

## **TITLE XV: LAND USAGE**

Chapter

- 150. BUILDING CODE**
- 151. LAND DEVELOPMENT**
- 152. COMPREHENSIVE PLAN**

**Millersburg - Land Usage**

## CHAPTER 150: BUILDING CODE

### Section

#### *General Provisions*

- 150.01 Title
- 150.02 Purpose
- 150.03 Scope
- 150.04 Application to existing buildings and equipment
- 150.05 Definitions
- 150.06 Alternate materials and methods
- 150.07 Modifications
- 150.08 Tests

#### *Permits and Inspections*

- 150.20 Permits required
- 150.21 Application
- 150.22 Issuance
- 150.23 Fees
- 150.24 Inspections
- 150.25 Connection to utilities
- 150.26 Certificate of occupancy

#### *Administration and Enforcement*

- 150.40 Authority
- 150.41 Building Official; powers and duties
- 150.42 Unsafe buildings, structures and equipment
- 150.43 Board of Appeals
- 150.44 Violations

## Millersburg - Land Usage

### *GENERAL PROVISIONS*

#### ' 150.01 TITLE.

This chapter shall be known as the Administrative Building Code, may be cited as such and will be referred to herein as the building code or this code.

#### ' 150.02 PURPOSE.

The purpose of this code is to provide for the administration and enforcement of the technical and specialty codes, collectively technical codes, of the state, pursuant to O.R.S. 455.148 and 455.153.

#### ' 150.03 SCOPE.

The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the city.

#### ' 150.04 APPLICATION TO EXISTING BUILDINGS AND EQUIPMENT.

(A) Buildings, structures and building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

(B) (1) Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

(2) Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes, nor shall additions or alterations cause the existing building or building service equipment to become unsafe.

(3) An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded, will not provide adequate egress in compliance with the provisions of the building code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard; or will

## Building Code

otherwise create conditions dangerous to human life.

(4) A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the building code for new buildings. A building, plus new additions, shall not exceed the height, number of stories and area specified by the building code for new buildings.

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

(b) Alterations of existing structural elements or additions of new structural elements, which are not required hereby and which are initiated for the purpose of increasing the lateral force resisting structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. The lateral loading to required existing structural elements is not increased beyond their capacity;
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations;
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations; and
5. An unsafe condition as defined above is not created. Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations. Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the Building Official, and provided the additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

(C) Building service equipment lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by the building service equipment.

## Millersburg - Land Usage

(D) Buildings in existence at the time of the adoption of the building code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the building code, and provided continued use is not dangerous to life, health and safety. A change in the use or occupancy of any existing building or structure shall comply with the provisions hereof.

(E) Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the Building Official may cause a structure to be reinspected.

(F) Buildings, structures and building service equipment moved into or within the city shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment.

(G) Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around an injunction with construction work may be erected by special permit from the Building Official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the building code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

(H) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the Building Official, provided:

- (1) The building or structure has been designated by official action of the legally constituted authority of the city as having special historical or architectural significance;
- (2) Unsafe conditions as described in this code are corrected; and
- (3) The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

### ' 150.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADDITION.** An extension or increase in floor area or height of a building or structure.

## Building Code

**ALTER or ALTERATION.** A change or modification in construction or building service equipment.

**APPROVED.** As to materials, types of construction, equipment and systems, refers to approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

**APPROVED AGENCY.** An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the Building Official.

**BUILDING.** A structure used or intended for supporting or sheltering a use or occupancy.

**BUILDING, EXISTING.** A building erected prior to the adoption of this code or one for which a legal building permit has been issued.

**BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code or a regularly authorized deputy.

**BUILDING SERVICE EQUIPMENT.** The plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

**DANGEROUS BUILDINGS CODE.** The Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials.

**ELECTRICAL CODE.** The Electrical Code adopted under state law, including O.R.S. Chapter 479.

**LISTED and LISTING.** Equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

**OCCUPANCY.** The purpose for which a building or part is used or intended to be used.

**OWNER.** Any person, agent, firm or corporation having a legal or equitable interest in the property.

**PERMIT.** An official document or certificate issued by the Building Official authorizing performance of a specified activity.

