

**CHAPTER 56**  
**BUILDING CODE**

- 56.001. Definitions
- 56.002. Assumption of Building Inspection Program; Scope
- 56.003. Deletions from State Building Code
- 56.004. State Building Code Fire Sprinkling System Requirements
- 56.006. Powers and Duties of the Building Official
- 56.007. Building Permits
- 56.008. Use of Alternative Materials, Designs and Methods; Exceptions; Modifications
- 56.009. Inspections
- 56.010. Orders to Disconnect
- 56.012. Expedited and Enhanced Services
- 56.013. Expiration of Building Permits
- 56.014. Extensions; Reinstatements
- 56.015. Work Commenced Without a Building Permit
- 56.016. Transfer of Building Permit
- 56.019. Inspection Record Card; Inspections
- 56.027. Fire and Life Safety Plan Review; Fees
- 56.115. Infrastructure Requirements
- 56.120. UGA Development Permit Required
- 56.190. Fees
- 56.195. Prohibited Acts
- 56.198. Stop Work Orders; Permit Revocation Civil Penalties; Enforcement

**DANGEROUS BUILDINGS**

- 56.200. Short Title
- 56.210. Purpose and Scope
- 56.220. General Definitions
- 56.230. "Dangerous Building" Defined
- 56.240. Enforcement and Inspections
- 56.250. Nuisance Declared
- 56.260. Violations
- 56.270. Commencement of Proceedings
- 56.280. Contents of Notice and Order
- 56.290. Service of Notice and Order
- 56.300. Recordation of Notice and Order
- 56.310. Standards to be Followed
- 56.320. Notice to Vacate
- 56.330. Appeal from Notice and Order
- 56.340. Effect of Failure to Appeal
- 56.350. Stay of Order Pending Appeal
- 56.360. Failure to Commence Work
- 56.370. Extension of Time
- 56.380. Interference with Work Prohibited
- 56.390. Performance of Work Upon Owner's Failure

**56.001. Definitions.** Unless the context otherwise specifically requires, as used in this chapter the following mean:

- (a) “Building Code” means those provisions of the State Building Code, and any modifications thereof, adopted by the City pursuant to ORS 455.040(1), that are part of the building inspection program administered and enforced by the City.
- (b) “Building Inspection Program” means the administration and enforcement of the Building Code pursuant to ORS 455.150.
- (c) “Building Official” means the head of the Building and Safety Division of the Department of Community Development for the City, or the Building Official’s designee.
- (d) “Enhanced services” means the provision of interdepartmental regulatory coordination between the City and an applicant or permittee as set forth in an agreement for enhanced services entered into pursuant to SRC 56.012.
- (e) “Expedited services” means the provision of plan review or construction inspection within such time frames or according to schedules, as set forth in an agreement for expedited services entered into pursuant to SRC 56.012.
- (f) “Permittee” means the person holding any permit authorized by this Chapter, or that person’s authorized representative.
- (g) “Person” means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, or other entity in law or fact.
- (h) “State Building Code” means the following specialty codes of the State of Oregon administered and enforced by the City: Oregon Structural Specialty Code, Oregon Residential Specialty Code, Oregon Mechanical Specialty Code, Oregon Plumbing Specialty Code, Oregon Electrical Specialty Code and the Oregon Manufactured Home Specialty Code. (Ord No. 62-05; Ord No. 16-08)

**56.002. Assumption of Building Inspection Program; Scope.**

- (a) Pursuant to ORS 455.150, and through the provisions of SRC 56.001-56.199, the City of Salem hereby implements and assumes a Building Inspection Program for the City of Salem, which shall be comprised of the administration and enforcement of the Building Code.
- (b) Except as otherwise provided in SRC 56.001-56.199, the Building Inspection Program shall be administered and enforced according to the procedures set forth in the State Building Code.
- (c) If there is a conflict between any provision of the State Building Code and any provision of this Chapter adopted pursuant to ORS 455.040(1), the provision adopted pursuant to ORS 455.040(1) shall govern. (Ord No. 62-05)

**56.003. Deletions from State Building Code.** Pursuant to the authorization by the Director of the Department of Consumer and Business Services under ORS 455.040(1), the following provisions of the State Building Code are deleted:

- (a) Sections 106.3 through 106.5 of the 2004 Oregon Mechanical Specialty Code.
- (b) Sections 103.1 through 103.3, 104.1, 104.3, 104.6 and 105.3 through 105.6 of the 2004 Oregon Structural Specialty Code. (Ord No. 62-05)

