



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

## EAGLE POINT CITY COUNCIL

Council Chambers  
17 Buchanan Ave. South, Eagle Point, Oregon  
September 25, 2018

## REGULAR MEETING AGENDA

1. CALL TO ORDER – 6:00 P.M.
2. FLAG SALUTE AND INVOCATION
3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA
4. PRESENTATIONS
  - 4.1 Presentation regarding Eagle Point School District Bond Measure.
5. PUBLIC HEARINGS
6. CONSENT CALENDAR
  - 6.1 Presentation of Regular Meeting Minutes of September 11, 2018.
7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
8. PRESENTATION OF BILLS TO BE PAID
9. OLD BUSINESS
  - 9.1 Ordinance No. 2018-10. An Ordinance in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.
10. NEW BUSINESS
  - 10.1 Resolution No. 2018-46. A Resolution cancelling the October 9, 2018 regular meeting of the Eagle Point City Council and authorizing staff to pay the bills through October 22, 2018 or until the next City Council meeting.

**City Council Agenda**

September 25, 2018

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- 10.2 Resolution No. 2018-47. A Resolution authorizing a Cost-of-Living Adjustment to the City Administrator's Salary.
- 10.3 Discussion and first round of preliminary new logo designs for the City of Eagle Point.
- 10.4 Discussion regarding the Rogue Valley Stormwater Quality Design Manual.
  
- 11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES
- 12. STAFF REPORTS
  - 12.1 Planning Department.
  - 12.2 Financial Department.
  - 12.3 Public Works Department.
  - 12.4 Police Department.
- 13. INFORMATION
- 14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e), To conduct deliberations with persons designated by the governing body to negotiate real property transactions..
- 15. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(h), To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- 16. ADJOURN

*AGENDA AND COUNCIL PACKETS ALSO AVAILABLE ON WEBSITE*

*[www.cityofeaglepoint.org](http://www.cityofeaglepoint.org)*

*If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).*



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

EAGLE POINT CITY COUNCIL  
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

SEPTEMBER 11, 2018

REGULAR MEETING MINUTES

1. CALL TO ORDER – 6:00 P.M.

Mayor Russell called the meeting to order at 6:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Ruth Jenks, Bill Fierke, James Mannenbach, Kathy Sell, and Michael Stanek.

Staff Members Present: Henry Lawrence, City Administrator; Souvanny Miller, City Attorney; Dustin LaFord, Police Sergeant; Melissa Owens, Finance Director; and Mike Upston, Planning Director.

Guests: Suzi Collins, Planning Commissioner; Bernie Grossman, Planning Commissioner; Eric Gunn, Budget Committee Member; David Lacombe, Community Development Commissioner; Kevin Walruff, Planning Commissioner; Millie Wewerka, Budget Committee Member and Planning Commissioner; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance; and Jonathan Bilden offered the invocation. Following the invocation, Mayor Russell reminded everyone about quieting cell phones until after the meeting.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA

Stacy Fields of Eagle Point inquired about future sidewalks to Hillside Elementary from Laurel Street, and noted the Council's Goals regarding Safe Routes to School. Ms. Fields stated concern about walking in the street as there were not sidewalks and both sides of the road had cars parked on them. Mike Upston, Planning Director, reported on the intent of safe routes for everyone and long range plans. Mr. Upston suggested contacting Robert Miller, Public Works Director, or himself.

Evelyn Hornbuckle of Eagle Point stated a complaint about tall trees planted by the City, and discussed a reminder notice about the homeowner's responsibility of trimming trees. Henry Lawrence, City Administrator, reported staff would look into it and get back to her.

## City of Eagle Point Council Meeting Minutes

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There were no other audience questions or comments.

### 4. PRESENTATIONS

There were no presentations.

