

# CHAPTER 15 – PROPOSED CODE AMENDMENTS

CITY COUNCIL WORK SESSION, APRIL 22, 2020



# TONIGHT'S WORK SESSION

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**Review proposed code amendments for Chapter 15 of the McMinnville Municipal Code**

**We will not be looking at new code language, but rather policies, programs and concepts, and then based on City Council direction we will come back with proposed language as part of an Ordinance amending the MMC.**

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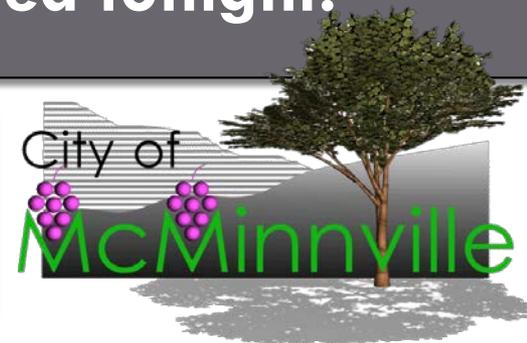


# CHAPTER 15 – BUILDING AND CONSTRUCTION

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- ❑ **Near-term Action in MAC Town 2032 Strategic Plan, under the Community Safety and Resiliency Goal and the strategy to “proactively plan for and responsibly maintain a safe and resilient community.”**
  
- ❑ **Building Official, Fire Marshal and Code Compliance team have been meeting over the past several months to discuss the proposed policy and program changes that will be presented tonight.**

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# CHAPTER 15 – BUILDING AND CONSTRUCTION

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- ❑ Last updated in 1978.
- ❑ We propose maintaining the same subject matter – Building and Construction, but tying it into the new code enforcement process outlined in Chapter 2.50 of the MMC – notification, compliance, enforcement (citation and abatement), cost recovery and appeals.

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# STRUCTURE OF PRESENTATIONS

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**Start with proposed amendments to existing code and then the introduction of a couple of new programs.**

- **Stuart Ramsing, Building Official – Building Codes**
- **Deborah McDermott, Fire Marshal – Fire Codes**
- **Nic Miles – House Moving**
- **Nic Miles – Safe and Habitable Structures**
- **Claudia Martinez – Rental Inspection Program**

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# Building Codes

## Codes / Standards



Construction, reconstruction, alteration, and repair of occupied buildings and the equipment within

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# Building Codes

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- **Adopted by the State**
- **Uniform across Oregon**
- **Administered locally**
- **Local changes not allowed**

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# Building Codes

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1974 - 2019

- Broad authority over unsafe and unauthorized occupancy
- Applied to all structures & construction



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# Building Codes

1974 - 2019

- Broad authority over unsafe and unauthorized occupancy
- Applied to all structures & construction



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# Building Codes

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## Clarified scope of statute in 2019

- Limited to occupied buildings
- No compliance options
- No right of entry

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# Local Options

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Local regulations may fill the gap



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# Local Options

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- **Require permits**
- **Grading**
- **Demolition**
- **Fire safety during construction**

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# Local Options

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- **Protection of adjacent property**
- **Encroachments into public way**
- **Retaining walls**
- **Cell, Radio, and other towers**

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# Local Options

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- **Flag poles**
- **Signs**
- **Transitional housing accommodation**
- **Property Maintenance Code**

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# Local Options

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- **Require permits**
- **Grading**
- **Demolition**
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- **Property Maintenance Code**



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# Local Options

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## Appeal options

- **State building code issues appealed to State Building Codes Division**
- **Local regulations appealed to City Manager (Current process)**

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# MCMINNVILLE FIRE CODE

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*Last Update in 1978-80*

*References Codes no longer available*

*Contains Fire Zones*

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# MCMINNVILLE FIRE CODE – Current Language

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- Contains Outdated Appeals and Penalty Processes
- Places Requirements that are More Stringent than Current Code Allows
- Smoke Detectors – Sprinkler – Alarms
  - All requirements found in current building and fire codes

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# MCMINNVILLE FIRE CODE

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## *Why Have A Locally Adopted Fire Code?*



