



Program Administration Form

Department of Consumer & Business Services

Building Codes Division

1535 Edgewater St. NW, Salem, OR

Mailing address: P.O. Box 14470, Salem, OR 97309-0404

Phone: 503-373-4133 • Fax: 503-378-2322 • Web: Oregon.gov/bcd

Department Use Only

New request

Renewal

Municipality: City of Lincoln City	Building official: Brandon Zipser	
Address: 801 SW Hwy 101		
City: Lincoln City	State: OR	ZIP: 97367
Office location: Lincoln City, Oregon		
Phone: 541-556-8771	Fax:	Email: brandonz@nwcodepros.com

Mark program choice by indicating level:

X – Performed by the municipality applying for the renewal

A – Performed by a different municipality through an intergovernmental agreement with _____

C – Performed by county; X and A do not apply

S – Performed by state

Please see the key at the bottom of Page 2 for definitions.

Plans				Structural				Mechanical				Electrical				Plumbing					Manufactured Structures (MSI)	Park & Camp (PCI)	Master Builder Program (optional)
A	B	C	F	A	B	C	M	A	B	C	M	A	B	C	M	A	B	C	S	M			
x	x	x	x	x	x	x		x	x	x		x	x	x		x	x	x			x	x	

Note: Assumption of a structural A-level program includes the requirements for accessibility [ORS 447.220]. MSI includes manufactured dwelling installations; alterations, accessory structures, buildings, and cabana installations; plan review; and inspections. Park and camp includes mobile home and manufactured dwelling parks, recreation parks, organizational camps, and picnic parks plan review and inspection.

Respond to the following if your municipality uses a third-party building official:

Which services are provided by the third party?: Building Official, Plans Examination, Inspections

Name of third party building official: Northwest Code Professionals

Names of all designated qualified employees: Anne Marie Skinner

Attach the following:

- Completed copy of municipality's operating plan (OAR 918-020-0090)
- Electrical program requests (See requirements in OAR Chapter 918, Div. 308)
- Changes of service areas (Include map or description if applicable)
- Current fee schedules for all programs
- Name of a contact person for surcharge report of assumed programs

Name: Anne Marie Skinner	Phone: 541-996-1228	
Address: 801 SW Hwy 101, PO Box 50		
City: Lincoln City	State: OR	ZIP: 97367

List inspectors and others, as requested, on the back of this sheet. Attach additional pages as necessary.

Official delegation or assumption of the programs above is requested or being renewed for the period beginning July 1, 20__.

The undersigned agrees this form and all accompanying attachments comply with the applicable statutes and rules outlined in OAR 918, Division 020, and ORS Chapter 455. The undersigned further agrees this municipality's program will, at all times, be administered to operate in compliance with its operating plan and all applicable statutes and rules.

Authorized signature:	Title: <small>Director, Planning & Community Development</small>	Date:
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This form will not be accepted without signature.
Electronic signatures are accepted if the form is sent via email from the signor.

Name of inspector and/or person responsible for program	Building official	Plans examiner				Structural inspector				Mechanical inspector				Electrical inspector				Plumbing inspector					MSI	PCI
		A	B	C	F	A	B	C	M	A	B	C	M	A	B	C	M	A	B	C	S	M		
Jack Applegate	X	X		X	X	X		X		X		X				X				X			X	X
Chris Corlies						X		X															X	
Shawn Eaton	X	X	X	X	X	X	X	X		X	X	X						X	X	X			X	X
Austin Eagon								X																
Skyler Holstad				X		X		X				X											X	
David Leifheit		X		X	X	X		X		X					X				X	X			X	
Ryan Dixon														X										
Don Meier														X	X	X							X	
David Mortier	X			X		X		X		X		X				X		X		X			X	
Derek Neff				X				X				X		X					X				X	
Cliff Pettigrew	X	X		X		X		X		X		X				X				X			X	
Robert Rice	X	X		X	X	X		X		X		X				X			X	X			X	X
Angela Sever		X		X		X		X				X												
Jerry Simon														X										
Wayne Syliaasen														X		X								
Lisa Weishoff	X	X	X	X	X	X	X	X		X	X	X				X				X	X		X	X
Robert Wentz	X			X		X		X		X		X							X				X	X
Brandon Zipser	X			X		X	X	X		X							X						X	
Tim Risseeuw														X										

Cities covered by county program: Lincoln City is requesting assumption from Lincoln County of electrical and plumbing

Cities with complete or partial program: Lincoln City - existing structural and mechanical; requesting electrical and plumbing

Emergency manager: Cassidy Boyle Phone: 541-996-1235

Address: 801 SW Hwy 101, Lincoln City, OR 97367

State fire marshal official/designee: Cody Heidt Phone: 541-996-2233
(See OAR 918-020-0020)

Address: PO Box 200, 2525 NW Hwy 101, Lincoln City, OR 97367

Health department contact: Kaline Chavarria Phone: 541-265-0433

Address: 255 SW Coast Hwy, Ste. 203A, Newport, OR 97365

Permit issuance phone: 541-996-1231

Planning/zoning phone: 541-996-2153

Key:

A A Level – All buildings or structures, except dwelling code	C One- and two-family dwelling	MSI Manufactured structures installation inspector: electrical, plumbing, hook-up and setup
B B Level – Any building or structure not required to be designed by an Oregon-registered architect or engineer, except H or I occupancies over 1,500 sq. ft. and one- or two-family dwelling	F Fire and life safety	PCI Park and camp inspector
	M Master permit program	S Limited plumbing inspector: sewer

Note: As of the date of filling out this form, Tim Risseeuw and Ryan Dixon (both licensed Journeymen Electricians) are scheduled to take the A-level Electrical Inspector course in a couple weeks and are anticipated to have that certification prior to completion of Lincoln City's request for the electrical program. For further clarity, they will not be doing any inspections for Lincoln City until the appropriate certifications have been obtained.

CITY OF LINCOLN CITY
BUILDING INSPECTION PROGRAM
OPERATING PLAN

Revised September 29, 2023 to be
effective on July 1, 2024



918-020-0080 Delegation of Building Inspection Programs

The division and every municipality that administers and enforces a building inspection program or desires to assume responsibility to administer and enforce a building inspection program shall prepare an operating plan describing the manner in which the municipality or the division will do so. The operating plan shall establish specific processes and goals, consistent with the program standards described in ORS 455.153 and OAR 918-020-0090.

This operating plan was developed and is maintained to comply with the above administrative rule. The plan is on file with the State of Oregon Building Codes Division, has been distributed to surrounding jurisdictions, and is available through this office upon request.

This plan reflects the standards, policies, procedures, and services administered and offered through the City of Lincoln City (City). The plan is required to be updated as necessary to reflect service changes. Any questions related to this plan should be directed to:

Brandon Zipser, Building Official
City of Lincoln City Planning & Community Development
PO Box 50
Lincoln City, OR 97367
541.556.8771
brandonz@nwcodepros.com



ADMINISTRATIVE STANDARDS – OAR 918-20-0090(1)

FUNDS – OAR 918-20-0090(1)(a)

The Building Division of the City of Lincoln City (City) operates through segregated accounts maintained within the General Fund. All plan review, surcharge revenue, and permit revenues are deposited into this fund and all division expenditures are from this fund.

Permit and plan review fees are collected and distributed by account number. Separate accounts, allowing tracking for both revenues and expenditures are established for all individual processes including, building, mechanical, electrical, plumbing, plan review, manufactured dwellings, code compliance, special inspections, investigation inspections, revisions, re-inspections, and surcharges. All fees collected by the City’s Building Division in connection with the administration and enforcement of building inspection programs will be used only for the administration and enforcement of those respective programs. Surpluses carried forward must be used only for the building inspection program and/or for the payment of any deficits or liabilities accrued to the program.