**56.004. State Building Code Fire Sprinkling System Requirements.** Pursuant to the authorization by the Director of the Department of Consumer and Business Services under ORS 455.040(1), Section AN 109.4 through AN 109.4.2.1 of the State Building Code relating to fire sprinkler system requirements are hereby adopted. (Ord No. 102-07)

**56.006. Powers and Duties of the Building Official.** The Building Official shall administer and enforce the Building Inspection Program, and shall have the authority to render written and oral interpretations of the Building Code and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of the Building Code. (Ord No. 62-05)

**56.007. Building Permits.**

(a) A person shall, prior to undertaking or causing to be undertaken any work for which a permit is required under any provision of the Building Code, obtain a building permit as provided in this section.

(b) The application for a permit and plans, specifications, computations and other data filed by an applicant for a building permit shall be reviewed by the Building Official, and may be reviewed by other departments of the City to verify compliance with the Building Code and any other applicable laws. If the Building Official finds that the work described in an application for a permit and the plans, specifications, computations and other data filed therewith conform to the requirements of the Building Code and any other applicable laws, and that all required fees have been paid, the Building Official shall issue a building permit to the applicant.

(c) An application for a building permit shall be deemed abandoned one hundred and eighty days after the date of filing, unless the applicant continues to pursue the application in good faith. The Building Official may grant not more than one extension, for an additional period not to exceed one hundred and eighty days. The applicant must request the extension, in writing, setting forth good and sufficient cause for the extension to the satisfaction of the Building Official prior to the date the application is deemed abandoned pursuant to this subsection.

(d) If plans and specifications are required for the issuance of a building permit, the Building Official shall, at the time the permit is issued, approve the plans and specifications by endorsement in writing or official stamp. All work shall be done in accordance with the approved plans and specifications, and shall not be changed, modified or altered without prior authorization from the Building Official.

(e) One set of approved plans and specifications shall be retained by the Building Official for the period specified under rules promulgated by the Oregon State Archivist, and one set of approved plans and specifications shall be returned to the applicant and kept on the work site at all times while the work authorized by the building permit is in progress.

(f) The Building Official may issue phased permits that allow for the construction of part of a building before the plans and specifications for the entire building have been submitted or approved, provided adequate information and detailed statements have been filed with the Building Official that comply with all applicable requirements of the Building Code. The holder of a phased permit shall not, by virtue of a permit issued for any single phase, have any guarantee that plans and specifications for subsequent phases will be approved, or that permits for subsequent phases will be issued.

(g) The approval of plans and specifications or the issuance of a building permit shall not be construed or deemed to be approval of, or a permit for, any construction, work or activity that violates any of the provision of the Building Code, any other provision of the Salem Revised Code or any other federal, state or local law, statute, rule, regulation or ordinance.

(h) The issuance of a building permit shall not prevent the Building Official from requiring correction of errors in plans and specifications, or from issuing a stop work order or undertaking enforcement action if any work being carried on violates the Building Code or any other provision of the Salem Revised Code, or any other federal, state or local law, statute, rule, regulation or ordinance. (Ord No. 62-05)

**56.008. Use of Alternative Materials, Designs, and Methods; Exceptions; Modifications.**

(a) The Building Official may authorize the use of alternative materials, designs or methods of construction, provided the material, design or method is, for the purpose intended, the equivalent in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation to the materials, designs or methods prescribed by the Building Code and the use otherwise complies with the provisions of the Building Code. Any person seeking to use alternative materials, designs or methods shall first establish to the satisfaction of the Building Official that the alternative materials, designs or methods are equivalent to those prescribed by the Building Code. The Building Official shall document, in writing, the details of the approval of any such alternative materials, designs or methods prior to the issuance of a building permit.

(b) The Building Official may authorize exceptions to the Building Code, if the Building Official determines that there are substantial practical difficulties in carrying out the provisions of the Building Code, that the exception does not lessen any fire protection requirement or lessen the structural integrity of the building, and the proposed construction will satisfy the intent and purpose of the Building Code. The Building Official shall document, in writing, that the exception meets the criteria set forth in this subsection prior to the issuance of a building permit.