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# MCMINNVILLE FIRE CODE – Proposed Language

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- Local Adoption of the Oregon Fire Code and Appendices**
  - **Reference Current Adopted State Fire Code**
  
- Establish Duties**
  - **Establishes local Authority to Enforce the Fire Code**
  
- Provides for a Local Appeals Process through MMC**

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# MCMINNVILLE FIRE CODE – Proposed Language

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## Establishes the Ability for the Fire Department to Assess Violation Fees

- **Currently a misdemeanor enforced through the Municipal Court**
- **Change - The mechanism for collecting fees will be the MMC process for the collection of Civil Penalties**
- **The violations will be set by Council in Resolution but will mirror the Code Violation Civil Penalty Schedule in the MMC**

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# MCMINNVILLE FIRE CODE – Proposed Language

## CITY OF MCMINNVILLE CIVIL PENALTY SCHEDULE:

### CODE VIOLATION CIVIL PENALTIES

TYPE OF CODE VIOLATION	CIVIL PENALTY
Class 1 Code Violation	\$5,000.00
Class 2 Code Violation	\$2,000.00
Class 3 Code Violation	\$1,000.00
Class 4 Code Violation	\$500.00
Class 5 Code Violation	\$250.00
Class 6 Code Violation	\$100.00
Class 7 Code Violation	\$50.00
Class 8 Code Violation	\$25.00

- The violations will be set by Council in Resolution but will mirror the Code Violation Civil Penalty Schedule in the MMC

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# MCMINNVILLE FIRE CODE – Proposed Language

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## Proposed City of McMinnville Amendments to the Oregon Fire Code

- Inspections outside normal business hours- fees
- Re-inspection- as currently established
- Ability and charge for Operational & Construction Permits as allowed by the Oregon Fire Code
  - Construction- items not required by OSSC (Building)

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# MCMINNVILLE FIRE CODE – Proposed Language

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## Restricted Uses During Fire Season

- Establishes that the City will follow ODF restrictions and regulations during Fire Season
- Including that open flame fire pits are prohibited during high fire index (red flag)
- The ability to issue permits to conduct restrictive activity as long as specific fire prevention measures are in place

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# House Moving Regulations



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# HOUSE MOVING REGULATIONS - Background

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- ❑ **Current House Moving code not updated since 1980**
  
- ❑ **This code currently lives in Chapter 15 Buildings and Construction**
  
- ❑ **Collaborative feedback from:**
  - **Engineering Department**
  - **Building Department**
  - **Police Department**
  - **McMinnville Water & Light**

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# HOUSE MOVING REGULATIONS – Current Code

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- \$1000 refundable deposit to cover damages to trees, sidewalks, streets overhead utility lines, etc.
- 24-hour notice to electric and telephone companies
- Street commission designates routes of house move
- House move must use rollers and planks to protect streets

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# HOUSE MOVING REGULATIONS – Proposed Updates

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- Proof of General Liability insurance and Auto Liability insurance**
- Any city liens or charges applicable to donor site must be paid**
- Building permit must be obtained to site the building in its new location on a permanent foundation**

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# HOUSE MOVING REGULATIONS – Proposed Updates

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## Approval of Moving Route

### Option 1:

- Applicant identified route and submits it for review

### Option 2:

- Applicant is provided with an approved route

### Either scenario:

- Route is reviewed by McMinnville Engineering, Building and Police Departments, as well as McMinnville Water & Light, ODOT and railroad (if applicable).