Fees charged for the construction, alteration, and repair of structures and buildings and the installation of electrical, plumbing, mechanical, heating, and ventilating devices and equipment, and the reconstruction, alteration, and repair of prefabricated structures shall be in accordance with the current fee schedules. Revenues generated from permit fees are intended to cover the reasonable and necessary costs of carrying out effective administration and enforcement of the respective inspection programs.

In accordance with OAR 918-050-0100(1)(c), the per-square-foot value will be determined via the International Codes Council (ICC) Valuation Table as published on April 1st of each year or the most recently-published table as of April 1st. Permit fee schedules and a copy of the ICC Valuation tables are available at the City of Lincoln City City Hall, located at 801 SW Hwy 101, Lincoln City, Oregon.

EQUIPMENT AND RESOURCES - OAR 918-020-0090(1)(a)

All staff members are provided with the equipment and other resources needed to complete their work in an efficient and service-oriented manner.

STAFF AUTHORITY AND RESPONSIBILITIES - OAR 918-020-0090(1)(b)

Building Official

Per the City’s contractual agreement with Northwest Code Professionals, LLC (NWCP), the Contract Building Official is responsible for the management of the building and safety program. The Contract Building Official conducts all plan reviews and inspections for Fire and Life Safety, A-Level Structural, A-Level Mechanical, One- and Two Family Structural, One- and Two-Family



Mechanical, Manufactured Dwelling installations, Park and Camp, Electrical, Plumbing, and any other work covered by the specialty codes in accordance with certifications obtained.

The Contract Building Official shall be registered and licensed by the State of Oregon as per requirements of OAR 918-098.

In accordance with OAR 918-020-230(2), within five business days from making a discretionary decision, the Contract Building Official must:

- Notify a Qualified Employee in writing of the discretionary decision; and
- Notify a permit applicant in writing of the discretionary decision that relates to the permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

Per OAR 918-020-0015(2), a Contract Building Official means “an owner, manager, or employee of a person that the director has licensed to perform specialty code inspections and plan reviews under ORS 455.457 and that engages in the business of providing the services described in ORS 455.148(3) and 455.150(3) to one or more municipalities to which the director has delegated a building inspection program.”

Per OAR 918-020-0015(4), a Discretionary Decision means “a decision on whether to waive a plan review, an inspection, or a provision of the state building code; or to allow an alternative material, design, or method of construction.”

Inspectors/Plans Examiners

All inspectors and plans examiners shall be certified to perform the applicable process as required in OAR 918-098-1012. All inspectors, plans examiners, and Building Official shall meet the continuing education requirements of OAR 918-098-1450.

Qualified Employee [ORS 455.100, Section 2(1)(d) and Section 2(3)(a) and OAR 918-20-0015(2), 918-020-090(7)(f)]

The Qualified Employee is an individual that the municipality employs and has been designated to ratify or disapprove a contract building official’s discretionary decisions (OAR 918-020-0015(7)).

The Qualified Employee for the City of Lincoln City is:

Anne Marie Skinner, Director
 Planning & Community Development
 541.996.1228

Before exercising oversight over a contract building official, the Qualified Employee is required to complete the basic training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.



Within 180 days after being designated as the Qualified Employee, the employee is required to complete the advanced training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

The Qualified Employee shall be notified in writing within five days by the Contract Building Official, for each of the Contract Building Official's discretionary decisions. The Qualified Employee must review and ratify or disapprove the Contract Building Official's discretionary decision, in writing, to the Contract Building Official and the permit applicant/aggrieved person within 30 days after receiving notice of the decision. The notification shall also inform the permit applicant/aggrieved person that the decision of the Contract Building Official can be appealed in accordance with ORS 455.475.

Per OAR 918-020-0015(4), a Discretionary Decision means a decision on whether to waive a plan review, an inspection, or a provision of the state building code; or to allow an alternative material, design, or method of construction.

LOCAL/OREGON STATE APPEALS PROCESS – OAR 918-020-0090(1)(c)

All appeals shall be forwarded to the Contract Building Official:

Lincoln City Planning & Community Development
 Attn: Brandon Zipser
 PO Box 50
 Lincoln City, OR 97367

When any appeal is received, the persons aggrieved shall be notified that they have the option to use the local appeals process, or to appeal to the Chief Inspector of the Department of Consumer and Business Services/Building Codes Division (DCBS/BCD).

Any appeal of a decision arising from a plans examination or an inspection shall be reviewed by the Contract Building Official. The appeal may be verbal or in writing. There is no cost for this initial appeal. A decision is generally rendered within three days of the request.

Appeal of decision of building official (ORS 455.475)

- (1) An applicant for a building permit may appeal a decision made by a building official under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an appeal under this subsection:
 - (a) An appeal regarding the interpretation or application of a particular specialty code provision shall be made first to the appropriate specialty code chief inspector of the Department of Consumer and Business Services. The decision of the department chief inspector may be appealed to the appropriate advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the applicable specialty code are at issue.



- (b) If the appropriate advisory board determines that a decision by the department chief inspector is a major code interpretation, then the inspector shall distribute the decision in writing to all applicable specialty code public and private inspection authorities in the state. The decision shall be distributed within 60 days after the board’s determination, and there shall be no charge for the distribution of the decision. As used in this paragraph, a “major code interpretation” means a code interpretation decision that affects or may affect more than one job site or more than one inspection jurisdiction.
- (2) Except as provided in subsection (1) of this section, an applicant for a building permit may appeal the decision of a building official on any matter relating to the administration and enforcement of this chapter to the department. The appeal must be in writing. A decision by the department on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484.
 - (3) If an appeal is made under this section, an inspection authority shall extend the plan review deadline by the number of days it takes for a final decision to be issued for the appeal.
 - (4) In accordance with OAR 918-020-0250, the City will establish a local appeals board, as necessary, to hear an appeal of a contract building official’s discretionary decision.
 - (a) The local appeals board will include, as a member, the building official of the county within which the city is located or the building official of an adjacent county.
 - (b) An individual who engages in the business of building design or construction may be a member of the local board, but may not hear an appeal of a contract building official’s discretionary decision concerning a project that involves a business, or a competitor of a business that:
 - i. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
 - ii. A family member or a member of the individual’s household owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.
 - (c) The local appeals board will not include:
 - i. Any contract building official
 - ii. An owner, manager, director, officer, or employee of a person, other than an employee of the municipality that performs building inspections.

ACCOUNTING OAR 918-020-0090(1)(d)

All revenues collected are deposited in the general fund. These revenues are service-area specific and are segregated by individual accounts and are collected by an electronic permitting system. These individual program accounts can be reviewed and analyzed separately through the use of accounting object codes.

Administrative costs to the program are assessed through building maintenance, equipment maintenance, and administrative services charges included within the annual budget process and



indicated within the included summary. A summary of the division's overall budget for both revenues and expenditures is included.

AUDITS OAR 918-020-0090(1)(O) and OAR 918-020-0090(7), Oregon Law Ch. 599, Sec. 2, Subsection 6

An audit of the building inspection program shall be done by an independent auditor at least once every two years. The audit may be done in conjunction with an audit under ORS 297.425.

The audit, at a minimum, shall examine all collections and usage of permit fees and all expenditures of moneys that have occurred from the proceeds of the fees since the last audit and shall verify that the municipality dedicates all fees the municipality collects for plan review, permit issuance, or administrating and enforcing specialty codes only to the purposes specified in ORS 455.210 and 479.845.

The results of each audit shall be made available to the public by easily accessible electronic means, including by posting the results on the City's website.