### 5. PUBLIC HEARINGS

#### 5.1 Public Hearing in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.

Mayor Russell announced the Public Hearing had been advertised and all legal notifications were made in compliance with state and local laws. Mayor Russell went on to explain that in addition to a presentation from staff, all persons interested in offering testimony would be allowed to speak at the appropriate time.

At 6:08 p.m., Mayor Russell opened the Public Hearing in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.

Henry Lawrence, City Administrator, reported he would be serving as the Recorder for the evening and further that Robert Rice, Building Official, was also out due to a family illness. Mr. Lawrence explained that the item was basically a complete re-write of Chapter 15.04, adopting the State Building Codes, and had been reviewed by the City Attorney. In addition, grading permits, non-habitable structures, phasing permits, fee refunds, alternative materials, health and safety requirements, electrical permit program, working without permits, corrections, stop-work orders, violations, administrative civil penalty, and appeals procedures were also addressed.

Mike Upston, Planning Director, discussed the benefits of the proposed Code as it addresses situations that are not currently addressed. Mr. Upston provided examples such as grading, single family homes with retaining walls, and other non-habitable structures.

Mr. Lawrence offered to have the item continued if the Council desired.

Next, Mayor Russell invited public testimony in favor of the proposal. Eric Gunn, Manager and resident of Idlewood Mobile Home Park recommended approval of this item and spoke about making sure permits are issued properly as well as the location of utility services and gas lines. Mr. Gunn spoke of the safety of the citizens, not so much as fees, and noted a gas line had been struck on a recent nearby project. There were no Council questions for the speaker.

Mayor Russell then invited testimony in opposition of the proposal; however, there was no public testimony.

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There being no additional discussion or public testimony, Mayor Russell closed the Public Hearing at 6:26 p.m.

Mayor Russell announced that the related Ordinance No. 2018-10 was scheduled later in the Agenda as Item No. 10.1. There was no objection to changing the order of business, and Mayor Russell asked to discuss and deliberate the proposed Ordinance No. 2018-10. Councilor Stanek inquired as to whether or not the Ordinance addressed new and existing construction for a retaining wall. Mr. Lawrence and Mr. Upston together explained there were lots of small situations that would not be included and it was thought that a retaining wall of four feet would not require a permit. An engineered wall to retain soil such as a hillside would require permitting.

Councilor Fierke inquired about whether or not a template had been used and Mr. Lawrence confirmed it had been. In addition, Councilor Fierke brought up the following questions, topics or concerns:

- Scrivener's errors as to the lettering sequence and title of City Manager.
- Building Official's authority to disconnect power services.
- Appeal fees.
- Grading provisions.

Council President Jenks recommended tidying up the area of grading provisions. Further, it was noted that Planning Fees will be addressed at the next meeting, and fees were not included in this Ordinance. There was discussion regarding each of the above and Mayor Russell suggested bringing the item back to the next Council meeting. There was no objection stated.

### 5.2 Public Hearing in the matter of updating Mobile Home Placement Fee.

Mayor Russell announced the Public Hearing had been advertised and all legal notifications were made in compliance with state and local laws. Mayor Russell went on to explain that in addition to a presentation from staff, all persons interested in offering testimony would be allowed to speak at the appropriate time.

At 6:38 p.m., Mayor Russell opened the Public Hearing in the matter of updating Mobile Home Placement Fee.

Henry Lawrence, City Administrator, reviewed the agenda statement, explaining that the City Council had held a public hearing on May 22, 2018, to provide for an update of building permit fees. During that meeting, there was considerable discussion regarding the permit and inspection fee for manufactured homes. Mr. Lawrence reported that since that meeting, the Building Official put together examples of costs in other localities as well as reporting it taking approximately four site visits for approval. Mr. Lawrence further noted that mobile homes are a rare occurrence and the fee would not make a large impact. In addition, the related Ordinance had a blank amount listed for the Council's consideration.