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# HOUSE MOVING REGULATIONS – Considerations

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- **Should we charge permit fees to recover costs associated with route review**
- **Should we require a refundable deposit for damages, in addition to insurance**

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# SAFE AND HABITABLE STRUCTURES

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## *Property Maintenance, Unsafe Structures and Unauthorized Occupants*

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# SAFE AND HABITABLE STRUCTURES – Current Challenges

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- **No local code for proactive abatement of dangerous structures.**
- **Building Code addresses new construction, remodels and alterations.**
- **Fire Code mainly addresses life safety issues after incidents occur.**

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# SAFE AND HABITABLE STRUCTURES – Current Challenges

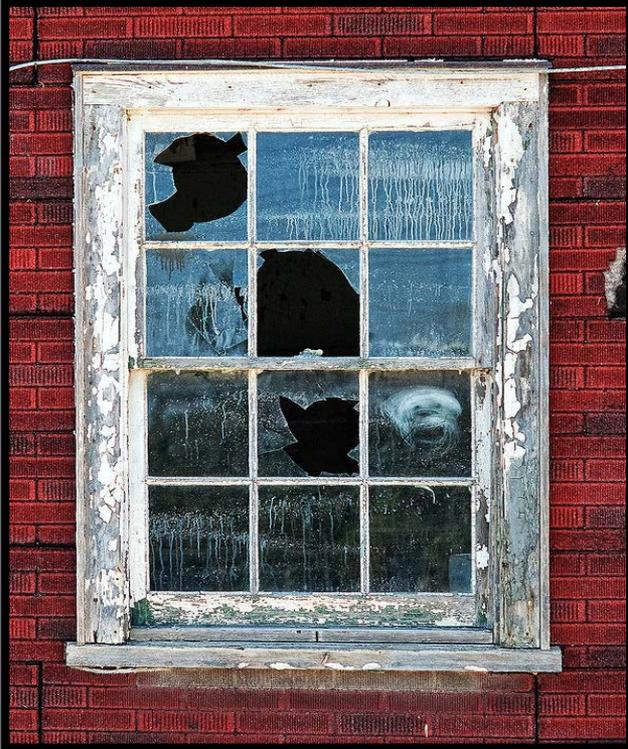
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**Our nuisance code allows us to address the symptoms of unsafe structures (rodents entering through hole in wall), but not the problem at its core (hole in wall)**

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# SAFE AND HABITABLE STRUCTURES

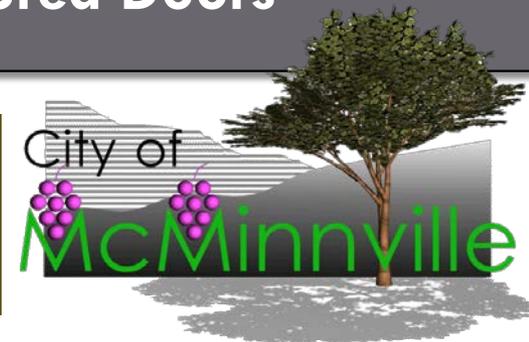


**Broken Windows/Glazing**



**Unsecured Doors**

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# SAFE AND HABITABLE STRUCTURES



**Unsealed Surfaces**



**Structural Deficiency**

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# SAFE AND HABITABLE STRUCTURES

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## Proposed Solution: Adoption of International Property Maintenance Code (IPMC)

- **Nationally-recognized and adopted housing and property maintenance code.**
- **Managed by the International Code Council and adopted locally by more than 600 jurisdictions across the country.**
- **Always being improved upon, new edition every three years.**

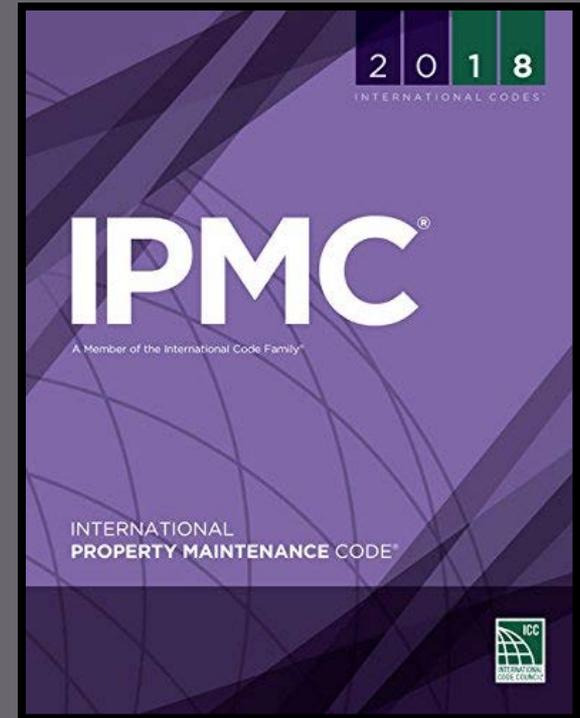
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# SAFE AND HABITABLE STRUCTURES

“The International Property Maintenance Code (IPMC) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions.”