RECORDS RETENTION AND RETRIEVAL OAR 918-020-0090(1)(e)

All City records are retained for the minimum time outlined by the Oregon State Archivist. Permits, plans, and inspection records are retained for the minimum time outlined in OAR 166-200-0025. Active and finalized permits are maintained in Accela.

Construction documents are retained, in accordance with archive requirements, in their original electronic format in the Lincoln City Planning and Community Development computer folder "PlanDevel", then subfolder "BUILDING", then subfolder "Approved Ready To Issue Files." The public may review all construction documents, permit forms, and inspection records at the Lincoln City Planning & Community Development on Monday through Friday, between 8:00 AM and 5:00 PM. Copies are available at reasonable cost after completing the Public Records Request Form and submitting to the city recorder.

AVAILABILITY OF OPERATING PLAN OAR 918-020-0090(1)(f)

This operating plan is available to any interested party upon request. Requests by email, mail, phone, or personal contact will be honored in a timely manner.

PUBLIC COMMENT/COMPLAINT PROCESS OAR 918-020-0090(1)(g)

Public comments or complaints may be submitted through the City's online code enforcement customer portal. Comments or complaints related to code provisions will be processed by the most appropriate staff member. If the comment or complaint becomes an appeal, procedures outlined above will be followed. Comments or complaints related to employee behavior will be referred to the Planning & Community Development Director first, followed by the City Manager if resolution is not reached.



PUBLIC INQUIRY PROCESS OAR 918-020-0090(1)(g)

The City maintains a public service counter located at City Hall, 801 SW Hwy 101, Lincoln City, Oregon. Office hours are from 8:00 AM to 5:00 PM on Monday through Friday, excluding holidays. Telephones are answered by City staff during the above-listed open hours. The City's phone number is 541.996.1231.

Customers may telephone to inquire on matters related to permitting, plan review, or inspection processes between 8:00 AM and 5:00 PM, Monday through Friday, holidays excepted. Customers may also visit the public service counter to inquire on matters related to permitting, plan review, or inspection processes during these hours. Customers may always email questions of this nature. Responses to customer inquiries are generally given within 24 business hours of receipt.

CUSTOMER SERVICE INFORMATION OAR 918-020-0090(1)(j)

Types of permits issued

Lincoln City provides code administration for structural, mechanical, electrical, plumbing, manufactured dwelling installation, parks and camps development permits, and fire and life safety review under authority of OAR 455.153 and 479.855, and as adopted by ordinance.

Jurisdictional Boundaries

The jurisdiction of the City's Building Division covers all areas within the city limits of Lincoln City. A map of the jurisdictional boundaries is maintained at the Planning & Community Development public service counter located at City Hall, 801 SW Hwy 101, Lincoln City, Oregon.

Hours of operation

8:00 AM to 5:00 PM

Monday through Friday, holidays excepted

Notifications

All notices issued pursuant to OAR 918-020-0070 through -0220 shall be sent to Anne Marie Skinner, the Planning & Community Development Director, in addition to the Building Official.

City of Lincoln City Planning & Community Development

Attn: Anne Marie Skinner

PO Box 50

Lincoln City, OR 97367

PERMITTING STANDARDS – OAR 918-20-0090(2)

OFFICE LOCATION AND HOURS OF OPERATION – OAR 918-020-0090(2)(a)&(b)

The City's Building Division maintains an office located in City Hall, 801 SW Hwy 101, Lincoln City, Oregon with hours of 8:00 AM to 5:00 PM, Monday through Friday, holidays excepted.

APPLICATION PROCEDURES – OAR 918-020-0090(2)(c) and (e)



Applications, plans, and all application materials are submitted electronically through the State of Oregon ePermitting System. When uploaded permit applications are received the information is checked for completeness prior to application acceptance.

Once plans are reviewed and the permit is issued, it is the applicant's responsibility to have one printed set at the job site for inspections.

Plans within the scope of the Oregon Residential Specialty Code will be checked to verify completeness using a plan intake checklist. The applicant will be notified within three working days of receipt of the application as to whether the application is complete, if the application is a simple residential plan, and the approximate time period in which the plan review will be completed.

As per ORS 455.628, plans for conventional light-frame construction submitted by an Oregon Registered Design Professional that is also certified by the State of Oregon as a Residential Plans Examiner, and otherwise meet the requirements of OAR 918-480-0130, shall be processed in a timely manner. The City shall waive the normal plan review fee and in lieu of this fee will charge an administrative fee equal to one-hour of the hourly charge for inspections or plan reviews, per the established fee table, or 25% of the plan review fee whichever is less.

Manufactured Dwelling Permits

Permits for work regulated by the Oregon Manufactured Dwelling Installation Code are reviewed by the Building Official and are generally issued within 10 working days from the date that a complete permit application and plan information is received.

Other Permits

Permits for work regulated by the Structural, Mechanical, Electrical, and Plumbing codes are reviewed by the Building Official. Plan review and permit issuance times vary based upon the complexity and completeness of the application.

Over-the-Counter Permit Procedures

Permits not requiring a plan review may be issued “over the counter” through the State of Oregon ePermitting System within one to three working days. Emergency permits may be issued with the approval of the Building Official.

Subject to the scope and limitations of ORS 455.062, some typical plans and specifications are available from the City’s Building Division along with state-approved typical plans. Pre-approved typical plans are issued “over the counter” through the State of Oregon ePermitting System, within one to three working days, when possible, and permit application is complete.

Phased and Deferred Permitting

In accordance with OAR 918-020-090(3)(D), phased and/or deferred permit submittals may be allowed and will require a pre-application meeting and Building Official approval. No approvals will be allowed until the Building Official is satisfied that the application is complete. In accordance with OAR 918-050-0170, phased and/or deferred permits shall be charged an administrative fee of 25% of the plan review fee, determined in accordance with OAR 918-050-0100 and the approved City fee schedule based on the total project valuation. This fee is in addition to the project plan review fee.



Fee Refunds

The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80% of the permit fee paid when an application for a permit, or a permit, is withdrawn or canceled before work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80 % of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official may authorize refunding of 100% of the permit and/or plan review fees in a case where the City has collected the fee in error.

The Building Official shall not authorize refunding of any fee paid except upon written request made by the original permittee not later than 180 days after the date of fee payment.

Fee Waivers

Fee waivers are not allowed.

Transfer of Building Permit

A building permit shall only be transferred to another party when authorized by the owner of the property, in writing, with a notarized signature of all property owners shown on the deed of record.

Faxed Applications

The City's Building Division accepts faxed applications with the condition that an application will be electronically submitted within four hours of sending the faxed application. The faxed application is then processed in the same manner as all applications submitted through the State of Oregon ePermitting System.

Verification of Licenses and Registrations

Prior to the issuance of any permit, staff verifies that the applicant meets the licensing and registration requirements of ORS Chapters 446, 447, 455, 479, 693, and 701. Issues which may arise from this verification process are referred to the Building Official for resolution.

In accordance with the building code, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

PLAN REVIEW STANDARDS - OAR 918-20-0090(3)

COMPLIANCE WITH SPECIALTY CODES - OAR 918-20-0090(3)(a)



In accordance with the certification requirements of OAR 918-098-1470, plans examiners assure compliance with the specialty codes administered by DCBS/BCD and current interpretive rulings adopted pursuant to ORS 455.060 or ORS 455.475.

The City's Municipal Code, adopted by the City Council, enables code adoption coinciding with the effective date of each specialty code as adopted by the Building Codes Division. This includes the Oregon Structural Specialty Code, Oregon Residential Specialty Code, Oregon Mechanical Specialty Code, Oregon Fire Code, Oregon Plumbing Specialty Code, Oregon Electrical Specialty Code, and Oregon Manufactured Dwelling and Park Specialty Code. Where specific code sections and appendices are available for local adoption, each section shall be reviewed and adopted by local ordinance where applicable.