## Millersburg - Land Usage

**PERSON.** A natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**REPAIR.** The reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

**SHALL.** The act referred to is mandatory.

**STRUCTURAL OBSERVATION.** The visual observation of the structural system, including but not limited to the elements and connections at significant construction stages, and the completed structure for general conformance to the approved plans and specifications.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**TECHNICAL CODES.** Those codes adopted by the state under containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment; including but not limited to those codes adopted under O.R.S. Chapters 446, 447, 455, 479, and 693.

**VALUATION or VALUE.** The estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

### ' 150.06 ALTERNATE MATERIALS AND METHODS.

(A) The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the Building Official.

(B) The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

(C) The Building Official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the city.



## **Building Code**

### **' 150.07 MODIFICATIONS.**

(A) Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the Building Official may grant modifications for individual cases.

(B) The Building Official shall first find that a special individual reason makes the strict letter of the technical code impractical and the modification is in conformity with the intent and purpose of the technical code, and that the modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the city.

### **' 150.08 TESTS.**

(A) Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the Building Official may require tests as evidence of compliance to be made at no expense to the city.

(B) Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall determine test procedures.

(C) Tests shall be made by an approved agency. Reports of the test shall be retained by the Building Official for the period required for the retention of public records.

## ***PERMITS AND INSPECTIONS***

### **' 150.20 PERMITS REQUIRED.**

(A) Except as specified in division (B) below, no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

(B) A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of the city or state.

**Millersburg - Land Usage**

(C) (1) A building permit shall not be required for the following:

(a) Onestory detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet;

(b) Fences not over six feet high;

(c) Oil derricks;

(d) Movable cases, counters and partitions not over five feet nine inches high;

(e) Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids;

(f) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one;

(g) Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below;

(h) Painting, papering and similar finish work; or

(i) Temporary motion picture, television and theater stage sets and scenery.

(2) Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits may be required for the above exempted items.

(D) A plumbing permit shall not be required for the following:

(1) The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code; or

(2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided the repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(E) An electrical permit shall not be required for the following:

(1) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the electrical code;

## Building Code

(2) Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location;

(3) Temporary decorative lighting;

(4) Repair or replacement of current-carrying parts of any switch, contractor or control device;

(5) Reinstallation of attachment plug receptacles, but not the outlets therefor;

(6) Repair or replacement of any other current device of the required capacity in the same location;

(7) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;

(8) Taping joints;

(9) Removal of electrical wiring;

(10) Temporary wiring for experimental purposes in suitable experimental laboratories; or

(11) A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment, or the generation, transmission, distribution or metering of electrical energy, or in the operation of signals, or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

(F) A mechanical permit shall not be required for the following:

(1) A portable heating appliance;

(2) Portable ventilating equipment;

(3) A portable cooling unit;

(4) A portable evaporative cooler;

(5) A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the mechanical code;

(6) Replacement of a component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes; and

## Millersburg - Land Usage

(7) Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirement of the technical codes.

### ' 150.21 APPLICATION.

(A) To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every application shall:

(1) Set forth the name and address of the owner of the building or structure to be constructed or altered under the permit;

(2) Set forth the name and address of the builder or contractor, if known, who will perform the construction or alteration;

(3) Identify and describe the work to be covered by the permit for which application is made;

(4) Describe the land on which the proposed work is to be done by legal description or tax lot number and street address or similar description that will readily identify and definitely locate the proposed building or work;

(5) Indicate the use or occupancy for which the proposed work is intended;

(6) Be accompanied by plans, diagrams, computations and specifications and other data as required in division (B) below;

(7) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;

(8) Be signed by the applicant or the applicant's authorized agent; and

(9) Give other data and information as may be required by the Building Official.

(B) (1) Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When the plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting the plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer.

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

## Building Code

(C) Plans and specifications shall bear the stamp or mark of approval of the State Director of the Department of Consumer and Business Services and any other applicable state agencies, as required under O.R.S. 455.685.

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

(E) (1) *Architect or engineer of record.*

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

(b) The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

(2) *Deferred submittals.*

(a) For the purposes of this section, deferred submittals are those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.

(b) Deferral of any submittal items shall have prior approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official. Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been approved by the Building Official.

(F) (1) When special inspection is required by ' 150.24, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work. When structural observation is required by ' 150.26, the

## Millersburg - Land Usage

inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

(2) The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

### ' 150.22 ISSUANCE.

(A) (1) The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. The plans may be reviewed by other departments of the city to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the technical codes and other pertinent laws and ordinances, and that the fees specified in ' 150.23 have been paid, the Building Official shall issue a permit therefor to the applicant.