(c) If the Building Official determines that an applicant has provided insufficient evidence to authorize the use of any alternative material, method or design, or to support the exception, the Building Official shall deny the request for the use of the alternative material, method or design, or the exception, or may require tests prior to making the determination, to be made at the applicant's sole cost and expense. Any such test shall be performed by a testing agency approved by the Building Official. Reports of such tests shall be retained by the Building Official for the period required for the retention of such public records. (Ord No. 62-05)

**56.009. Inspections.**

(a) When the Building Official deems it necessary to make an inspection to enforce the Building Code, or when the Building Official has reasonable cause to believe a condition exists in a building or on a premises that is in violation of the Building Code or that otherwise makes the building or premises unsafe, dangerous or hazardous, the Building Official may, in accordance with this section, enter the building or premises at reasonable times to make inspections or to perform other duties imposed under the Building Code.

(b) If the building or premises is occupied, the Building Official shall first present the Building Official's credentials to the occupant and request entry. If entry is refused, the Building Official may use any other lawful means to obtain entry.

(c) If the building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person with control of the building or premises and request entry. If entry is refused, the Building Official may use any other lawful means to obtain entry. If the Building Official is unable, after making a reasonable effort, to locate the owner or other person with control of the building or premises, the Building Official may enter the building or premises, but shall, as soon as is practicable, document the efforts made to locate the owner or other person, and inform the owner or other person of the entry. (Ord No. 62-05)

**56.010. Orders to Disconnect.**

(a) The Building Official may order any fuel-gas or utility disconnected from a building or premises, and may cause such fuel-gas or utility to be disconnected, when the Building Official determines the continued connection poses a potential or imminent hazard to life,

health or property. The Building Official shall, if possible, provide twenty-four hour written notice of the order to disconnect to the utility, the owner and the occupants of the building or premises; if twenty-four hour notice is not possible or if providing notice would result in a delay that would unduly endanger life, health or property, the Building Official may cause disconnection to occur without notice, but shall provide written notice to the utility, the owner and occupants of the building or premises as soon as practicable. No person may use a building or premises, or part thereof, after receiving an order pursuant to this subsection.

**(b)** When the Building Official determines any mechanical system or equipment regulated by the Building Code, or any part thereof, poses a potential or imminent hazard to life, health or property, the Building Official may order the system or equipment, or any part thereof, be removed from its location, be restored to a safe and sanitary condition or be disconnected, and may cause such system, equipment, or part thereof, to be disconnected. An order to remove and restore a system or equipment, or any part thereof, shall be in writing, shall contain the reasons for the order, and shall give the owner or person in charge of the building or premises a time certain within which compliance must occur. An order to disconnect a mechanical system or equipment, or part thereof, shall be in writing, shall contain the reasons for the order, and shall give the owner or person in charge of the premises and any utility necessary for the operation of the system or equipment 24 hours to disconnect the system or equipment, or part thereof, unless continued connection would unduly endanger life, health or property, in which case the Building Official may order, or cause, the immediate disconnection to occur. No person may use a mechanical system or equipment, or part thereof, after receiving an order pursuant to this subsection.

**(c)** Any disconnection that is ordered or caused to be made by the Building Official pursuant to this section shall be at the sole cost and expense of the owner of the building or structure. (Ord No. 103-67; Ord No. 15-71; Ord No. 190-73; Ord No. 94-74; Ord No. 80-78; Ord No. 216-79; Ord No. 92-80; Ord No. 90-83; Ord No. 39-85; Ord No. 102-86; Ord No. 35-90; Ord No. 108-94; Ord No. 62-05)

#### **56.012. Expedited and Enhanced Services.**

**(a) Development with a value of less than \$10,000,000.** An applicant or permittee for a development with a value of less than \$10,000,000, may enter into an agreements with the City for the provision of expedited or enhanced services, which may be provided by the City through professional or personal services contracts, hiring additional staff or covering costs of overtime.

**(b) Development with a value of \$10,000,000 or more.** An applicant or permittee for a development with a value of more than \$10,000,000 shall enter into an agreement with the City for the provision of enhanced services, which may be provided by the City through professional or personal services contracts, hiring additional staff or covering costs of overtime. The Building Official may waive the requirement for enhanced services if the Building Official determines, that interdepartmental regulatory coordination is not reasonably anticipated to be necessary, based on the following factors; the complexity of the proposed project; the development standards applicable to the proposed project do not require the extensive exercise of discretion or legal judgement; and that the value of public improvements required to be built as part of the proposed project disproportionately outweigh the value of any buildings or structures to be built as part by the applicant or permittee. The Building Official's determination of whether to grant or deny a waiver is a final decision. An applicant or permittee under this subsection, may, but is not required to, enter into an agreement for provision of expedited services.