*-IPMC Preface*



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# SAFE AND HABITABLE STRUCTURES

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## The IPMC and Unauthorized Occupants

### 602.2 Residential occupancies.

- *Dwellings shall be provided with heating facilities capable or maintaining a room temperature of 68°F....cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used as a means to provide required heating.*

### 505.3 Supply.

- *The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects or leaks.*



# SAFE AND HABITABLE STRUCTURES

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## IPMC Local Administration

- **Administrated by Code Compliance staff, following current Chapter 2 Notice and Abatement process (no new code)**
- **Adoption of IPMC won't require any new code writing by staff**
- **Staff certification as Property Maintenance & Housing Inspectors (cost-neutral, funds reallocated from cancelled state conference)**
- **Building Official to provide technical guidance as necessary (paid through general fund)**

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# *Rental Inspections Program*

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# RENTAL INSPECTION PROGRAM

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The City has been asked to evaluate a rental inspection program that would operate out of Code Compliance to ensure that basic minimum standards of maintenance are being achieved on the interior of residential rentals in McMinnville.

Many other cities offer similar programs, and Code Compliance reviewed their program and is bringing a best practices recommendation for consideration.



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# RENTAL INSPECTION PROGRAM - Purpose

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- Address the issue of substandard rental properties,
- Promote greater compliance with health and safety standards,
- Preserve the quality of McMinnville neighborhoods and available housing.

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# RENTAL INSPECTION PROGRAM - Purpose

Program achieves compliance of health, safety and welfare code violations in/on residential rental properties that are a threat to the occupant's safety, and a negative impact on the surrounding neighborhoods.



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# RENTAL INSPECTION PROGRAM - Structure

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## How Does it Work?

- Establishes a minimum standard of habitability for residential rentals in McMinnville.
- If tenant has a problem they need to work with landlord to resolve it. (Must prove this effort has occurred).
- If tenant cannot resolve the issue, they call Code Compliance who will conduct an inspection and enforce compliance with the landlord to the minimum standards.

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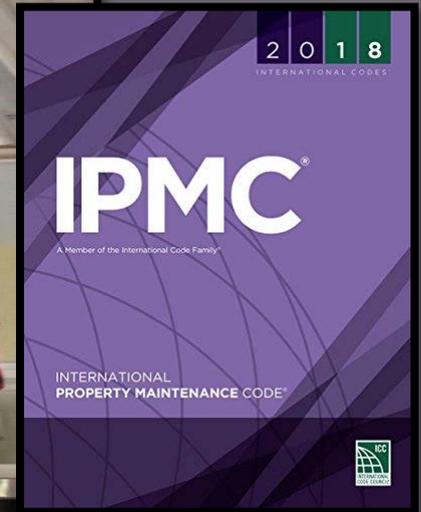
# RENTAL INSPECTION PROGRAM - Structure

Establish Minimum Habitability Standards for all Residential Rental Properties.  
(IPMC has minimum standards.)

The standards cover ten areas:

- heating
- plumbing
- security
- electrical
- appliances
- smoke detection
- structural integrity
- weatherproofing
- carbon monoxide alarms
- rats

\*Mold is addressed through the weatherproofing and plumbing standards.



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# RENTAL INSPECTION PROGRAM - Structure

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## Establish a Residential Rental Ownership Database

- Owners or the owner's agent will need to register rental dwelling unit with the City of McMinnville. (Initially provide one year to do so)
- Registration would include owner/manager contact info which will be helpful to other departments such as Fire and Police department in case of an emergency and property is vacant or tenant cannot be located.