(2) When a permit is issued when plans are required, the Building Official shall endorse in writing or stamp the plans and specifications Approved. The approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this code shall be done in accordance with the approved plans.

(3) The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes.

(4) The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

(B) 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. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(C) (1) The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the technical codes, or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this chapter or of other ordinances of the city shall not be valid.

(2) 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

## Building Code

these codes or of any other ordinances of the city.

(D) (1) Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void if the building or work authorized by the permit is not commenced within 180 days from the date of the permit or if the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before the work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount retired for a new permit for the work; provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the 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.

(2) A 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.

(3) The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

(E) The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

### ' 150.23 FEES.

(A) Fees shall be assessed in accordance with the provisions of this section.

(B) (1) The fee for each permit shall be set by separate resolution adopted by the City Council. The determination of value or valuation under any of the provisions of these codes shall be made by the Building Official.

(2) The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, airconditioning, elevators, fireextinguishing systems and other permanent equipment.

(C) (1) When submittal documents are required by ' 150.21(B), a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

(2) The plan review fees specified in this section are separate fees from the permit fees specified in division (B) above and are in addition to the permit fees. When submittal documents are

## Millersburg - Land Usage

incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in ' 150.21(E), an additional plan review fee shall be charged at the rate established by separate resolution of the City Council.

(D) Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other dates 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 written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(E) (1) Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work.

(2) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set by separate resolution of the City Council. The payment of the investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

(F) (1) The Building Official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

(2) The Building Official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

(3) The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

### ' 150.24 INSPECTIONS.

(A) (1) Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official.



## Building Code

(2) In addition, certain types of construction may have continuous or special inspections, as may be required under applicable state laws and technical codes.

(3) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other ordinances of the city. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the city shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes.

(4) Neither the Building Official nor the city shall be liable for expenses entailed in the removal or replacement of any material required to allow inspection.

(5) A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

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

(C) (1) It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before the inspection is desired. The request may be in writing or by telephone at the option of the Building Official.

(2) It shall be the duty of the person requesting any inspections required either by this code or the technical codes to provide access to and means for inspection of the work.

(D) (1) Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that the portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code.

(2) Any portions which do not comply shall be corrected and the portions shall not be covered or concealed until authorized by the Building Official. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(E) (1) Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

**Millersburg - Land Usage**

(2) The Building Official, upon notification, shall make the following inspections:

(a) A foundation inspection to be made after excavations for footings are complete and required reinforcing steel is in place;

(b) A concrete slab or underfloor inspection to be made after inslab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor;

(c) To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing and heating wires, pipes and ducts are approved;

(d) Lath and/or wallboard inspection to be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished; and

(e) A final inspection to be made after finish grading and the building is completed and ready for occupancy.

(F) (1) *Equipment inspections.*

(a) Building service equipment for which a permit is required by this chapter shall be inspected by the Building Official.

(b) Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

(2) *Operation of building service equipment.* The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of the building service equipment has been filed with the Building Official not more than 48 hours after the replacement work is completed, and before any portion of the building service equipment is concealed by permanent portions of the building.

(G) In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this chapter or technical codes and other laws which are enforced by the city.

(H) (1) A reinspection fee may be assessed for each inspection or reinspection when the portion

## **Building Code**

of work for which inspection is called is not complete or when corrections called for are not made.

(2) This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for the inspection or reinspection.

(3) Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official.

(4) To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee as set forth in the fee schedule adopted by resolution of the City Council. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

### **' 150.25 CONNECTION TO UTILITIES.**

(A) Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this code, until approved by the Building Official.

(B) The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment or for use under a temporary certificate of occupancy.

### **' 150.26 CERTIFICATE OF OCCUPANCY.**

(A) (1) Buildings or structures shall not be used or occupied, nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

(2) Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the city shall not be valid.

(B) Changes in the character or use of a building shall not be made, except as specified in the building code.

(C) After the Building Official inspects the buildings or structure and finds no violations of the provision of this code or other laws which are enforced by the city, the Building Official shall issue a certificate of occupancy which shall contain the following:

## Millersburg - Land Usage

- (1) The building permit number;
- (2) The address of the building;
- (3) The name and address of the owner;
- (4) A description of that portion of the building for which the certificate is issued;

(5) A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified; and

- (6) The name of the Building Official.