(c) An agreement for expedited services or enhanced services shall include, in addition to any other necessary information, the following:

(1) A list of services to be provided and the hourly rate or cost for providing the expedited or enhanced services to the applicant or permittee, and

(2) A statement that no principal-agent relationship or other special relationship is created between the applicant or permittee and the City or its employees by the City's provision of expedited or enhanced services and that the City or its employees are not liable for any damage caused by a delay in issuance of a permit or approval for the development.

(d) The Building Official shall not alter or establish processing priorities or schedules based upon an expectation of entering into an expedited or enhanced services agreement, and shall only provide expedited or enhanced services after an agreement to provide such services has been voluntarily entered into between the City and the applicant or permittee.

(e) For purposes of this section, the Building Official shall determine the value of the development by combining the value of all the private improvements to be built, based on the most current International Code Council building valuation data table, plus the estimated construction cost of the public improvements required for the development, based on a cost estimate certified by a professional engineer to be provided by the applicant.

(f) Within fourteen days of execution of an agreement to provide expedited or enhanced services, the applicant or permittee shall deposit in an account established with the Building and Safety Division an initial amount equal to one half of one percent of the value of the development, or \$20,000.00, whichever is less.

(g) The deposit shall be drawn down each month in the amount of fees accrued. The applicant or permittee shall replenish the account on a timely basis such that the account balance does not go below \$1,000.00. In the event the account balance goes below \$1,000.00, the Building Official shall, until such time as the account balance is \$1,000.00 or greater, discontinue providing expedited or enhanced services.

(h) The Building and Safety Division shall provide itemized monthly statements to the applicant or permittee detailing the time spent by staff pursuant to the agreement for expedited or enhanced services.

(i) All hourly rates shall be as provided in the Building and Safety Division fee schedule, and charged in one-half hour increments. (Ord No. 62-05; Ord No. 16-08)

#### **56.013. Expiration of Building Permits.**

(a) A building permit shall expire if the work authorized is not commenced within one hundred and eighty days from the date the permit was issued, or if the work authorized is suspended or abandoned for a period of one hundred and eighty days at any time after the work is commenced. Work shall not be considered suspended or abandoned if the permittee continues to undertake activities that are deemed by the Building Official to indicate an intent to complete the work, including, but not limited to, site preparation or the purchase of materials or services related to the work. The Building Official may require the permittee to document activity undertaken by the permittee that indicates an intent to complete the work.

(b) A building permit shall expire twenty-four months after the date the permit was issued. If the work authorized by such permit has not received final inspection prior to the expiration date, all work shall cease, and a new permit shall be obtained for the value of the work remaining unfinished.

(c) The Building Official may issue a building permit with a period exceeding twenty-four months if the applicant demonstrates the complexity or size of the work makes

completing the work within twenty four months impracticable, or demonstrates other good cause why the work cannot be completed within twenty-four months. Any building permit issued for a period in excess of twenty-four months shall expire at the end of the period authorized by the permit. If the work authorized by such permit has not received final inspection prior to the expiration date, all work shall cease, and a new permit shall be obtained for the value of the work remaining unfinished. (Ord No. 62-05)

**56.014. Extensions; Reinstatements.**

(a) Any permittee holding an unexpired building permit may apply for an extension of time to complete the work, when the permittee is unable to complete work within the time set forth in SRC 56.013. The Building Official may grant extensions of time for periods not to exceed one hundred and eighty days upon written request by the permittee, demonstrating circumstances beyond the control of the permittee that prevented work from being completed within the time allowed by the permit, or any immediately prior extension thereof. The permittee shall pay an investigation fee at the time the request for extension is submitted.

(b) The holder of an expired building permit may apply for a reinstatement of the permit. An expired permit may be reinstated if the permittee can establish the following criteria are met and pays a reinstatement fee, otherwise the permittee shall obtain a new permit, and pay the applicable permit fees. A permit may be reinstated if:

- (1) The Building Code and other laws enforced by the City have not been amended in any manner that affects the work authorized by the expired permit;
- (2) No changes have been made or will be made in the original plans and specifications for the work authorized by the expired permit; and
- (3) The permit expired less than one year prior to the date of the application to reinstate the permit. (Ord No. 62-05)