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Next, Mayor Russell invited public testimony in favor of the proposal. Eric Gunn of Idlewood Mobile Home Park spoke in favor of updating the fee amount, after eight years, but not doubling the amount. Mr. Gunn also reported on past and current inspections with the latter requiring two inspections. Further, Mr. Gunn noted that the infrastructure is already in place at the Park. There were no Council questions for the speaker.

Mayor Russell then invited testimony in opposition of the proposal; however, there was no public testimony in opposition.

There being no additional discussion or public testimony, Mayor Russell closed the Public Hearing at 6:50 p.m.

Mayor Russell announced that the related Ordinance No. 2018-11 was scheduled later in the Agenda as Item No. 10.2. There was no objection to changing the order of business, and Mayor Russell asked to discuss and deliberate the proposed Ordinance No. 2018-11. Councilor Sell asked about having a different fee for replacing an existing mobile home. Discussion ensued about placing mobile homes within the City limits, and temporary medical or construction use purposes allowed.

Mayor Russell asked for a motion to adopt Ordinance No. 2018-11. Councilor Stanek made a motion to reduce the fees by one-half, \$212; and Council President Jenks seconded the motion. Mayor Russell announced the motion and second to adopt Ordinance No. 2018-11, an Ordinance modifying Building Program Fees for Manufactured Dwelling Installations. There was no further discussion. Roll call: James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; and Bob Russell, yes. The motion passed unanimously.

### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of August 28, 2018.

Mayor Russell announced the Consent Calendar. There were no questions or comments. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Fierke seconded the motion. There was no discussion. Roll call: Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; and Bob Russell, yes. The motion passed unanimously.

### 8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid including the additional bills list. Council President Jenks inquired about the payment to White's Tree Service. Henry Lawrence, City Administrator, responded the tree was located at Rodale Drive and had fallen. Councilor Bilden moved to approve the Regular Bill List in the amount of \$67,120.84 and Additional Bills in the amount of \$118,570.19 (Submission No.

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1). Councilor Stanek seconded the motion. There was no discussion. Roll call: Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; and Bob Russell, yes. The motion passed unanimously.

### 9. OLD BUSINESS

There was no Old Business.

### 10. NEW BUSINESS

10.1 Ordinance No. 2018-10. An Ordinance repealing and replacing Eagle Point Municipal Code (EPMC) Chapter 15.04, Building Codes.

This item was discussed after the Public Hearing referenced as Item No. 5.1.

10.2 Ordinance No. 2018-11. An Ordinance modifying Building Program Fees for Manufactured Dwelling Installations.

This item was discussed after the Public Hearing referenced as Item No. 5.2.

10.3 Discussion regarding future date for Street Dance.

Henry Lawrence, City Administrator, discussed the recent and past cancellations of the Street Dance due to smoke. The months of June, July, August, and September were discussed as possible times to hold the dance. However, it was noted that various events such as high school graduation, the School District 9 fund raiser, 4<sup>th</sup> of July, and National Night Out compete for available dates. Hosting events to attract tourism was also discussed as well as kicking off the summer with the dance in June.

Eric Gunn of Eagle Point commented that it would be good to have another group or committee decide if and when such events should be held. Councilor Sell noted that previously, the past Economic Development Commission had held events every month and this is the last remaining event from that Commission.

A brief discussion followed wherein Mr. Lawrence identified Saturday, June 15<sup>th</sup> as the next date for the Street Dance. There was no further discussion.

### 11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported the School District 9 meeting was scheduled on the following day.

Councilor Bilden announced the Southern Oregon Regional Economic Development Inc. (SORED) Board Meeting had been held earlier in the day. SOREDI's fundraising events such as the Crown Dinner at the Eagle Point Golf Course were reported as well as economic development efforts to get more of a regional group working together.

Council President Jenks reported on the Rogue Valley Area Commission on Transportation (RVACT) meeting held earlier in the day at Grants Pass. Discussion focused on Safe

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Routes to School with 140 applications, including Eagle Point, competing for grant funding. Additionally, there was discussion regarding identification of vulnerabilities of future cataclysmic events impacting Interstate 5 and Highway 140. Council President Jenks clarified that approximately \$33M is set aside for this ODOT Region to reinforce bridges and address potential landslide areas.

