

CITY OF NEWPORT

ORDINANCE NO. 2153

**AN ORDINANCE AMENDING SECTION 11.05.080 OF
TITLE XI OF THE NEWPORT MUNICIPAL CODE
RELATED TO BUILDING CODES**

WHEREAS, Title XI of the Newport Municipal Code (NMC) provides an administrative framework for the implementation of statewide building codes and related local regulations; and

WHEREAS, building codes set out health, safety, and energy efficiency standards for new construction and, like many jurisdictions, the City of Newport reviews new construction for compliance with these standards as a service to the community; and

WHEREAS, statewide building codes are “minimum / maximum” codes, meaning that jurisdictions cannot be more or less stringent than the provisions contained in the state codes; and

WHEREAS, on October 1st of this year, the Oregon Building Codes Division provided notice that it was issuing a 2019 version of the Oregon Structural Specialty Code (OSSC) to replace the 2014 version, with the new code being effective January 1, 2020; and

WHEREAS, Section 101.2 of the 2019 OSSC includes a list of twenty-six (26) types of construction that the State Building Codes Division now believes are outside the purview of the Division to regulate, pursuant to the authority granted in ORS 455.020; and

WHEREAS, the City of Newport has historically understood that most of the types of construction included in the list of twenty-six (26) were subject to the statewide building codes and has required building permits for those activities in order to ensure the construction conformed to the health, safety, and energy efficiency standards contained in the codes; and

WHEREAS, Section 101.2 of the 2019 OSSC contains a provision allowing local jurisdictions to regulate most of the now exempt construction activities via local ordinance; and

WHEREAS, the City of Newport has determined that the health and welfare of the community is best served by exercising the local option to subject the now exempt construction activities eligible for local regulation, to the operable provisions of the 2018 International Building Code, which specifically regulates these activities and is the basis for the 2019 OSSC; and

WHEREAS, the City Council held a public hearing on December 2, 2019 regarding the question of the amendments and voted in favor of their adoption after considering the

evidence and argument in the record.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:


Section 1. The above findings are hereby adopted as support for the amendments, below.

Section 2. Section 11.05.080 of Title XI of the Newport Municipal Code is hereby amended as depicted in Exhibit "A."

Section 3. This ordinance shall take effect 30 days after its adoption.

Date adopted and read by title only: December 2, 2019.

Signed by the Mayor on December 3, 2019.


Dean H. Sawyer, Mayor

ATTEST:

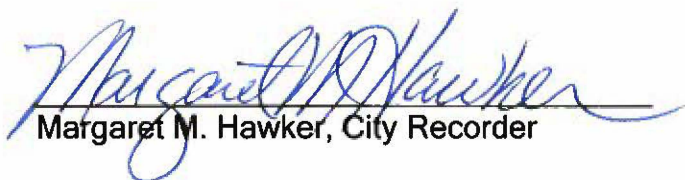

Margaret M. Hawker, City Recorder

Exhibit A of Ordinance No. 2153: Amendments to Title XI of the Newport Municipal Code Related to Building Codes

(Deleted language shown in ~~strikethrough~~ and new language is double underlined.)

TITLE XI - BUILDINGS

CHAPTER 11.05 BUILDING CODES

11.05.080 Codes and Standards Adopted

The codes adopted in this section may be referred to as building codes. The following specialty codes, rules, and standards are adopted and enforced under this chapter:

- A. The Oregon Structural Specialty Code, as adopted by Division 460 of OAR Chapter 918, as amended or revised by the State of Oregon, including the following optional provisions:

1. Those types of construction activities listed in Section 101.2 as outside of the authority of the Oregon Structural Specialty Code, but within the authority of municipalities to regulate by local ordinance. Such activities shall be subject to the relevant construction standards contained in the 2018 International Building Code.

~~12.~~ Appendix ~~Chapter~~-G Flood - Resistant Construction.

~~23.~~ Appendix ~~Chapter~~-J Grading.

- B. The Oregon Mechanical Specialty Code, as adopted by Division 440 of OAR Chapter 918, as amended or revised by the State of Oregon.
- C. The Oregon Plumbing Specialty Code, as adopted by Division 750 of OAR Chapter 918, as amended or revised by the State of Oregon.
- D. The Oregon Electrical Specialty Code, as adopted by Division 305 of OAR Chapter 918, as amended or revised by the State of Oregon.

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- E. The Oregon Residential Specialty Code, as adopted by Division 480 of OAR Chapter 918, as amended or revised by the State of Oregon.
- F. The Manufactured Dwelling Park and Mobile Home Park Rules, as adopted by Division 600 of OAR Chapter 918, as amended or revised by the State of Oregon.
- G. The Manufactured Dwelling Rules adopted by Division 500 of OAR Chapter 918, as amended or revised by the State of Oregon.
- H. The Recreational Park and Organizational Camp Rules adopted by Division 650 of OAR Chapter 918, as amended or revised by the State of Oregon.
- I. The State of Oregon Reach Code adopted by Division 465 of OAR Chapter 918, as amended or revised by the State of Oregon.
- J. The State of Oregon Energy Efficiency Specialty Code adopted by Division 460 of OAR Chapter 918, as amended or revised by the State of Oregon.
- K. The 1997 edition of ~~UCBO-ICBO~~ Uniform Code for the Abatement of Dangerous Buildings.