PLAN REVIEW PROCESS

The plans examiners review structural, mechanical, electrical, plumbing, and fire life safety plans, and engineering and energy calculations to ensure compliance with applicable codes. Plan intake staff shall use Building Codes Division approved checklists to ensure the customer has submitted all necessary information and verify plans are stamped by an Oregon-licensed architect or engineer. Site plans, when applicable, are required in accordance with the City's Planning & Community Development Department.

Permit Applications Requiring Plans, i.e., Structural, Fire & Life Safety, Commercial Mechanical, Electrical, and Plumbing

If plans are required, permits will not be issued until the plans have been submitted the State of Oregon ePermitting System and then reviewed and approved. Once plans are reviewed and the permit is issued, it is the applicant's responsibility to have one printed set at the job site for inspections. Plans may only be submitted through the State of Oregon ePermitting System.

Per OAR 918-020-090(2)(c) and (d)(A), if plans are incomplete, a letter detailing the information needed to complete the plan review will be e-mailed to the applicant within three working days. The permit application may be placed "on hold" until the information and/or appropriate fees are received.

Pursuant to OAR 918-020-0090 and 918-020-0210, for simple residential dwelling plans, Lincoln City will follow the plan review timeline of 10 working days set forth in ORS 455.467, provide notification within three working days as to whether the plans are complete, and offer other plan review options if applicable.

Plans Complete but not in Compliance

Where the plan has the required information but is found to be in non-compliance with the applicable code, the applicant is notified immediately by email. The email will identify the areas of non-compliance with a request for corrective action or additional information. The plan is placed "on hold" until additional information is received. All notices will include applicable code citations.



Plans Complete and in Compliance

Where the plan is deemed complete, the plan will be stamped “reviewed” by the plans examiner of record, the applicant notified, and the permit issued once fees are paid.

Plan review will be completed within ten working days of receipt of a complete application. All plans are reviewed prior to issuing permits.

Applicants are encouraged to call the Building Official at 541.556.8771, from 8 AM to 5 PM, Monday through Friday, for any building code or process questions. Appointments are encouraged for preliminary consultations with a plans examiner.

Prior to the issuance of permits a license verification will be performed by City staff or contracted third-party contract staff to ensure all contractors are properly licensed.

AVAILABILITY OF CHECKLISTS/BROCHURES - OAR 918-20-0090(3)(a)(B)

The City’s Building Division has checklists for plan review submission requirements and a variety of informational brochures to assist the public in the permit application process. These brochures are available at the public service counter and on the City’s website.

The City also offers optional pre-development and pre-construction meetings at no cost to the applicant. Pre-development meetings generally occur at the time of plan submittal and provide an opportunity for the applicant to summarize the project being submitted for review, discuss any requested alternate methods or materials, request interpretations, and hear a preliminary assessment of the project. Pre-construction meetings generally occur in conjunction with the issuance of the permit. The meeting provides an opportunity for the applicant to meet the inspectors who will be involved in the project, discuss any unique aspects of the project, clarify special inspection requirements, coordinate public infrastructure issues, and reach consensus on remaining issues identified during the review process.

VERIFICATION OF STAMP BY DESIGN PROFESSIONALS OAR 918-020-0090(3)(a)(E) &(F)

Staff verifies that plans are appropriately stamped by a registered design professional when required. Plans failing to meet this requirement are returned to the applicant and will not be accepted until the appropriate stamp is provided.

AVAILABILITY AND LISTING OF PLAN REVIEW STAFF OAR 918-020-0090(3)(c)

A roster of the plans examiners, including current certifications and continuing education records, is available to any interested party upon request.

PLAN REVIEW TIMELINES

One and Two-Family Dwelling Code Plans – OAR 918-020-0090(3)(a)(C)



Generally, the building permit technician determines if residential plans are complete during the initial review once notification is received from ePermitting that an application has been submitted. “Completeness” is determined using the residential plan checklist.

“Complete” plans will be acknowledged and applicant informed as either simple or complex within three working days from receiving. The applicant will also be informed of the approximate time period in which the plan review will be complete.

Plans deemed to be “complete” and “simple” will be reviewed within ten working days from receipt. If unforeseen circumstances cause plan review times for the above-referenced plans to exceed ten working days, the City will maintain and provide applicants a list containing at least three licensed plan reviewers from whom the City will accept plan reviews.

The City adopts, by policy, the definition of “simple one-or-two family dwelling plans” as described in OAR 918-020-0090. Plans that do not meet the definition of “simple” in this rule are deemed to be “complex.”

COOPERATION WITH OTHER AGENCIES - OAR 918-020-0020

The City’s Building Division cooperates with other City divisions, departments, and/or other jurisdictions as necessary to facilitate plan review and permit issuance. Pursuant to OAR 918-020-0020, the City provides the Fire Marshal with notification of proposed developments that may be regulated by the Fire Marshal under ORS 476.030. The Fire Marshal is given a reasonable time frame in which to submit comments pertaining to a specific development. Specific Fire Code requirements regulated and identified by the Fire Marshal are incorporated into the conditions of approval for the project. The Building Official will regularly consult with the Fire Marshal on issues that include but are not limited to, North Lincoln Fire and Rescue access, fire flow, occupancy concerns, and alternative methods of construction. The final determination of construction requirements is made by the Building Official.

The Building Official reviews plans for conformity with the Oregon Fire Code as it relates to new construction. This includes North Lincoln Fire and Rescue access (during construction and permanent access), fire flow, fire hydrant number, and location.

EVALUATION OF UNIFORM ALTERNATE CONSTRUCTION STANDARDS (UACS)

In conformance with OAR 918-480-0125, for lots of record created on or after January 1, 2002, by this general notification, the Building Official intends to have the option to allow one or more of the Uniform Alternate Construction Standards to address a Fire Marshal determination of inadequate apparatus access or water supply.

Project-specific notification occurs in conjunction with the approval of a land use application under ORS 197.522.

The Building Official, acting in conformance with the rules, and by this notification, may choose to apply one or more Uniform Alternate Construction Standards to address determinations by fire



officials with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. Such decisions by the Building Official are final. The Building Official will give consideration to the input and advice of the State Fire Marshal or local fire official that does not conflict with this rule. The Building Official will retain the authority to make final decisions.

The Uniform Alternate Construction Standard is not a Statewide Alternate Method. Uniform Alternate Construction Standard determinations will be made by the Building Official. Uniform Alternate Construction Standards will be limited to one or more of the following fire suppression and fire containment components:

- (a) Installation of an NFPA Standard 13D fire suppression system;
- (b) Installation of a partial NFPA Standard 13D fire suppression system;
- (c) Installation of additional layers of 5/8-inch, Type-X gypsum wallboard;
- (d) Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components, or assemblies. Fire-resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- (e) Installation of fire-resistive exterior wall covering and roofing components; or
- (f) Provision for fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see OAR 629-044-1060). Stat. Auth.: ORS 455.610 Stat. Implemented: ORS 455.610

INSPECTION STANDARDS - OAR 918-20-0090(8)

INSPECTION POLICIES AND PROCEDURES – OAR 918-020-0090(8)(a) through (e)

It is the duty of the permit holder, or authorized agent, to request all inspections that may be necessary or otherwise required. The permit holder/authorized agent must make the requests in a timely manner, provide access to the site, and provide all equipment as may be deemed necessary or appropriate by the Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Reviewed plans and job card must be present at the job site for inspections.

Inspection requests may be made 24 hours per day, 7 days per week, through the State of Oregon ePermitting System.

