

ORDINANCE NS-2483

**AN ORDINANCE AMENDING BEND MUNICIPAL CODE
SECTION 9.10.015, BUILDING CODES**

Findings:

- A. In October 2022, the Oregon Building Codes Division adopted a revised version of the Oregon Structural Specialty Code (OSSC). The City of Bend uses the OSSC in its inspection and requirements for new buildings.
- B. The amended OSSC removed Section 3306, which is relied on by local Building Officials to regulate and enforce safeguards during construction, specifically related to pedestrian protection.
- C. The City Council finds that the amendments to Bend Code Section 9.10.015 will provide for a continuation of best practice and allow the City Building Official to adopt rules or standards to ensure the safety of pedestrians during construction within the City of Bend.

Based on these findings, the City of Bend ordains as follows:

- Section 1. Section 9.10.015 of the Bend Code is amended as shown on Exhibit A, attached.
- Section 2. All other provisions of the Bend Code remain unchanged and in full effect.
- Section 3. If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading Date: September 6, 2023

Second Reading and adopted by roll call vote on: September 20, 2023

YES: Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Mike Riley
Councilor Megan Norris

NO: none



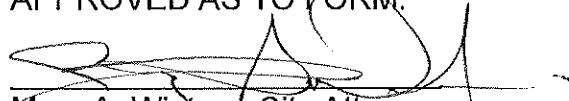
Mayor Pro Tem Perkins

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

Exhibit A

Note:

Text in underlined typeface is proposed to be added

Text in ~~strikethrough~~ typeface is proposed to be deleted

9.10.015 Additional Local Authority.

The City of Bend Building Official has the additional authority to regulate the following:

A.

1. Pursuant to the regulation of dangerous buildings, the Building Official may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings.
2. Abatement of nuisances and dangerous buildings.
3. Fire safety during construction.
4. Demolition.
5. Protection of adjoining property.
6. Encroachments into the public way.
7. Retaining walls.
8. Fences.
9. Tanks.
10. Cellular phone, radio, television and other telecommunication and broadcast towers, in compliance with Federal law.
11. Flagpoles.
12. Building Code aspects of signs.
13. Floating structures.

14. Docks.
15. Fixed piers or wharves.
16. Equipment shelters.
17. Administration and implementation of a National Flood Insurance Program (NFIP).
18. Transitional housing accommodations.
19. Protection of Pedestrians

~~20.19.~~ Matters related to structures that are not otherwise encompassed by this code.

B. *Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code or to exercise the authority of the Building Official, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry required. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

C. *Certificate of Occupancy.* Issuance of certificate of occupancy is contingent upon the requirements of the State of Oregon building codes as well as other applicable City requirements.

D. *Service Utilities.*

1. *Connection of Service Utilities.* A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

2. *Temporary Connection.* The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

3. *Authority to Disconnect Service Utilities.* The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the building code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by subsections (D)(1) and (D)(2) of this section. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

E. *Unsafe Structures and Equipment.*

1. *Conditions.* Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

2. *Record.* The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

3. *Notice.* If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

4. *Method of Service.* Such notice shall be deemed properly served if a copy thereof is: delivered to the owner personally; sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the

foregoing manner on the owner's agent or on the person responsible for the structure shall constitute service of notice on the owner.

5. *Restoration.* Where the structure or equipment determined to be unsafe by the Building Official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the Building Code. [Ord. NS-2358, 2019]

The Bend Code is current through Ordinance NS-2475, passed May 3, 2023.

Disclaimer: The city recorder's office has the official version of the Bend Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.bendoregon.gov](http://www.bendoregon.gov)

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