Councilor Stanek commented on the very nice water park but noted nearby properties were in need of clean up.

Councilor Sell reported that after 38 years, the Valley Feed Store would be closing.

Mayor Russell commended the Scouts for their work near the covered bridge. Next, Mayor Russell encouraged everyone to attend Eagle Point football game, Chamber of Commerce fundraising dinner, Mayors United fundraising event, and golf event benefitting the Butte Creek Mill Foundation.

### 12. STAFF REPORTS

Mike Upston, Planning Director, reported there being a lot of development approvals and an increase of communications related to development. Sienna Hills Phase VII is scheduled to be presented to the Council on October 23. Additionally, Mr. Upston reported on upcoming meetings related to planning, and internal policy work.

Melissa Owens, Finance Director, referred to the Friday Letter and reported on a lot of work going into audit preparation, and Information Technology. Ms. Owens further reported on the reassignment of duties amongst front office staff members to allow for assistance with software changes and cross-training for all staff to be more knowledgeable. A temporary reassignment of seating for two staff members is also being made that will last for about one month.

Police Sergeant LaFord reported that Officer Slagle is transitioning well into the position of School Resource Officer, and Officer Evertt is doing well at the Academy and scheduled to graduate in November.

City Attorney Souvanny Miller reported on preparations to present ongoing litigation at the next City Council meeting during the Executive Session.

### 13. INFORMATION

There were no information items.

At 7:18 p.m., Mayor Russell recessed the meeting.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.



**City of Eagle Point Council Meeting Minutes**

September 11, 2018

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At 7:22 p.m., Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(i) and closed the Executive Session at 7:50 p.m.

15. ADJOURN

At 7:52 p.m., Mayor Russell closed the meeting.

Respectfully submitted,

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Cindy Hughes, City Recorder

ATTEST:

