Permit Fee	<del>\$200.00</del> <u>320.00</u>
Plumbing Reinstatement Fee ( <b>One permit reinstatement shall be allowed within 30 days of the expiration date.</b> )	75% of plumbing permit fee + surcharge ( <u>minimum \$240.00 + surcharge</u> )

## F. Miscellaneous Fees

Structural Permit Reinstatement fee – to renew already expired permit, as eligible; subject to State Surcharge- based on percentage of work remaining nearest to 25%/50%/75% to complete the scope of work. If percentage remaining is > 75%, then a new permit application is required at full fee. <b>(One permit reinstatement shall be allowed within 30 days of the expiration date.)</b>	25%, 50%, 75%, New Permit + surcharge
Permit Extension fee – to extend expiration on active permit; not subject to State Surcharge <b>(First extension is free. There is a maximum of 3 extensions allowed)</b>	\$200.00 Flat rate
Copy fees	.25 Each
Returned Check fee (NSF)	\$35.00
Postage (site copies)	\$5.00 - \$10.00
File Research	\$50.00/hour, 1/2 hour minimum



# Inspection Bill Out Rate

## Structural Bill Out Rate

Garrett's bill out rate	\$76.88
Dylan's bill out rate	\$50.61
<b>Average Hourly Rate</b>	<b>\$70.12</b>

## Admin Bill Out Rate

Penny's bill out rate	\$58.34
Cindy's bill out rate	\$44.44
Graysan's bill out rate	\$41.47
<b>Average Hourly Rate</b>	<b>\$52.89</b>

## Plumbing Bill Out Rate

Julian's bill out rate	\$35.00
<b>Total Hourly Rate</b>	<b>\$38.50</b>

**Structural Inspection**  
(percentage of increase)

30.31%

**Plumbing Permit**  
(percentage of increase)

10.25%

**Mechanical**  
(percentage of increase)

30.31%

**Manufactured Dwelling**  
(percentage of increase)

63.70%

## Structural Inspection

	Hourly Rate	Average Time (Hrs)	Total
Inspector	\$70.12	1.5	\$105.18
Administration	\$52.89	0.5	\$26.45
Transportation (per mile)	\$0.48	60	\$28.80
<b>Subtotal</b>			<b>\$160.43</b>

## Plumbing Inspection

	Hourly Rate	Average Time (Hrs)	Total
Inspector	\$38.50	1.5	\$57.75
Administration	\$52.89	0.5	\$26.45
Transportation (per mile)	\$0.48	60	\$28.80
<b>Subtotal</b>			<b>\$114.55</b>

## Structural Permit Minimum

	Hourly Rate	Average Time (Hrs)	Total
Inspector	\$70.12	1.5	\$105.18
Administration	\$52.89	1	\$52.89
Transportation (per mile)	\$0.48	60	\$28.80
# of Structural Inspections	\$133.98	2	\$267.96
<b>Subtotal</b>			<b>\$320.85</b>

## Manufactured Dwelling

	Hourly Rate	Average Time (Hrs)	Total
Structural Inspector	\$70.12	1.5	\$105.18
Plumbing Inspector	\$38.50	0.75	\$28.88
Admin. Penny	\$58.34	0.5	\$29.17
Admin. Graysan	\$41.47	0.25	\$10.37
Transportation	\$0.48	60	\$28.80
# of structural Inspections	\$173.22	4	\$762.18
<b>Subtotal</b>			<b>\$859.39</b>

## Mechanical

	Hourly Rate	Average Time (Hrs)	Total
Inspector	\$70.12	1.5	\$105.18
Administration	\$52.89	0.5	\$26.45
Transportation (per mile)	\$0.48	60	\$28.80
<b>Subtotal</b>			<b>\$160.43</b>

## Plumbing Permit Minimum

	Hourly Rate	Average Time (Hrs)	Total
Inspector	\$38.50	1.5	\$57.75
Administration	\$52.89	1	\$52.89
Transportation (per mile)	\$0.48	60	\$28.80
# of Structural Inspections	\$86.55	2	\$173.10
<b>Subtotal</b>			<b>\$225.99</b>



### Structural Permit Fee Table

Valuation	Fee
\$1-\$500	\$320
\$501-\$2000	\$320 for the first \$500 plus \$2.83 for each additional \$100 or fraction thereof, to and including \$2000.
\$2001-\$25000	\$334.15 for the first \$2000 plus \$11.22 for each additional \$1000 or fraction thereof, to and including \$25000.
\$25001-\$50000	\$592.21 for the first \$25000 plus \$8.34 for each additional \$1000 or fraction thereof, to and including \$50000.
\$50001-\$100000	\$800.71 for the first \$50000 plus \$5.57 for each additional \$1000 or fraction thereof, to and including \$100000.
\$100001 and above	\$1079.21 for the first \$100000 plus \$4.60 for each additional \$1000 or fraction thereof.

### Med Gas Permit Fee Table

Valuation	Fee
\$1-\$500	\$320
\$501-\$2000	\$320 for the first \$500 plus \$8.50 for each additional \$100 or fraction thereof, to and including \$2000.
\$2001-\$25000	\$410 for the first \$2000 plus \$32.27 for each additional \$1000 or fraction thereof, to and including \$25000.
\$25001-\$50000	\$1123 for the first \$25000 plus \$25.48 for each additional \$1000 or fraction thereof, to and including \$50000.
\$50001-\$100000	\$1773 for the first \$50000 plus \$15.30 for each additional \$1000 or fraction thereof, to and including \$100000.
\$100001 and above	\$2573 for the first \$100000 plus \$13.59 for each additional \$1000 or fraction thereof.

### Commercial Mechanical Permit Fee Table

Valuation	Fee
\$1-\$1000	\$160
\$1001-\$10000	\$160 for the first \$1000 plus \$3.04 for each additional \$100 or fraction thereof, to and including \$10000.
\$10001-\$100000	\$433.60 for the first \$10000 plus \$18.33 for each additional \$1000 or fraction thereof, to and including \$100000.
\$100001 and above	\$2083.30 for the first \$100000 plus \$12.45 for each additional \$1000 or fraction thereof.