**56.015. Work Commenced Without a Building Permit.** Whenever work for which a building permit is required has been commenced without a permit having first been obtained, a special investigation shall be made by the Building Official before a permit may be issued for the work. An investigation fee, in addition to the permit fee, shall be required whether or not a permit is subsequently issued. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of the Building Code, any other provision of the Salem Revised Code, any other applicable law, or from any penalty prescribed by law. (Ord No. 190-73; Ord No. 94-74; Ord No. 80-78; Ord No. 92-80; Ord No. 90-83; Ord No. 102-86; Ord No. 35-90; Ord No. 108-94; Ord No. 62-05)

**56.016. Transfer of Building Permit.** A building permit shall only be transferable when authorized by the owner of the property, in writing. (Ord No. 62-05)

**56.019. Inspection Record Card; Inspections.**

(a) Work requiring a building permit shall not be commenced until the permittee has posted or otherwise made available an inspection record card on site that allows the Building Official to conveniently make the required entries thereon regarding inspection of the work. The inspection record card shall be maintained on site by the permittee until final approval has been granted by the Building Official.

(b) The permittee shall request all required inspections in a timely manner, shall provide access to the work site, and shall provide all equipment deemed necessary or appropriate by the Building Official to perform the inspection. The permittee shall not proceed with construction activity until authorized to do so by the Building Official. The permittee shall

cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permittee to remove or replace any material required for proper inspection shall be at the sole cost of the permittee. (Ord No. 62-05)

**56.027. Fire and Life Safety Plan Review; Fees.** The Building Official shall forward to the Fire Code Official all plans accompanying applications for building permits for work to be performed that requires a certificate of occupancy under the Oregon Structural Specialty Code. The Fire Code Official shall cause those plans to be inspected for compliance with the provisions of the Oregon Structural Specialty Code relating to fire and life safety and with the provisions of SRC Chapter 58. Fire and life safety plan review shall be in addition to any other plan review required by the Oregon Structural Specialty Code. The fee for plan review under this section shall be an additional fee equal to forty percent of the building permit fee. (Ord No. 86-90; Ord No. 62-05; Ord No. 35-06)

**56.115. Infrastructure Requirements.** The Public Works Director may require, as a condition of issuance of any building permit, the construction of boundary streets, or water, sewer, stormwater or street improvements required to serve the development, and the conveyance or dedication of any necessary rights-of-way or easements, including, but not limited to rights-of-way required by SRC 77.150. The Public Works Director may defer the construction of a boundary street required pursuant to this section, as provided in SRC 77.150(d). (Ord No. 64-93; Ord No. 62-05)

**56.120. UGA Development Permit Required.** Prior to issuance of any building permit or occupancy certificate for or in a development as defined in SRC 66.020, including permits for dwellings in subdivisions for which an Urban Growth Area Development Permit is required under SRC 66.050, the building official shall ascertain that a UGA Development Permit has been issued and the provisions of SRC 66.050(a) have been complied with. (Ord No. 129-79; Ord No. 91-99)

**56.190. Fees.**

(a) Fees charged under the Building Code shall be in the amounts established by resolution of City Council.

(b) The Building Official is authorized to enter into agreements, including a schedule of payments, for applicants requesting expedited or enhanced services under SRC 56.012. (Ord No. 62-05)

**56.195. Prohibited Acts.**

(a) No person shall make a connection to or from an energy, fuel or power supply or any equipment regulated by the Building Code that has been disconnected or ordered disconnected by the Building Official, until the Building Official specifically authorizes the reconnection or use of such equipment.

(b) No owner shall allow any building, or any part thereof, to be in an unsafe or unsanitary condition, or to allow any devices or safeguards which are required by the Building Code to be maintained in a manner not in conformance with the Building Code in effect on the date when installed.

(c) No person shall perform or cause to be performed work for which a building permit is required under any provision of the Building Code without first obtaining a permit.

(d) No person applying for a building permit required by the Building Code shall knowingly make any false, incomplete, or misleading statements on the application.

(e) No person shall violate any provision of the Building Code.

(f) No person shall disobey any lawful notice or order of the Building Official.

(g) A violation of this section is subject to a civil penalty. (Ord No. 62-05; Ord No. 4-10)

**56.198. Stop Work Orders; Permit Revocation; Civil Penalties; Enforcement.**

(a) **Stop Work Orders.** When any work is being done contrary to the provisions of the Building Code or other laws, ordinances or regulations adopted to enforce the Building Code, or to a permit or orders issued hereunder, the Building Official may issue a stop work order that the person cease and desist all such violations and commanding the person to immediately comply with all requirements of this Chapter or the requirements of the permit or order; and take such appropriate remedial or preventive action as may be needed to properly address the violation, including halting operations and undertaking corrective action. The Building Official may order the work stopped by written notice served on any person or persons doing or causing such work to be done. Upon receipt of such notice, the person doing or causing such work to be done shall immediately cease such work, until such time as an authorization to proceed is issued by the Building Official.