(D) If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

(E) The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed, except by the Building Official.

(F) The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code.

### *ADMINISTRATION AND ENFORCEMENT*

#### **' 150.40 AUTHORITY.**

There is hereby established in the city a code enforcement agency which shall be under the administrative and operational control of the Building Official. Whenever the terms or titles Administrative authority, A responsible official, A building official, A chief inspector, A code enforcement officer or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the Building Official designated by the appointing authority of the city.

#### **' 150.41 BUILDING OFFICIAL; POWERS AND DUTIES.**

## Building Code

(A) The Building Official is hereby authorized and directed to enforce all the provisions of this chapter and the referenced state technical codes. For such purposes, the Building Official shall have the powers of a law enforcement officer.

(B) In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint that number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize the inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

(C) (1) When necessary to make an inspection to enforce any of the provisions of this chapter and the technical codes, or when the Building Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter at all reasonable times to inspect or to perform the duties imposed by this code; provided, if the building or premises be occupied, that credentials be presented to the occupant and entry requested.

(2) If the building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

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

(E) (1) When a building or structure or building service equipment therein regulated by this code and the technical codes is being used contrary to the provisions of the codes, the Building Official may order the use discontinued by written notice served on any person causing the use to be continued.

(2) The person shall discontinue the use within the time prescribed by the Building Official after receipt of the notice to make the structure, or portion thereof, comply with the requirements of the codes.

(F) (1) The Building Official or the Building Official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property.

(2) The Building Official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to

## Millersburg - Land Usage

taking the action, and shall notify the serving utility, owner and occupant of the building, structure or building service equipment, in writing, of the disconnection immediately thereafter.

(G) (1) When the Building Official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property or has become unsanitary, the Building Official shall order in writing that the notice itself shall fix a time limit for compliance with the order. Defective building service equipment shall not be maintained after receiving the notice.

(2) When the equipment or installation is to be disconnected, a written notice of the disconnection and causes therefor shall be given within 24 hours to the serving utility, the owner and occupant of the building, structure or premises.

(3) When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

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

(I) This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming the liability by reason of the inspections authorized by this chapter or permits or certificates issued under this chapter.

(J) The Building Official may request, and shall receive, the assistance and cooperation of other officials of the city so far as is required in the discharge of the duties required by this chapter or other pertinent laws or ordinances.

### ' 150.42 UNSAFE BUILDINGS, STRUCTURES AND EQUIPMENT.

(A) Buildings or structures regulated by this code and the technical codes, which are structurally inadequate or have inadequate egress, which constitute a fire hazard or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

(B) (1) Building service equipment regulated by the codes, which constitutes a fire, electrical or health hazard, or an unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe.

(2) Use of buildings, structures or building service equipment constituting a hazard to safety,

## **Building Code**

health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

(3) Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the building code are hereby designated as unsafe building appendages.

(C) (1) Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the dangerous buildings code or alternate procedure as may be adopted by the city.

(2) As an alternative, the Building Official or other employee or official of the city as designated by the City Council may institute other appropriate action to prevent, restrain, correct or abate the violation.

### **' 150.43 BOARD OF APPEALS.**

(A) In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of the technical code, there shall be and is hereby created a board of appeals consisting of the members of the City Council.

(B) The Board of Appeals shall have no authority to waive requirements of either this code or the technical codes.

### **' 150.44 VIOLATIONS.**

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

Penalty, see ' 10.99

**Millersburg - Land Usage**



## **CHAPTER 151: LAND DEVELOPMENT**

### Section

151.01 Land Use Development Code adopted

#### **' 151.01 LAND USE DEVELOPMENT CODE ADOPTED.**

The Land Use Development Code is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.

(Ord. 100, passed 11-14-2006; Ord. 102, passed 8-10-2010; Ord. 105, passed 4-10-2012)

**Millersburg - Land Usage**

## **CHAPTER 152: COMPREHENSIVE PLAN**

### Section

152.01 Comprehensive Plan adopted

#### **' 152.01 COMPREHENSIVE PLAN ADOPTED.**

The Comprehensive Plan is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.

(Ord. 35, passed 6-9-1981; Ord. 42, passed 7-12-1983; Ord. 71, passed 6-11-1991; Ord. 73, passed 9-10-1991)

**Millersburg - Land Usage**