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Robert E. Russell, Mayor

Cindy Hyatt 9-21-18

BILL LIST  
9/25/2018

CHECK #	VENDOR	DESCRIPTION	AMOUNT
40695	101 THINGS TO DO	ADVERTISING	\$ 2,959.00
40696	ALADDIN LOCK & SAFE	SUPPLIES	\$ 21.00
40697	BUDGE-MCHUGH SUPPLY SO	WATER SYSTEM REPAIR	\$ 1,298.07
40698	BUREAU OF LABOR & INDUSTRIES	2018 PAVING	\$ 250.00
40699	BURNS AUTO WORKS, INC	VEHICLE MAINT/REPAIR	\$ 100.00
40700	CENTURY WEST ENGINEERING CORP	LINN ROAD	\$ 5,156.26
40701	COASTAL	SUPPLIES	\$ 206.88
40702	CONSTRUCTION ENGINEERING CONSTRUCTION	LITTLE BUTTE PARK	\$ 1,825.00
40684	DCBS-FISCAL SERVICES	4/18-6/18 BUILDING SURCHARGE	\$ 4,560.19
40703	DEVON LINEBAUGH	TRAVEL	\$ 17.06
40704	HAYS OIL COMPANY	FUEL	\$ 992.16
40705	HORNECKER COWLING LLP	CITY ATTORNEY	\$ 2,710.50
40706	HUNTER COMMUNICATIONS	UTILITIES	\$ 2,261.54
40707	INDUSTRIAL SOURCE	EQUIPMENT MAINT/REPAIR	\$ 39.00
40708	INTERSTATE BATTERIES	BATTERIES	\$ 126.90
40709	JACKSON COUNTY ROADS	2018 CHIP SEAL	\$ 28,943.93
40710	KATHY SELL	SHOWA TRAVEL	\$ 1,340.61
40711	LIL PANTRY	VEHICLE MAINT/REPAIR	\$ 108.00
40712	MICHAEL STANEK	SHOWA TRAVEL	\$ 1,591.70
40713	MT SHASTA SPRING WATER	SUPPLIES	\$ 60.15
40714	NEILSON RESEARCH CORP	WATER TESTING	\$ 280.00
40715	NEOFUND BY NEOPOST	POSTAGE	\$ 2,000.00
40716	NEOPOST	EQUIPMENT MAINT/REPAIR	\$ 318.46
40717	NETWORK SERVICES COMPANY	SUPPLIES/JANITORIAL SUPPLIES	\$ 177.90
40718	OFFICE DEPOT	SUPPLIES	\$ 105.53
40719	OREGON CALIFORNIA SUPPLY	SUPPLIES, EQUIPMENT MAINT/REPAIR	\$ 101.50
40720	OWEN EQUIPMENT COMPANY	VEHICLE MAINT/REPAIR	\$ 525.43
40721	PACIFIC PAVING, INC	ASPHALT PATCHING	\$ 9,927.00
40722	PERSONNEL SOURCE, INC	TEMP SERVICES-HARNISH, MUSEUM - 1 WEEK	\$ 837.97
40723	RHETT GILLESPIE	TRAVEL/TRAINING	\$ 162.25
40724	ROBERT RUSSELL	SHOWA TRAVEL	\$ 1,340.61
40725	RUTH JENKS	SHOWA TRAVEL	\$ 1,516.80
40726	U S BANK	SAFETY EQUIP,SUPPLIES,VEHICLE & EQUIP MAINT	\$ 4,757.94
		TRAVEL/TRAINING	
40727	VERIZON WIRELESS	UTILITIES	\$ 320.12
		SUBTOTAL	\$ 76,939.46
<b>REFUNDS</b>			
40685	BERNIER, JULIE		\$ 19.82
40686	BOALS, DAVID		\$ 40.82
40687	COCHRAN, TAMARA		\$ 4.50
40688	CRANFORD, ADAM		\$ 26.49
40689	DIXON, ADAM		\$ 31.20
40690	EVANS, MITCHELL		\$ 89.75
40691	GAVIN, EMLYNNE		\$ 16.63
40692	GWILLIAM, NADINE		\$ 32.84
40693	MUSBACH, STEPHANIE		\$ 56.06
40694	TREMAIN, ADRIENNE		\$ 78.94
		SUBTOTAL	\$ 397.05
		<b>TOTAL</b>	<b>\$ 77,336.51</b>

**BUSINESS OF THE CITY COUNCIL  
EAGLE POINT, OREGON**

**AGENDA STATEMENT**

**Item Number:** 9.1

**Meeting Date:** September 25, 2018

**ITEM NO. 9.1:** Ordinance No. 2018-10. An Ordinance in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.

**SUBMITTED BY:** Henry Lawrence, City Administrator

**SUMMARY EXPLANATION:** A Public Hearing in the matter of updating Eagle Point Municipal Code 15.04 Building Codes was held at the September 11 City Council meeting. Following the close of the Public Hearing, the City Council entered into deliberations on the related Ordinance and continued the item until this meeting.

As presented at the last meeting, the City of Eagle Point administers and enforces a Building Code Inspection Program under the delegated authority of the State of Oregon, Building Code Division, pursuant to a memorandum of agreement dated December 30, 2016. The City is required to follow the state building code. The City last adopted building code regulations by ordinance in 1999, with a limited amendment in 2008 and 2010, as codified in EPMC Chapter 15.04 (attached). The current Chapter 15.04 is outdated and needs extensive revisions.

Building Official Robert Rice, and Northwest Code Pros, worked with city staff to provide a proposed rewrite of Chapter 15.04. The document is attached as Exhibit "A" to the proposed new Ordinance. The new EPMC 15.04.040 (B), also adopts "Appendix J, Grading", by reference, concerning excavation and grading permits that are not addressed under the authority of the building code but may be adopted by local municipalities. Appendix J is attached as Exhibit "B" to the adopting Ordinance.