(b) **Suspension or Revocation of Permit.**

(1) The Building Official may suspend work or revoke a permit issued under this Chapter whenever it appears that:

(A) The permit was issued in error;

(B) The work is not authorized by a valid permit;

(C) Inaccurate, incomplete, or fraudulent information was used to obtain the permit;

(D) The permit was issued in violation of any law or regulation, or the activity authorized by the permit is in violation of any law or regulation.

(E) The applicant is not complying with the terms of the permit, or the work being performed is beyond the scope of work authorized by the permit, or is violating the provisions of this Chapter or other applicable law; or

(F) The work is, or threatens to become, a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, wetlands, fish or wildlife habitat, or a stormwater facility; or is otherwise adversely affecting the public health, safety, or welfare.

(2) The Building Official shall issue a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project.

(c) **Orders to Vacate.** Whenever any building, premises, mechanical system or equipment regulated by the Building Code, or part thereof, is used contrary to the provisions of the Building Code, the Building Official may order such use discontinued and the building and premises, or part thereof, vacated.

(d) Persons violating this Chapter, or a permit issued hereunder, shall be responsible for restoring damaged areas in conformance with a plan approved by the Building Official which provides for repair of any environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by a certified professional.

(e) **Civil Penalty.** Any person who fails to comply with the requirements of this Chapter, or the terms of a permit issued hereunder, who undertakes an activity regulated by this Chapter without first obtaining a permit, or who fails to comply with a stop work order issued pursuant to this Chapter shall also be subject to a civil penalty, not to exceed \$5,000 per violation. Each day that a permit violation continues shall constitute a separate violation.

(f) **Civil Penalties Against Agents.** Any person who acts as the agent of, or otherwise

assists, a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty.

**(g) Reconsideration.** Any person aggrieved by any decision, action, or determination, including cease and desist orders, made by the Building Official, may seek reconsideration by filing a request for reconsideration with the Building Official within ten days after notice of such decision, action, or determination has been provided to the person. The notice shall set forth in detail the facts supporting the request for reconsideration. The Building Official's decision, action, or determination shall remain in effect during such period of reconsideration.

**(h) Appeal.**

(1) Appeals of orders, decisions or determinations of the Building Official involving the application and interpretation of the State Building Code shall be made as provided in ORS 455.475, and any rules promulgated thereunder.

(2) Appeals from all orders, decisions and determinations of the Building Official under this Chapter, other than orders, decisions and determinations involving the application of the State Building Code, shall be to the Hearings Officer, and shall be initiated by filing a notice of intent to appeal with the City Recorder within fifteen business days after notice of the Building Official's final decision after reconsideration is deemed to have been received by the applicant under SRC 20J.110. The notice of appeal shall satisfy the requirements of SRC 20J.110, and the appeal proceed as a contested case under the procedures established in SRC 20J.240-20J.430. Notwithstanding SRC 20J.270, the Building Official's decision, action, or determination shall remain in effect during such period of the appeal. Appeals to the Hearings Officer under this section shall extend the plan review deadline by the number of days it takes for a final decision to be issued upon the appeal.

**(i) Prohibition of Further Approvals; Injunctive Relief.**

(1) The City shall not issue a Notice of Final Completion for property on which a violation of this Chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Building Official and any penalty imposed for the violation is paid.

(2) The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 56.011 (a), SRC 56.015, or SRC 56.195, such relief to be in effect for a period not to exceed five years.

**(j) Remedies Not Exclusive.** The remedies provided by this Chapter are cumulative and not mutually exclusive and are in addition to any other rights, remedies and penalties available to the City under any other provision of law, including, but not limited to any action necessary to prevent, restrain, correct or abate any violation of the Building Code. (Ord No. 4-10)

## **DANGEROUS BUILDINGS**

**56.200. Short Title.** SRC 56.200 to 56.390 shall be known and may be cited as the "Salem Dangerous Building Code." (Ord No. 137-75)

### **56.210. Purpose and Scope.**

(a) It is the purpose of the provisions of SRC 56.200 to 56.390 to provide a just, equitable, and practicable method to be cumulative with and in addition to, any other remedy provided by the UBC or the Salem Housing Code, or otherwise available at 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.