Inspections for all permits other than electrical permits requested by 7:00 AM for a Monday, Wednesday, or Friday, take place between 8:00 AM and 5:00 PM on the Monday, Wednesday, or Friday for which they are requested. Inspections for electrical permits requested by 7:00 AM for Monday through Friday, take place between 8:00 AM and 5:00 PM on the Monday, Tuesday, Wednesday, Thursday, or Friday for which they are requested. Inspections do not take place on non-working weekdays.

A copy of the reviewed plans are required to be on the jobsite and available to the inspector. In accordance with the building code, construction, or work for which a permit is required shall be



subject to inspection by the Building Official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved.

A written report and/or record of inspection is performed by the inspector for each inspection. The report/record will reflect “Approved” or either a “Correct and Proceed” or “Correct and call for Re-inspection”. A “Correct and Proceed” allows the work to continue without a re-inspection. A “Correct and call for Re-inspection” requires a call for re-inspection of the corrected items, and approval, before proceeding to the next phase. A copy of the written report, if required, is left on the job site and entered into the City’s Building Division system. If no corrections were noted, and the inspection was approved, the inspector will sign the inspection record at the job site and enter the results into the electronic permit record on Accela.

AVAILABILITY AND LISTING OF INSPECTION STAFF OAR 918-020-0090(8)(f)

A roster of the inspectors, including current certifications and continuing education records, is available to any interested party upon request.

COMPLIANCE PROGRAMS

STOP WORK ORDERS OAR 918-020-0090(8)(g)

The Building Official is authorized to administer and enforce the provisions of the adopted codes. Provisions for stop work orders as herein stated are provided for in several of the codes. Whenever any work is being done contrary to the provisions of the adopted codes, or other pertinent laws or ordinances implemented through the enforcement of the codes, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

PROCESS FOR RESPONSE TO REPORTED CODE VIOLATIONS

Reports of work being performed without permit, and/or in violation of the permit and/or licensing requirements, including ORS 479.550, 479.620, 447.040, 693.030, and 693.040, are accepted through the City’s online code enforcement customer portal, Comcate. All reports of work being performed without permit, and/or in violation of the permit and/or licensing requirements are investigated by the Building Official.

INVESTIGATION OF REPORTED VIOLATIONS

Reports as described above are investigated to determine if a violation exists. If no violation exists, the case is closed. If a violation exists, there are several possible actions that may be taken by the City’s Building Division, including but not limited to stop work orders, assessment of investigation fees per the fee table, citation into Municipal Court, and referral to the Building Codes Division Compliance Section through the process identified in ORS and OAR. In any case, the person making the report is informed of the outcome.



NOTICES OF PROPOSED CIVIL PENALTIES

As per ORS 455.156, the City's Building Division acts as an agent of the respective state boards in the issuance of proposed assessments of civil penalties.

ELECTRICAL PROGRAM ADDITIONS

The City of Lincoln City has assumed administration and enforcement of the electrical safety program under the authority of ORS 479.730 and 479.855. As a municipal corporation, the electrical safety program encompasses all areas within the city limits of Lincoln City. The electrical inspectors are , who are on the staff of Northwest Code Professionals, and will be utilized under the City's contract with Northwest Code Professionals.

Lincoln City Municipal Code Chapter 15.04 is the authority for the local adoption of the State of Oregon One and Two Dwelling Specialty Code (Oregon Residential Specialty Code) and the Oregon Electrical Specialty Code (along with others. These local code provisions are reviewed annually to assure compliance with OAR 918-308-0190.

The electrical inspector(s) will perform periodic as well as spot checks for required licensing and certification for the person(s) performing electrical work. Detected violations will be reviewed by the Building Official and, as appropriate, processed as per the established state compliance program.

Respectfully submitted this 29th day of September, 2023 to be in effect on the 1st day of July, 2024.

Anne Marie Skinner, Director
Planning & Community Development



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RESOLUTION NO. 2023-26

A RESOLUTION OF THE CITY OF LINCOLN CITY APPROVING SUBMISSION OF OREGON BUILDING CODES DIVISION "PROGRAM ADMINISTRATION FORM – NEW REQUEST" AND ASSURING CITY COMPLIANCE WITH ALL REQUIREMENTS AND STANDARDS OF OAR CHAPTER 918 AND ORS CHAPTERS 455 AND 479.

Recitals

A. Lincoln City applied to the Oregon Building Codes Division on September 6, 2023, with the "Program Administration Form – New Request" to assume the administration and enforcement of Electrical and Plumbing Inspection Programs as per Exhibit A; and

B. Lincoln City will amend the current contract with Northwest Code Professionals to use their licensed building official and inspectors to perform all of the electrical and plumbing code functions as noted in Exhibit A; and

C. Lincoln City already has in place Lincoln City Municipal Code 15.04.110 which adopted all relevant building, electrical, plumbing, mechanical, and related codes; and

D. LCMC 15.04.110 provides for administration and enforcement of the plumbing and electrical codes by Lincoln County; and

E. LCMC 15.04.110 will be revised to remove the sentence regarding Lincoln County administration and enforcement of the plumbing and electrical codes upon approval of Lincoln City's plumbing and electrical program assumption request by Oregon Building Codes Division, effective July 1, 2024; and

F. Lincoln City's master fee schedule will be revised to add fees for electrical and plumbing permits upon approval of Lincoln City's plumbing and electrical program assumption request by Oregon Building Codes Division, effective July 1, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LINCOLN CITY HEREBY:

Section 1. Accepts the recitals set forth above as true and correct, adopts them, and incorporates them herein by this reference.

Section 2. Authorizes the City Planning and Community Development Director, and/or the City Manager, to sign and submit (noting that the submittal took place on September 6, 2023) the "Program Administration Form –New Request" and all necessary documents, or additional information that may be required by the Oregon Building Codes Division, for Lincoln City to

1 assume the operation, administration, and enforcement of the electrical and plumbing code
2 programs on July 1, 2024, as may be approved by the Oregon Building Codes Division.

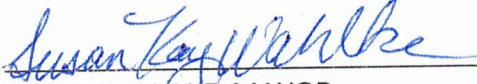
3
4 **Section 3.** Continues the appointment of Brandon Zipser with Northwest Code Professionals as
5 the Lincoln City Building Official, with, in addition to the building and mechanical code
6 inspection and enforcement powers already in effect, the addition of all electrical and plumbing
7 code inspection and enforcement powers, effective July 1, 2024.

8
9 **Section 4.** Agrees to the administration and enforcement of all electrical and plumbing code
10 programs applied for in Exhibit A, effective July 1, 2024, and as approved by the Oregon
11 Building Codes Division.

12
13 **Section 5.** The City understands and agrees to follow all relevant ORSs and OARs related to the
14 assumption of the administration and enforcement of the relevant electrical and plumbing
15 programs, including, among others, ORS Chapters 455 and 479 and OAR Chapter 918.

16
17 **Section 6. Effective Date.** This resolution shall take effect immediately upon its passage and
18 remain effective until replaced.

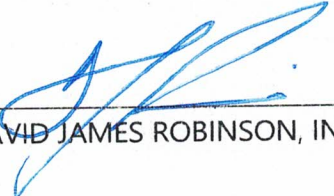
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22 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 9th day of October,
23 2023.