At the September 11 meeting the Council inquired about Appendix J, Grading, as to the applicability and limitation of the section and what would trigger the need for a homeowner or landowner to get a grading permit. The grading permit would primarily be required for excavation and grading done apart from a building permit. Appendix J, Section J103.2, has a list of activities that are exempt from a grading/excavation permit. For the most part this is site specific and depends on whether the activity is isolated in a self-contained area, is not a danger to the public, and will not adversely impact adjoining properties. **In addition to the exemptions already listed in Section J103.2, staff has inserted a change to Section 15.04.035, creating a minimum threshold exempting projects from the requirement of a grading permit provided that the grading is less than 50 cubic yards of soil and not adjacent to a protected critical area such as a creek or wetland.** This should accommodate the needs of homeowners and landowners from having to obtain a grading permit for small landscaping projects. Note

**Agenda Item No. 9.1**

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however that exemption from a grading permit still does not authorize a landowner to redirect natural storm water drainage flow to the detriment of adjoining downstream neighbors.


Council had further questions concerning 15.04.060 (H), as to what constitutes an “emergency” that will authorize the building official to disconnect a utility from a property. Generally, the intent is that there would be an immediate threat or hazard to life or property. Building Official Robert Rice reports that he has never had to use this provision during his career. He will be at the September 25 meeting to answer any questions.

In summary, the new proposed EPMC 15.04 is much lengthier than the current code version and adopts by reference updated editions of the applicable building and specialty codes. It establishes new authority in at least three major areas:

- 1) Authorizes creation of an Excavation and Grading Permit (15.04.035 (A)(2), Appendix J) in cases where a building permit is not part of the project **and the soil being moved is 50 cubic yards or greater and not adjacent to a creek or wetland**, along with the authority to collect fees for grading inspections by the Building Official or City Engineer.
- 2) Authorizes creation of a construction permit for retaining walls and other non-habitable structures (15.04.060) that may not be governed by the state building code, including the authority to collect fees for inspections.
- 3) Strengthens Building Official authority regarding code violations (15.04.070, 15.04.075, 15.04.080)

The new code also outlines a due process appeals procedure (15.04.085) for applicants to appeal decisions of the Building Official.

**FINANCIAL IMPACT:** None.

APPROVED FOR SUBMITTAL:  \_\_\_\_\_  
**Henry Lawrence, City Administrator**

**STAFF RECOMMENDATION:** Adopt Ordinance No. 2018-10, an Ordinance repealing and replacing Eagle Point Municipal Code (EPMC) Chapter 15.04, Building Codes.

**ATTACHMENTS:** EPMC 15.04 (current adopted version being repealed)  
Ordinance No. 2018-10 with Exhibit “A” - proposed new Chapter 15.04, and Exhibit “B” - Appendix J, Grading.

**Chapter 15.04  
BUILDING CODES**

## Sections:

- 15.04.010 One and two family dwelling code adopted.  
15.04.020 Structural specialty code adopted.  
15.04.030 Mechanical specialty code adopted.  
15.04.040 Manufactured dwelling standards adopted.  
15.04.050 Fire code adopted.  
15.04.060 Electrical specialty code and residential specialty code adopted.

**15.04.010 One and two family dwelling code adopted.**

The city adopts by reference the State of Oregon "One and Two Family Dwelling Code" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 1, 1999].

**15.04.020 Structural specialty code adopted.**

The city adopts by reference the "State of Oregon Structural Specialty Code" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 2, 1999].

**15.04.030 Mechanical specialty code adopted.**

The city adopts by reference the State of Oregon "Mechanical Specialty Code" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 3, 1999].

**15.04.040 Manufactured dwelling standards adopted.**

The city adopts by reference the State of Oregon "Manufactured Dwelling Standards" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 4, 1999].