(b) The provisions of SRC 56.200 to 56.390 shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter be constructed in this city. (Ord No. 137-75)

**56.220. General Definitions.** For the purpose of SRC 56.200 to 56.390, words, phrases, and terms used in SRC 56.200 to 56.390, but not specifically defined herein, shall have the meanings stated therefor in the UBC or Salem Housing Code. (Ord No. 137-75)

**56.230. "Dangerous Building" Defined.** As used in SRC 56.200 to 56.390, 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:

(a) 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.

(b) 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 UBC for new buildings of similar structure, purpose, or location.

(c) 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 UBC for new buildings of similar structure, purpose, or location.

(d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(e) 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 anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the UBC for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the UBC for such buildings.

(f) 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.

(g) 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.

(h) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(i) 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.

(j) 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.

(k) 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.

(l) 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 city, as specified in the UBC or Salem Housing Code, or of any law or ordinance of the state or city relating to the condition, location, or structure of buildings.

(m) 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.

(n) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

(o) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(p) 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 30 days so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(q) Whenever any building or structure has been removed from its foundation and has, for a period of more than 90 days, remained unattached to a permanent foundation meeting the requirements of this chapter. (Ord No. 137-75; Ord No. 18-92; Ord No. 8-2000)

**56.240. Enforcement and Inspections.**

(a) The Building Official is hereby authorized to enforce the provisions of SRC 56.200 through 56.390.

(b) The City 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 SRC 56.200 through 56.390. In furtherance thereof, they are hereby empowered to seek administrative warrants as provided in SRC 4.190 through 4.225. (Ord No. 137-75; Ord No. 26-11)

**56.250. Nuisance Declared.** All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in SRC 56.230 are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in SRC 56.200 to 56.390. (Ord No. 137-75)

**56.260. Violations.** No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of SRC 56.200 to 56.390 or any order issued by the building official hereunder. Violation of any of the provisions of SRC 56.200 to 56.370, including any agreement made under SRC 56.370, is an infraction. (Ord No. 137-75; Ord No. 193-79)

**56.270. Commencement of Proceedings.** Whenever the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation, or demolition of the building by issuing a notice and order as provided in SRC 56.280. (Ord No. 137-75)

**56.280. Contents of 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:

- (a) The street address and a legal description sufficient for identification of the premises upon which the building is located.
- (b) 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 SRC 56.230.
- (c) A statement of the action required to be taken as determined by the building official.
  - (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.
  - (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) 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.
- (d) 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.
- (e) 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 Common Council of the City of Salem, provided the appeal is made in writing as provided in SRC 56.330, 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. (Ord No. 137-75)

**56.290. Service of Notice and Order.**

- (a) 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 on him by the provisions of this section.
- (b) 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 his 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.

(c) 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 person 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. (Ord No. 137-75)

**56.300. 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. (Ord No. 137-75)

**56.310. Standards to be Followed.** The following standards shall be followed by the building official in ordering the repair, vacation, or demolition of any dangerous building or structure:

(a) Any building declared a dangerous building pursuant to SRC 56.200 to 56.390 shall either be repaired in accordance with the UBC and the Salem Housing Code, as applicable, or shall be demolished at the option of the building owner.

(b) 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 its occupants, it shall be ordered to be vacated.

(c) Whenever a building has been vacated pursuant to this section it shall be the responsibility of the owner to secure all doors and windows against unauthorized entry. Where necessary for such security the building shall be securely boarded up. Upon failure of the building owner to comply with this subsection within five days of actual written or oral notice to do so, the building official may cause the building to be secured by any means he deems appropriate. The cost thereof shall be charged as a lien against the property. (Ord No. 137-75; Ord No. 242-79)

**56.320. Notice to Vacate.**

(a) Every notice to vacate shall, in addition to being served as provided in SRC 56.290, 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.  
Building Official  
City of Salem"**

(b) Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued by him under SRC 56.280, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in 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 UBC. Violation of this subsection is an infraction. (Ord No. 137-75; Ord No. 215-79)

**56.330. Appeal from Notice and Order.**

(a) Any person entitled to service under SRC 56.290 may appeal from any notice and order or any action of the building official under SRC 56.200 to 56.390 by filing with the city recorder within 30 days from the date of service of such notice and order a written appeal consisting of a copy of the notice and order and a statement that the person wishes to appeal therefrom. The notice of appeal shall contain the appellant's full name and mailing address, legibly printed or typed, and any notice or communication thereafter sent to him at such address shall be conclusively presumed to have been received unless he has given the city recorder written notice of any change.

