

ORDINANCE NO. 3316

**TITLE:** An Ordinance to amend Ordinance No. 3264 being an Ordinance adopting for the City of Albany, Linn County, Oregon, the 1964 Edition of the Uniform Building Code as published by the International Conference of Building Officials, repealing Ordinance No. 3058, and declaring an emergency.

**RECITALS:** WHEREAS, applications for building permits are being made for dwellings that are to be constructed in an incompleated state and the issuance of an occupancy permit would indicate that the building is complete to the extent that it is ready to be occupied, and

WHEREAS, the issuance of an occupancy permit in such cases may result in substandard and blighted living conditions, and

WHEREAS, it is necessary to amend Ordinance No. 3264 in order to provide a minimum degree of completion prior to the issuance of occupancy permits in such cases, now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

**Section 1: AMENDMENT**

Section 3 of Ordinance No. 3264 shall be amended to read as follows:

"Section 3. That Section 504 (a) of the 1964 edition of the Uniform Building Code be amended to read as follows:

'Section 504 (a) **GENERAL.** Buildings shall adjoin or have access to a public space, yard, or street on not less than one side. Required yards shall be permanently maintained. Sidewalks shall be constructed in the public street or streets providing access to such buildings. Construction of the sidewalks shall be in conformance with city ordinances. For the purpose of this Section, the center line of an adjoining street or alley shall be considered an adjacent property line. Eaves over required windows shall be not less than thirty (30) inches from the side and rear property lines. For eaves, see Section 1710.

**EXCEPTION:** Buildings constructed for industrial use on a site adjacent to an industrial service street, as designated in the city's official arterial street plan, are not required to construct a sidewalk along such street unless the construction of such sidewalk is necessary to provide a continuous pedestrian way connecting existing walks. Dwellings constructed on a building site which has a frontage of two hundred (200) feet or more are not required to construct a sidewalk in the adjacent street right of way unless the construction of such sidewalk is necessary to provide a continuous pedestrian way connecting existing walks." '

**Section 2: AMENDMENT OF SECTION 306 UNIFORM BUILDING CODE**

That Ordinance No. 3264 be amended as to Section 306 of the Uniform Building Code.

Section 306 of the Uniform Building Code shall read as follows:

**A: Use or Occupancy.** No building or structure in Groups A to I inclusive, shall shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy thereof as provided herein.

**B: Change in Use.** Changes in the character or use of a building shall not be made except as specified in Section 502 of this Code.

**C: Certificate Issued.** After final inspection when it is found that the building or structure complies with the provisions of this Code, the building official shall issue a certificate of occupancy which shall contain the following:

1. The use and occupancy for which the certificate is issued;
2. A statement of the floor-load signs, as required by Section 2308, have been installed;

3. A statement that the room-capacity signs, as required by Section 3301 (i), have been installed;
4. A certification that the building or structure complies with the provisions of this Code.

D: Temporary Certificate. A temporary certificate of occupancy may be issued by the building inspector for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

1. An applicant for a temporary occupancy permit shall permit a plan which clearly indicates that the building is to be completed in accordance with the building code requirements;
2. An applicant for a temporary occupancy permit shall present a time schedule for completion of each phase of the building or structure and a final date upon which the building or structure shall be completed with a completion date to be made within a reasonable time. Failure to complete the building or structure within a reasonable time and within the schedule as submitted shall be grounds for revocation of a temporary occupancy permit.

E: Occupancy Permit for Uncompleted Building. A special "Uncompleted Building Occupant's Permit" may be issued for buildings that do not comply with Sections 504, 1410, 1411 of the Uniform Building Code.

F: Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and it shall not be removed except by the building inspector.

Section 3:

That Ordinance No. 3264 be amended as to Chapter 14 of Uniform Building Code to add to Sections 1410, 1411 and 1412 to read as follows:

Section 1410: Floors. All floors shall be finished in such a manner as to be resistant to stains and moisture. Garage and carport floors shall be paved in accordance with requirements of Chapter 26 of this code as it applies to floors.

Section 1411: Kitchen and Bathroom Cabinets. Counter tops subject to exposure to substantial moisture shall be covered with moisture resistant material. Cabinets shall be protected against damage by moisture.

Section 1412: Driveways. Paved driveways shall be constructed leading from public access way to the required off-street parking area. Specifications must be approved by the City Engineer.

Section 4: EMERGENCY CLAUSE

Whereas, the peace, health and safety of the people of the City of Albany require that this ordinance shall become immediately effective, therefore an emergency is hereby declared to exist and this ordinance shall be immediately effective upon its final passage by the Council and approval by the Mayor.

Passed by the Council: September 27, 1967

Approved by the Mayor: September 27, 1967

  
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 Mayor

Effective Date: September 27, 1967

ATTEST:

  
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 City Recorder