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# RENTAL INSPECTION PROGRAM - Administration

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## How will this program be administered?

- City of McMinnville Code Compliance and Community Relations department will administer the program by creating a tracking system of rentals and conducting inspections only on a complaint basis.
- Database will be internally managed and code compliance process will follow the same current process outlined for nuisances in terms of notification, compliance and enforcement.
- Landlords will not pay to be on the rental registry and will initially have a year to register with the City.
- Failure to register will be in violation of rental code and will be assessed a civil penalty. Violation of this code will be a Class 6 Code Violation (\$100 per unregistered dwelling unit). This revenue could help to fund the database management.

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# RENTAL INSPECTION PROGRAM - Costs

## Other Cities with Program and Their Respective Fees:

- Beaverton Rental- \$75 per unit for first 40 units, plus \$1.25 for each addt'l unit
- Corvallis-\$15 per unit, \$1 increase in odd-calendar years
- Eugene-\$10 per unit, per year
- Gresham-\$55 for first 2 units, plus sliding scale of \$20 to \$45 on addt'l units
- Medford - \$40 first unit, plus \$1 for each addt'l unit
- Portland-New Code - fees currently being determined
- Salem-\$44.50 for first 3 units, plus sliding scale on addt'l units

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# RENTAL INSPECTION PROGRAM - Costs

## Staff Recommendation:

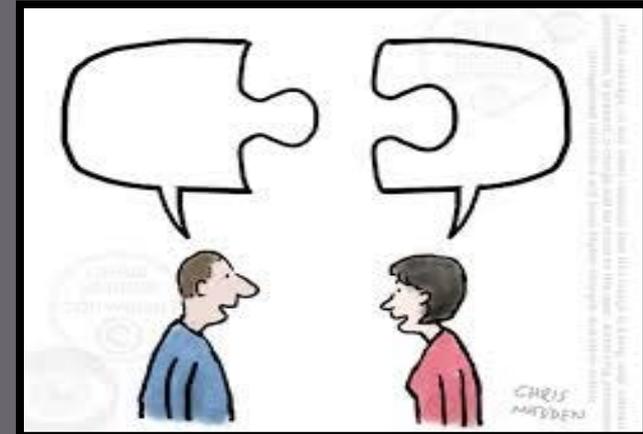
- Since this will be complaint basis only, current code compliance staffing has capacity with new efficiency systems to absorb the anticipated workload – no new staffing impact.
- Although many cities charge an annual permit fee to fund the administration of the program, staff is recommending that no fee be charged for the first three years to establish the program and then re-evaluate the value of the program and costs to administer the program.

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# RENTAL INSPECTION PROGRAM - Value

- Provides a process that ensures a renter notifies the owner of concerns before making a formal complaint with the City. Program will be on a complaint basis.
- Rental Housing program will help tenants and property owners communicate to resolve issues without using the City's enforcement process or legal action through the court system. A formal complaint can be filed with the City only after the tenant provides the owner or property manager written notification and allows them 10 days to remedy the problem.
- Gives Code Compliance officers the ability to abate necessary repairs to the rental units if owners/owners agents fails to remedy the problem.



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# RENTAL INSPECTION PROGRAM - Value

## How will this program help our community?

- Tenants especially our low-income renters, senior citizens, college students and non-English speaking renters do not have the luxury of time or knowledge to make use of legal remedies or to go up against a professional landlord and are unaware of their rights under the Landlord Tenant law or other available resources and services.
- The Rental Inspection Program will provide a local option to address habitability concerns (adopting the 2018 International Property Maintenance Code the City of McMinnville will be able to enforce these areas)
- Help preserve the quality of McMinnville neighborhoods and available housing. And assure that such housing does not become a nuisance or blight to the neighborhood.



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# *Rental Inspections Program: Questions*

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# CITY COUNCIL DIRECTION

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**Staff would like guidance on what the City Council policies or programs that the City Council would like to amend into the MMC.**

**Do you need additional research or information on any of the programs prior to a code amendment ordinance being prepared for consideration.**

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