(b) Upon receipt of any appeal filed pursuant to this section, the city recorder shall set the matter for prompt public hearing before the common council, giving the appellant notice by certified mail of the date and time set for hearing.

(c) At the hearing, the building official shall present whatever information, evidence or testimony he may deem relevant in support of his determination, and the appellant shall be accorded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the common council deems material, relevant, and probative of the matters in issue. The appellant may represent himself or be represented by counsel of his choice provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The common council may adjourn the hearing for any period of up to two weeks. During adjournment, any member may conduct personal inspection of the building alleged to be dangerous; provided, however, that no member of the council shall discuss the case with any interested person during a period of adjournment.

(e) The common council may either affirm, reverse, or modify the notice and order provided that a majority is persuaded to such determination by a preponderance of the evidence. The burden of proof shall be upon the building official, and if a majority of the council is unable to agree upon a disposition, and so declares, the notice and order shall be vacated.

(f) The appeal provided for herein shall be the exclusive means whereby the decision of the building official may be reviewed on appeal. The provisions of SRC chapter 4 shall not apply to actions of the building official taken under SRC 56.200 to 56.390, and the Community Development Board of Appeals shall have no jurisdiction to hear or consider matters pertaining to dangerous buildings as defined in SRC 56.230. (Ord No. 137-75)

**56.340. Effect of Failure to Appeal.** Failure of any person to file an appeal in accordance with the provisions of SRC 56.330 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof. (Ord No. 137-75)

**56.350. Stay of Order Pending Appeal.** After any notice and order has become final, either through failure to appeal or upon council order disposing of the appeal, no person to whom such order is directed shall fail, neglect, or refuse to obey such order. Any person who fails to comply

with any such order shall be punished, upon conviction, as provided in SRC 1.070. (Ord No. 137-75)

**56.360. Failure to Commence Work.** Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under SRC 56.200 to 56.390 becomes effective:

(a) 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  
City of Salem"**

(b) No person shall occupy any building which has been posted as specified in this subsection. No persons 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 UBC. Violation of this subsection is an infraction.

(c) The building official may file with the Common Council a petition to have the repair or demolition performed as provided in SRC 56.390 and the cost thereof assessed as a lien against the property upon which the building is located. Upon filing of the petition, the city recorder shall set the petition for prompt public hearing, and cause notice thereof to be served as provided for a notice and order under SRC 56.290. At the hearing, any person entitled to service shall be accorded an opportunity to show cause why the work should not be performed as provided in SRC 56.390 and the cost thereof assessed as a lien against the property. No issue heard and decided on appeal shall be reintroduced or considered at the hearing provided in this section unless the council, for good cause shown, determines that the interest of justice and fundamental fairness would best be served thereby. (Ord No. 137-75; Ord No. 215-79)

**56.370. Extension of Time.** Upon receipt of an application from the person required to conform to the order and a written agreement by such person that he will comply with the order if allowed additional time, the building official may, in his discretion, 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 or extend the time to appeal his notice and order. Any person who fails to comply with an agreement made under this section shall be punished, upon conviction, as provided in SRC 1.070. (Ord No. 137-75)

**56.380. Interference with Work Prohibited.** No person shall obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the city, 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 SRC 56.200 to 56.390; or with any person to whom such building has been lawfully sold, whenever such officer, employee, contractor, or authorized

representative of the city, person having an interest or estate in such building or structure, or purchaser is engaged in the work or repairing, vacating, and repairing or demolishing any such building, pursuant to the provisions of SRC 56.200 to 56.390, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to SRC 56.200 to

**56.390. Performance of Work upon Owner's Failure.**

(a) When any work of repair or demolition is to be done pursuant to SRC 56.360(c), the building official shall issue his order therefor to the director of community development and the work shall be accomplished by city personnel or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) Upon completion of the work, the building official shall certify to the council the costs incurred therefor and the council shall ascertain and determine the cost of the work, and assess the same against the property upon which the building is situated. Such assessment shall be declared by an ordinance and it shall be entered in the docket of city liens and shall thereupon be and become a lien against the property and the creation of the lien and the collection and enforcement of the cost shall all be done and performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded. Any assessment levied pursuant to this chapter shall be due and payable in ten days after the same has been entered in the lien docket. Notice of the assessment shall be given to the owner or owners of the property of record in the same manner as notice of street assessments is given. (Ord No. 137-75; Ord No. 75-76)

(CHAPTER 57 RESERVED FOR EXPANSION)