**15.04.050 Fire code adopted.**

The city council of the city of Eagle Point hereby adopts the 2007 Oregon Fire Code. [Res. 2008-23].

**15.04.060 Electrical specialty code and residential specialty code adopted.**

A. The city of Eagle Point hereby authorizes the administration of the State of Oregon Electrical Specialty Code to be effective as of July 1, 2010.

B. The city of Eagle Point hereby adopts the 2008 Editions of the Oregon Electrical Specialty Code and Oregon Residential Specialty Code and further adopts by reference future editions of both codes as enabled and adopted by the state of Oregon.

C. The city of Eagle Point hereby adopts the administrative provisions for the purpose of administering the electrical specialty code as follows:

1. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations,

policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or statewide code interpretations.

2. The building official shall receive applications, review construction documents and issue permits based upon the requirements of the electrical specialty code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

3. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

4. The building official shall have the authority to authorize disconnection of the energy supply to a building, structure, premises or equipment in case of emergency when necessary to eliminate an immediate hazard to life or property. A notice shall be attached to the energy supply or appliance stating the reason for the disconnection. Such notices shall not be removed nor shall the system or appliance be reconnected until authorized by the building official. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

#### D. Work Exempt from Electrical Permits.

1. Repair and Maintenance. A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

E. The building official is hereby authorized to serve a notice of violation or order on persons who start work without permits, fail to call for inspections, fail to make corrections, or otherwise violate the electrical requirements. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Any person who fails to comply with such notice or order shall be subject to penalties as prescribed by law. [Ord. 2010-04].

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**The Eagle Point Municipal Code is current through Ordinance 2018-06, passed June 12, 2018, and Resolution 2018-37, passed June 26, 2018.**

Disclaimer: The City Recorder's Office has the official version of the Eagle Point Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

**ORDINANCE NO. 2018-10**

**AN ORDINANCE REPEALING AND REPLACING EAGLE POINT MUNICIPAL CODE (EPMC) CHAPTER 15.04, BUILDING CODES.**

**WHEREAS**, the City of Eagle Point administers and enforces a Building Code Inspection Program under the delegated authority of the State of Oregon, Building Code Division, pursuant to a memorandum of agreement dated December 30, 2016; and

**WHEREAS**, local adoption of state building codes were adopted by Ordinance in 1999, with a limited amendment in 2008 and 2010, codified as EPMC 15.04; and

**WHEREAS**, the current EPMC 15.04 is outdated and in need of extensive amendment.

Now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE POINT, OREGON, THAT:**

EPMC 15.04 is hereby repealed and replaced with a new Chapter 15.04, attached and incorporated herein as Exhibits "A" and "B".

ADOPTED by the City Council and signed in authentication of its adoption this 25th day of September, 2018.

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Robert E. Russell, Mayor

ATTEST:

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Cindy Hughes, City Recorder

**Chapter 15.04**  
**BUILDING CODES**

Sections:

**15.04.010 Title**

**15.04.020 Definitions**

**15.04.030 Building Inspection Program Assumption**

**15.04.035 State Codes Adopted**

**15.04.040 Administration**

**15.04.045 Powers and Duties of the Building Official**

**15.04.050 Building Permits**

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

**15.04.060 Regulation of Buildings and Structures not in the Authority of the Building Inspection Program**

**15.04.065 Electrical Program Administration**

**15.04.070 Work without Permits, Investigations, Right of Entry, Corrections and Stop Work Orders**

**15.04.075 Violation—Penalty—Remedies**

**15.04.080 Building Official—Authority to Impose Administrative Civil Penalty**

**15.04.085 Appeal Procedures**

**15.04.090 Severability**

**15.04.010 Title**

This chapter shall be known as the Building Code ordinance and may also be referred to as “this chapter,” or the “building code.”