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28 _____
29 SUSAN WAHLKE, MAYOR

30 ATTEST:

31
32 
33 _____
34 JAMIE YOUNG, CITY RECORDER

35 APPROVED AS TO FORM:

36
37 
38 _____
39 DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY
40
41

David James Robinson, Attorney
Mailing Address: PO Box 398 Toledo, OR 97391
Portland Office: 521 SW Clay St., Suite 107 Portland, OR 97201
Phone (971) 266-4290
david@davidjamesrobinson.com

September 29, 2023

State of Oregon
Building Codes Division
PO Box 14470
Salem, OR 97309

RE: City of Lincoln City Electrical and Mechanical Codes Assumption Plan and Operating Plan

I am the city attorney for the City of Lincoln City (the City). The City has applied to the Oregon Building Codes Division for assumption of the administration and enforcement of the electrical and plumbing codes for the City. As of the writing of this letter, Lincoln County has provided administration and enforcement of the elements of the electrical and plumbing codes. As part of the transition from Lincoln County performing these functions to the City performing these functions, the City asked me to provide a statement that all employee rights under ORS 236.605 were preserved, consistent with OAR 918-308-0040(1)(e).

The City timely contacted Lincoln County to see if any of Lincoln County's public employees would be deprived of employment solely because the duties of their employment with Lincoln County related to performing these functions, would be assumed or acquired by the City. Lincoln County has not responded in writing to the City. Based on the best information available to me, as the city attorney for the City of Lincoln City, I can state that the employee rights of the City employees under ORS 236.605 were preserved. From the silence on the part of Lincoln County, I can only assume that Lincoln County has no employment-related concerns.

Very truly yours,

David James Robinson

David James Robinson
City Attorney for Lincoln City

Cc: Anne Marie Skinner, Director of Planning & Community Development
Daphnee Legarza, City Manager

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

NOTICE: Public Record Fees on this Schedule are Based upon the Estimated Time to Search, Retrieve, and Redact the Record, Multiplied by the Hourly Rate of the Employee(s) that will be Responding to the Request

ADMINISTRATIVE FEES - Business Related

Alarm Permits - Commercial	\$75.00
Alarm Permits - Residential	\$50.00
Liquor License - Original Application	\$100.00
Liquor License - Change of Ownership/Name/Location/or Privilege	\$75.00
Liquor License-Renewal/Temp Sales/Temp Use of Annual License	\$35.00
Business Occupation Tax Permit (BOTP):	
Application Fee	\$50.00
Annual Fee	\$100.00
Associate Fee	\$10.00 per person
Change of Ownership/Location	\$50.00
Display of Outdoor Merchandise - Winter Seasonal	\$25.00
Display of Outdoor Merchandise - Temporary	\$25.00
Home Occupation Permit	\$50.00
More Than Three (3) Employees	\$10.00 per each employee
Mobile Food Unit Annual Fee	\$100
Space/Booth/Table Inside Business	\$20.00 each
Street Vendor	\$25.00
Vacation Rental Dwelling:	
License Fee	\$100.00
License Renewal - Annual	\$100.00
License Renewal - Late Fee	\$150.00
Vehicle for Hire:	
Annual Application Fee:	
Application Initial	\$150.00
Application Renewal	\$100.00
Annual Vehicle License Fee:	
License Fee	\$100.00
Annual Business Occupational Tax Permit:	
Permit Fee	\$100.00

ADMINISTRATIVE FEES - Miscellaneous

CD's	\$15.00
Computer Generated Reports	\$.50 per screen page
Credit Card Fees:	
Utility Billing, Municipal Court Payments, Parks and Rec	No charge
Drop Box Account (private)	Actual Cost
DVD's	\$15.00
E-Mailing Documents	No charge
Fax Transmission	\$5.00 first page/\$1.00 add'l page
GIS Maps (On CD)	\$150.00
GIS Maps (Paper)	\$100.00 per hour
Initiative Petition Filing Fee (Non-refundable)	\$280.00
Initiative Referendum Filing Fee (Non-refundable)	\$140.00
Initiative Petition or Referendum Final Filing Fee	\$500.00
Lien Search	\$25.00
Mailing	Actual Cost
Map Copies (<i>black and white sheets 24" x 36"</i>)	\$3.00 per sheet
Map Copies (<i>colored sheets 24" x 36"</i>)	\$15.00 per sheet
Notarial Fees (Per OAR 160-100-0400 and ORS 194.164):	
City Business	No charge
Overnight Parking Permit (48 Hours)	\$50.00
Photocopies (<i>black and white</i>)	\$.30 per side copied

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

Photocopies (<i>black and white - 11" x 17"</i>)	\$.40 per side copied
Photocopies (<i>color up to 11" x 17"</i>)	\$1.00 per side copied
Photocopies (color 11" x 17")	\$1.50 per side copied
Postage	Actual
*Public Information Request (Staff time - first 15 min free)	Staff Time
*Actual cost or the stated fee is determined by multiplying the loaded hourly rate of the involved city employee by the time spent making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request. In addition, attorney time reviewing and redacting materials will be included.	
Recording Fee:	
Consents To Annex, Deeds, Easements, etc.	Pursuant to Lincoln County Code
Satisfaction of Lien	Pursuant to Lincoln County Code
Registration of distressed property	No charge
Returned or NSF Checks	\$25.00
Special Events Permit	\$50.00
USB Drive	\$15.00
BUILDING PERMIT FEES:	
TOTAL VALUATION	
\$1.00 TO \$5,000	\$65.00
\$5,001 TO \$25,000	\$73.45 for the first \$5,000 plus \$7.80 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,000.00 to \$50,000.00	\$227.50 for the first \$25,000 plus \$5.85 for
\$50,001.00 to \$200,000.00	\$371.80 for the first \$50,000 plus \$3.90 for
\$200,001.00 and up	\$952.90 for the first \$200,000 plus \$3.90 for each additional \$1,000 or fraction thereof.
OTHER FEES:	
Additional plan review required by changes, additions, or revisions to approved plans (minimum 1 hour)	** \$75.00 per hour
After-hour plan review/expedited review (minimum charge 2 hours)	** \$100.00 per hour
Deferred Submittal Fee	10% of the building permit fee based on the value of the particular deferred submittal. Minimum fee \$100
Fire and Life Safety plan review	105% of structure permit
Inspection outside normal business hrs. (minimum charge - 2 hrs.)	** \$75.00 per hour
Inspections for which no fee is specifically indicated	** \$75.00 per hour
Investigative Fee	\$100.00 per hour, 1-hour min.
Phased permit fee	10% of the total project building permit fee, not to exceed \$1,500.00 for each phase. Minimum fee \$100.00.
Plan Review Fee	65% of structural permit
Reinspection fee (charged for every reinspection)	** \$75.00 per hour
Reinstatement Fee	If less than 6 months has passed since expiration of original permit, the fee will be 50% of the original permit fee plus the current state surcharge.
Reinstatement Fee	If more than 6 months, but less than 12
State Surcharge	* 12% of permit fee
* Surcharge is mandated by the state and subject to change without jurisdictional approval.	
**Or the total hourly cost to the jurisdiction, whichever is greater. Cost shall include, supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	
DEMOLITION PERMIT FEE:	
Demolition of any structure within the City of Lincoln City	\$10.00

