



ORDINANCE NO. 5934

AN ORDINANCE AMENDING ORDINANCE 5647, WHICH ADOPTED TITLE 18 OF THE ALBANY MUNICIPAL CODE, BY AMENDING TITLE 18 TO INCLUDE LOCALLY ADOPTED PERMIT REQUIREMENTS PURSUANT TO ORS 455.020(4);

WHEREAS, Title 18 of the Albany Municipal Code contains the administrative provision governing the local building inspection program delegated by the state; and

WHEREAS, the Oregon Building Code has been amended to remove essential code provisions to safeguard the citizens of Albany; and

WHEREAS, the Albany City Council has authority under ORS 455.020(4) to adopt local ordinances to retain regulatory authority over elements of the Oregon Building Code that have been removed and are essential to public safety.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The findings included in the staff memo are hereby adopted in support of this decision.

Section 2: The text of Title 18 of the Albany Municipal Code is hereby amended as shown in Exhibit A of this ordinance.

Passed by the Council: November 6, 2019

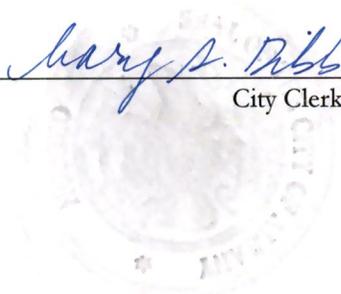
Approved by the Mayor: November 6, 2019

Effective Date: December 6, 2019

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



**18.04.040 Scope.**

This title shall apply to new and existing construction and premises, and construction-related activities including, but not limited to, installation of: electrical, plumbing, mechanical, energy, grading, disability access, alteration, moving, demolition, repair, maintenance, fire and life safety and work associated with any building, structure, premises, property, or license regulated by this title, mandated under any of the Oregon Construction Specialty Codes, rules or statutes, and/or regulated by various other codes of the City of Albany, including zoning or land use regulations. The City of Albany enforces the State Building Code as per ORS Chapter 455 and the rules adopted thereunder.

**Pursuant to ORS 455.020(4) and adopted by local ordinance, the scope of the State Building Code has been amended to include the following local requirements and shall be permitted and inspected pursuant to this title and the State Building Code.**

- 1. Chapter 32 of the Oregon Structural Specialty Code, titled: Encroachments into the Public Way**
- 2. Free standing, pole mounted, and other signs not attached to or supported by a regulated building**
- 3. Retaining walls that are over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall or any retaining wall supporting a surcharge**
- 4. Ground mounted flagpoles, antennae, and similar items that exceed 25 feet in height**
- 5. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building**
- 6. Tanks located exterior to and not attached to or supported by a building and having a capacity that exceeds 1,000 gallons (3785 L); having a ratio of height to diameter that exceeds 2 to 1; or containing a hazardous or flammable material.**

(Ord. XXXX § 1 (Exh. A), 2019).



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 10/31*  
Jeff Blaine, P.E., Public Works Engineering and Community Development Director *JB*

FROM: Matthew Ruetters, Development Services Manager, Community Development/Public Works Engineering *MR*  
Johnathan Balkema, Building Official Manager, Community Development *JB*

DATE: October 30, 2019, for the November 6, 2019, City Council Meeting

**SUBJECT:** Local Ordinance for Building Code Changes  
Relates to Strategic Plan theme | Relates to Effective Government

**Action Requested:**

Staff requests Council direction regarding retaining authority in the areas discussed below, and if appropriate, staff recommends adopting the attached ordinance.

**Discussion:**

The Community Development Department's Building Division enforces the Oregon Building Codes, as adopted by the Department of Consumer and Business Services: Building Codes Division (BCD) through ORS 455. With the recent adoption of the Oregon Structural Specialty Code (OSSC), BCD removed several activities from statewide regulation. Whether to regulate these activities is now a local decision, as authorized in ORS 455.020(4).

Staff reviewed activities removed from the statewide building code and have identified six areas that could affect the general safety of our community as it pertains to buildings and other structures. Staff recommends adopting the attached ordinance to retain the same oversight that exists today in these areas.

1. Encroachments into the public way: This section of code provides provisions related to building appendages, awnings, elevated walking paths, and similar encroachments into the public way and sets minimum clearances and safeguards. If the attached ordinance is not adopted, the Building Division will lose the ability to review and approve placement, clearances, and general safeguards for structural elements projecting into the public way, such as awnings that are common within our downtown. This oversight is in addition to, and different from, general approvals from the Public Works Department for an encroachment to occur.
2. Signs not attached to or supported by a regulated building: This section of code provides for review and inspection of pole mounted and monument signs for their structural adequacy. If the attached ordinance is not adopted, the Building Division will lose the ability to review and inspect these types of signs for structural adequacy. This oversight is in addition to, and different from, general sign standards as implemented through the Albany Development Code (ADC).
3. Retaining walls not directly affecting a regulated building or the occupants of a regulated building: This section of code provides for structural review and inspection of retaining walls that are 4-feet tall or taller and supporting a load, but are not directly affecting a regulated building or the occupants thereof. If the attached ordinance ~~is~~ not adopted, the Building Division will lose the ability to review and inspect the structural integrity of these retaining walls. This would include retaining walls located on private property and adjacent to public sidewalks or other portions of a public way.



4. Flagpoles not attached to or supported by a regulated building: Like pole mounted signs, the Building Division currently reviews and inspects flagpoles for commercial structures and flagpoles over 25 feet tall at residential properties to ensure they are installed in a foundation that prevents a failure and subsequent safety hazard. In order to preserve this oversight, staff recommends adopting the attached ordinance.
5. Freestanding cellular phone, radio, television and other telecommunication, and broadcast towers: The Building Division currently reviews and inspects these towers. These structures can be large, and a failure could have significant consequences. Staff recommend adopting the attached ordinance to retain oversight. Regardless of the action taken, placement, setbacks, and other zoning standards within the ADC will still apply.
6. Tanks that are located exterior to, and not attached to or supported by, a regulated building: The Building Division currently reviews and inspects these tanks for structural elements, hazardous materials, and separations (safety). The current process also facilitates reviews by other departments, such as Albany Fire, Environmental Services, and Planning. Staff recommends adopting the attached ordinance to retain current oversight and coordination procedures. If the attached ordinance is not adopted, the other departments will likely need to enhance their regulatory provisions to ensure that essential safeguards are being implemented.

In order to retain uninterrupted oversight in the identified areas, the attached ordinance must be effective on or before, January 1, 2020.

**Budget Impact:**

Retaining regulatory authority will have no budgetary impact.

JB:ss

Attachment