**15.04.020 Definitions**

For the purposes of this chapter, the following terms shall be defined as follows:

A. “**Building Official**” means the designee appointed by the City who is responsible for building inspections and enforcement of the building code.



**B. State Building Code (Building Code)** 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. Including, but not limited to, the following State of Oregon codes administered and enforced by the City: Oregon Structural Specialty Code, Oregon Reach Code, Oregon Residential Specialty Code, Oregon Mechanical Specialty Code, Oregon Plumbing Specialty Code, Oregon Electrical Specialty Code, Oregon Energy Efficiency Specialty Code and the Oregon Manufactured Home Installation Specialty Code.

**C. “Permittee”** means the person holding any permit authorized by this Chapter, or that person’s authorized representative.

**D. “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.

**E. “Building Inspection Program”** means the administration and enforcement of the Building Code, pursuant to ORS 455.150, for all buildings, structures, equipment and appliances described in the scope of the building codes and in accordance with the authority defined in ORS 455.020 and as further described in Statewide Statutory Interpretation 14-03.

**F. “Specialty code(s)”** means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

**G. “Statewide Statutory Interpretation”** means a Statewide Code Interpretation issued by the State of Oregon, Building Codes Division, interpreting a specific provision of the state building or specialty codes. Statewide Code Interpretations are published on the Building Codes Division web site at the following link: <https://www.oregon.gov/bcd/codes-stand/Pages/code-interps.aspx>

#### **15.04.030 Building Inspection Program Assumption**

Assumption of Building Inspection Program; Scope.

A. Pursuant to ORS 455.150, the City of Eagle Point hereby implements and assumes a Building Inspection Program for the City of Eagle Point, which shall be comprised of the administration and enforcement of the State Building Code.

B. The Building Inspection Program shall be administered and enforced according to the procedures set forth in the State Building Code for all buildings, structures, equipment, fixtures and appliances described in the scope of the building codes and in accordance with the authority defined in ORS 455.020 and as further clarified in Statewide Statutory Interpretation 14-03 that describes the stated purpose of the state building code, as provided in ORS 455.020, which is to establish uniform performance standards providing reasonable safeguards for health, safety,

welfare, comfort and security of the residents of this state who are occupants and users of buildings.

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.

D. Administration and enforcement for buildings and structures outside of the scope of the Building Inspection Program described in section (A) and (B) are regulated by the City of Eagle Point in accordance with section 15.04.060.

### **15.04.035 State Codes Adopted**

A. Except as otherwise provided in this chapter, the following codes, standards and rules are adopted and shall be in force and effect as part of this municipal code. The provisions of these codes, in addition to their individual scoping provisions found therein, shall also apply to demolition of structures, structures described in section 15.04.060, and equipment and systems regulated by such codes.

1. **The Oregon Specialty Codes** adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545.

2. **Appendix Chapter J** of the most currently published International Building Code as adopted the State of Oregon Building Codes Division, as published by the International Code Council, regarding excavation, including the recognized standards for Appendix Chapter J listed in Chapter 35 of the International Building Code; Excavation and Grading Permits. In addition to the exemptions already listed in Section J103.2 of Appendix Chapter J, grading **less than 50 cubic yards of soil and not adjacent to a protected critical area such as a creek or wetland is exempt** from the requirements of obtaining a grading and excavation permit.

3. **AN109.4.2 through AN109.4.3** of the State of Oregon Structural Specialty Code for alternate fire sprinkler 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.

B. At least one copy of each of these specialty codes shall be kept by the building official and the public may view digital versions of the most current codes on the Oregon Building Codes Division Web site. City copies shall be available for inspection upon request at City Hall.

### **15.04.040 Administration**

A. The City provides a program of building code administration, including plan review, permit issuance and inspection for structural, electrical, mechanical, and plumbing work. The program is administered by the building official. The program operates pursuant to the state specialty codes listed in Section 15.04.020(B), 15.04.035 and the remainder of this chapter.