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

MANUFACTURED HOME PLACEMENT FEES AND RV PERMANENT PLACEMENT FEES:	
Placement Permit	\$160.00
State Code Development, Monitoring and Administration Fee	\$30.00
* State Surcharge 12%	\$19.20
Total Placement Permit (Excludes accessory building, SDC Fees, legal document filing fees)	\$209.20
* Surcharge is mandated by the state and subject to change without jurisdictional approval.	
MECHANICAL FEES - COMMERCIAL:	
\$1 to \$5,000	\$65.00
\$5,001 to \$10,000	\$65.00 plus \$2.00 for each additional \$100 (or fraction) over \$5,000
\$10,001 to \$100,000	\$165 plus \$10 for each additional \$1,000 (or fraction) over \$10,000
\$100,001 and above	\$1,065 plus \$7 for each additional \$1,000 (or fraction) over \$100,000
Plan review	25% of permit fee
Deferred submittal	\$100.00
State surcharge	** 12% of permit fee
* Surcharge is mandated by the state and subject to change without jurisdictional approval.	
MECHANICAL FEES - ONE AND TWO FAMILY DWELLINGS:	
Deferred submittal fee	\$100.00
Electric appliances - furnace, cooling unit, clothes dryer, exhaust fan, kitchen hood, water heater	\$14.00 each
Fuel burning appliances - includes furnaces, wood stove, pellet stove, insert, fireplace, and water heater	\$25.00 each
Gas Piping System - New or altered and any number of outlets	\$15.00
Other appliances	\$20.00
Permit fee	\$55.00
Supplemental permit fee	\$35.00
State surcharge	** 12%
** Surcharge is mandated by the state and subject to change without jurisdictional approval.	
(Mechanical equipment for one and two family dwellings includes ductwork, control unit, thermostats, filter.)	
RESIDENTIAL FIRE SUPPRESSION/MEDICAL GAS INSTALLATIONS:	
Multi purpose or Continuous Loop fire suppression systems (fees based on area of the dwelling to be covered)	
0-2000 sq. ft.	\$87.00
2001 to 3600 sq. ft.	\$129.00
3601 to 7200 sq. ft.	\$164.00
Over 7200 sq. ft.	\$200.00
State Surcharge	*12% of permit fee
Solar Installation Permit Fee:	
Prescriptive Installation	\$150.00
Non-Prescriptive Installation	Based on dollar valuation and the current structure code fee schedule as established by Resolution No. 2009-03, and as amended from time to time.
* Surcharge is mandated by the state and subject to change without jurisdictional approval.	
CONFERENCE/MEETING ROOMS:	
Meeting rooms rental policy: If the building is opened during non-operating hours, rental shall be subject to actual personnel cost required to open, staff, or close the building. Any use of the City's technology in Council Chambers or the Northwest Conference Room, whether during operating hours or non-operating hours, will be subject to actual personnel cost required to utilize the technology. Room rental shall be subject to City Manager approval with a two-hour minimum. *Restricted to governmental or educational institutions	
*City Council Chambers (fee per hour with 2 hour minimum)	\$15.00
*City Council Chambers (fee per day)	\$100.00

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

Computer Lab (<i>fee per hour</i>)	\$10.00
Computer Lab (<i>fee per day</i>)	\$75.00
Driftwood Library Meeting Room	
Commercial Groups (<i>fee per hour</i>)	\$30.00
Commercial Groups (<i>fee per day</i>)	\$200.00
Private Groups (<i>fee per hour</i>) - Meeting not open to public	\$10.00
Private Groups (<i>fee per day</i>) - Meeting not open to public	\$65.00
Northwest Conference Room (<i>fee per hour</i>)	\$10.00
Northwest Conference Room (<i>fee per day</i>)	\$75.00
Public Works Conference Room (<i>fee per hour</i>)	\$10.00
Public Works Conference Room (<i>fee per day</i>)	\$75.00
DRIFTWOOD PUBLIC LIBRARY:	
Administrative Fees:	
Card Replacement Fee	\$1.00
Failure to pick up Inter Library Loan (ILL) Materials	\$5.00
Flash Drives	Actual Cost
Headphones (Taken outside of the library)	Actual Cost
Internet Printing Fees (<i>fee per page</i>)	\$0.10
Photocopies (single sided)	\$0.10
Photocopies (double sided)	\$0.15
Lost/Damaged Items:	
Lost/Damaged Items	Retail Replacement
Lost/Damaged packaging	\$5.00
Lost/Damaged Labels (fee per label)	\$1.00
Meeting Room Fees (Waived for non-profits):	
Commercial Groups (fee per hour)	\$30.00
Commercial Groups (fee per day)	\$200.00
Private Groups (fee per hour) - Meeting not open to public	\$10.00
Private Groups (fee per day) - Meeting not open to public	\$65.00
(Resident discount) Card Fees:	
Annual	\$50.00
Six Months	\$25.00
Three Months	\$12.50
Overdue Fines:	
Maximum overdue fines per item	\$10.00
Interlibrary loan overdue fee	\$1.00/day
EXPLORE LINCOLN CITY:	
Renewal/Temporary Sales/Temporary Use of Annual Logo License	\$50.00
MUNICIPAL COURT:	
Administrative Fee	\$35.00
City Attorney Deferred Sentencing/Diversion Fee	\$53.00
* Collection Fee	25% of balance due
Contract Payment Set-Up Fee	\$25.00
Failure to Appear	\$25.00
NSF Returned Check Fee	\$25.00
Possession of Marijuana Diversion Agreement	PER ORS 135.921
Suspension Fee - (<i>Failure To Appear/Failure To Pay</i>)	\$25.00
Under 21 possession of alcohol assessment/treatment	PER ORS 471.432
PARKS AND RECREATION - Community Center:	
Admission - Daily:	
Swim (Now All Access):	
Youth (Ages 2-17) General Admission Drop-in	\$3.25
Youth (Ages 2-17) Resident Discount Drop-in	\$3.25
Adult (Ages 18-61) General Admission Drop-in	\$8.00

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

Adult (Ages 18-61) Resident Discount Drop-in	\$5.00
*Senior (Ages 62+) General Admission Drop-in	\$6.50
*Senior (Ages 62+) Resident Discount Drop-in	\$4.25
*Includes Disabled & Veterans	
All Access Pass- Annual	
All Access Youth (Ages 2-17)	\$259.25
All Access Adult (Ages 18-61)	\$517.25
All Access Adult (Ages 18-61) w/ Resident Discount	\$375.75
All Access *Senior Pass (Ages 62+)	\$384.50
All Access *Senior Pass (Ages 62+) w/ Resident Discount	\$300.25
All Access Family Pass	\$1,099.50
All Access Family Pass w/ Resident Discount	\$816.50
*Includes Disabled & Veterans	
All Access Pass- Quarterly	
All Access Youth (Ages 2-17)	\$86.50
All Access Youth (Ages 2-17) w/ Resident Discount	\$86.50
All Access Adult (Ages 18-61)	\$167.50
All Access Adult (Ages 18-61) w/ Resident Discount	\$125.25
All Access *Senior Pass (Ages 62+)	\$138.25
All Access *Senior Pass (Ages 62+) w/ Resident Discount	\$99.25
All Access Family Pass	\$366.25
All Access Family Pass w/ Resident Discount	\$272.25
All Access Pass- 4 Weeks	
All Access Youth (Ages 2-17)	\$32.50
All Access Youth (Ages 2-17) w/ Resident Discount	\$32.50
All Access Adult (Ages 18-61)	\$64.75
All Access Adult (Ages 18-61) w/ Resident Discount	\$47.50
All Access *Senior Pass (Ages 62+)	\$48.50
All Access *Senior Pass (Ages 62+) w/ Resident Discount	\$37.75
All Access Family Pass	\$138.25
All Access Family Pass w/ Resident Discount	\$102.50
15-Use Punch Passes	
15-Use Punch Pass Youth (Ages 2-17)	\$43.25
15-Use Punch Pass Youth (Ages 2-17) w/ Resident Discount	\$43.25
15-Use Punch Pass Adult (Ages 18-61)	\$105.75
15-Use Punch Pass Adult (Ages 18-61) w/ Resident Discount	\$63.75
15-Use Punch Pass *Senior (Ages 62+)	\$84.25
15-Use Punch Pass *Senior (Ages 62+) w/ Resident Discount	\$54.00
*Includes Disabled & Veterans	
Medicaid/Medicare:	
Enrolled Membership (new)	Minimum of \$3.80/visit
Swim Lessons:	
Resident	\$52.00
Non-resident	\$65.00
Private - one student	\$33.00
Private - two students	\$52.50

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

Rec Kids (Price is Per Contact Hour):	
Summer Camp Weekly Resident & Winter Break Camp	\$3.25
Summer Camp Weekly Non-Resident & Winter Break Camp	\$3.75
Annual School Year and No School Days Resident	\$3.25
Annual School Year and No School Days Non-Resident	\$3.75
Youth Sports:	
Resident (Local Leagues)	\$55.00
Non-Resident (Local Leagues)	\$60.00
County Leagues	\$55.00
PARKS AND RECREATION - Center Permits for Exclusive Use of a Community Center Area:	
** Meeting room policy fee for non-operating building hours.	\$38.00
Application Fee - Non refundable	
For permits for exclusive use of a Community Center area.	\$10.00
Concessions - Code requires 10% Gross sales or Flat Rate	
Interim Daily Rate	\$50.00
(Not available for concessions exceeding 180 days)	
Interim Monthly Rate	\$1,000.00
(Not available for concessions exceeding 180 days)	
Gym Rental:	
Commercial Groups <i>(subject to availability, fee per hour)</i>	\$99.00
Commercial Groups <i>(subject to availability, fee per day)</i>	\$375.00
Non-Profit Groups <i>(Fee per hour)</i>	\$58.00
Non-Profit Groups <i>(Fee per day)</i>	\$281.00
Private Groups <i>(Subject to availability, fee per hour)</i>	\$67.00
Private Groups <i>(Subject to availability, fee per day)</i>	\$312.00
Kitchen Rental	
Deposit for cleaning only	\$60.00
Locker Rental:	
Quarter Small	\$28.00
Quarter Large	\$33.50
Annual Small	\$85.25
Annual Large	\$113.50
** Meeting Room - Large (Non-Profit):	
Fee Per Hour With Kitchen	\$28.00
Fee Per Hour Without Kitchen	\$21.00
** Meeting Room - Large (Private Groups):	
Fee Per Hour With Kitchen	\$36.00
Fee Per Hour Without Kitchen	\$26.00
** Meeting Room - Large (Commercial):	
Fee Per Hour With Kitchen	\$54.00
Fee Per Hour Without Kitchen	\$40.00
** Meeting Room - Small (Non-profit groups):	
Fee Per Hour	\$15.00
** Meeting Room - Small (Private):	
Fee per hour	\$22.00
** Meeting Room - Small (Commercial Group):	
Fee per hour	\$32.00
Refundable deposit for rental with more than 50 participants	\$54.00
**Meeting room policy- if the building is opened during non-operating hours, rental shall be subject to actual personnel costs required to open, staff, or close the building. Room rental shall be subject to a two-hour minimum.	

CITY OF LINCOLN CITY

Fee Schedule

Effective July 1, 2023

Pool Rental - Private Parties :	
First 25 Swimmers (per hour)	\$91.00
For each additional 25 swimmers (per hour)	\$25.00
Pool Rental - Private Schools :	
Pool Time	\$25.00
For Guard or Instructor (per hour)	\$41.00
Pool Rental - Lincoln County School District :	
Pool	Free
For Guard or Instructor (per hour)	\$41.00
Rock Climbing	
Hourly Rental-Resident	\$41.00
Hourly Rental-Non-Resident	\$50.00
Youth (per session)	\$5.00
Adult Non-Resident (per session)	\$8.50
Adult Resident Discount (per session)	\$6.50
PARKS AND RECREATION - Park Permits for Exclusive Use of a Public Park Area	
<i>* Day rate based on 8 hours continuous use; extra time billed at hourly rate</i>	
Note - Cleanup fee to be billed at time and materials for groups not leaving facilities in a clean condition.	
Application Fee - Non refundable	
For permits for exclusive use of a Public Park area.	\$10.00
Community Center - Outdoor Basketball Court w/picnic tables	
Fee Per Hour (two hour minimum)	\$19.00
Concessions - Code requires 10% Gross sales or Flat Rate	
Interim Daily Rate	\$50.00
(Not available for concessions exceeding 180 days)	
Interim Monthly Rate	\$1,000.00
(Not available for concessions exceeding 180 days)	
Dorchester Park - Picnic Shelter	
Small Shelter - Per Hour with 2-hour minimum	\$19.00
Dorchester Park - Tennis/Pickleball Courts (2)	
Per Court: Non-profit Group - Hourly	\$15.00
Per Court: * Non-profit Group - Daily	\$54.00
Per Court: Private Group - Hourly	\$27.00
Per Court: * Private Group - Daily	\$110.00
Per Court: Commercial Group - Hourly	\$35.00
Per Court: Commercial Group - Daily	\$137.00
Holmes Road Park - Picnic Tables	
Picnic Table - Fee Per Hour (two-hour minimum) Per Table	\$19.00
Josephine Young Memorial Park - All Picnic Tables	
Picnic Table - Fee Per Hour (two-hour minimum) Per Table	\$19.00
Kirtsis Park	
Individual Fields Non-Profit Group (per hour)	\$52.00
* Individual Fields Non-Profit Groups (per day)	\$337.00
Individual Fields Private Groups (per hour)	\$59.00
* Individual Fields Private Group (per day)	\$375.00
Individual Fields Commercial Groups (per hour)	\$91.00
* Individual Fields Commercial Groups (per day)	\$450.00
Light Use fee at Kirtsis Park (per night)	\$38.00

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

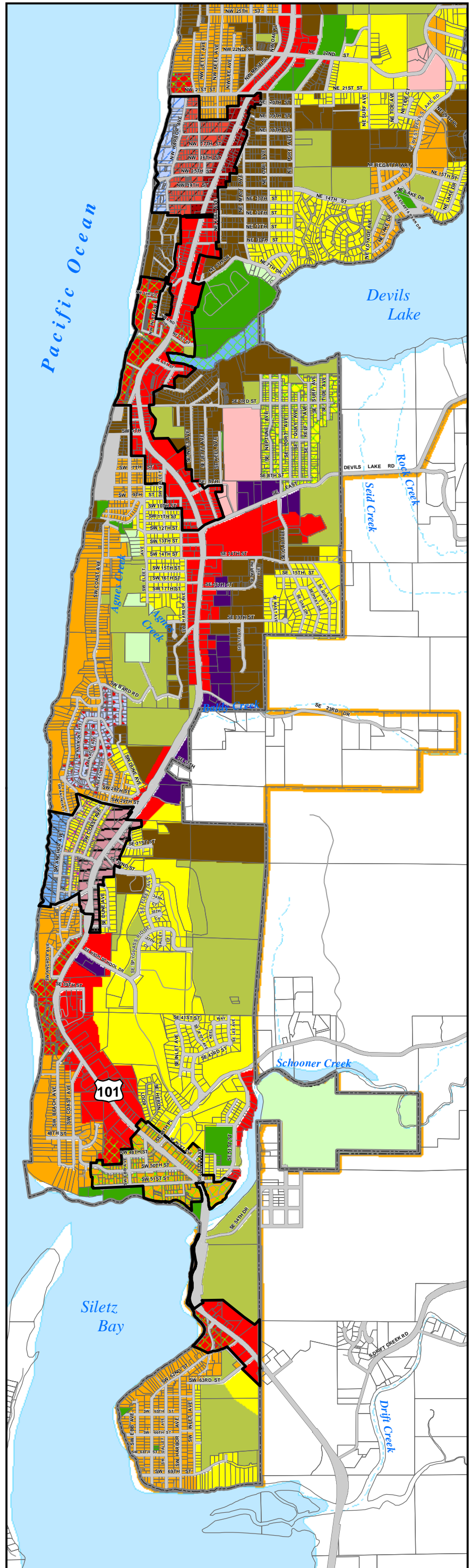
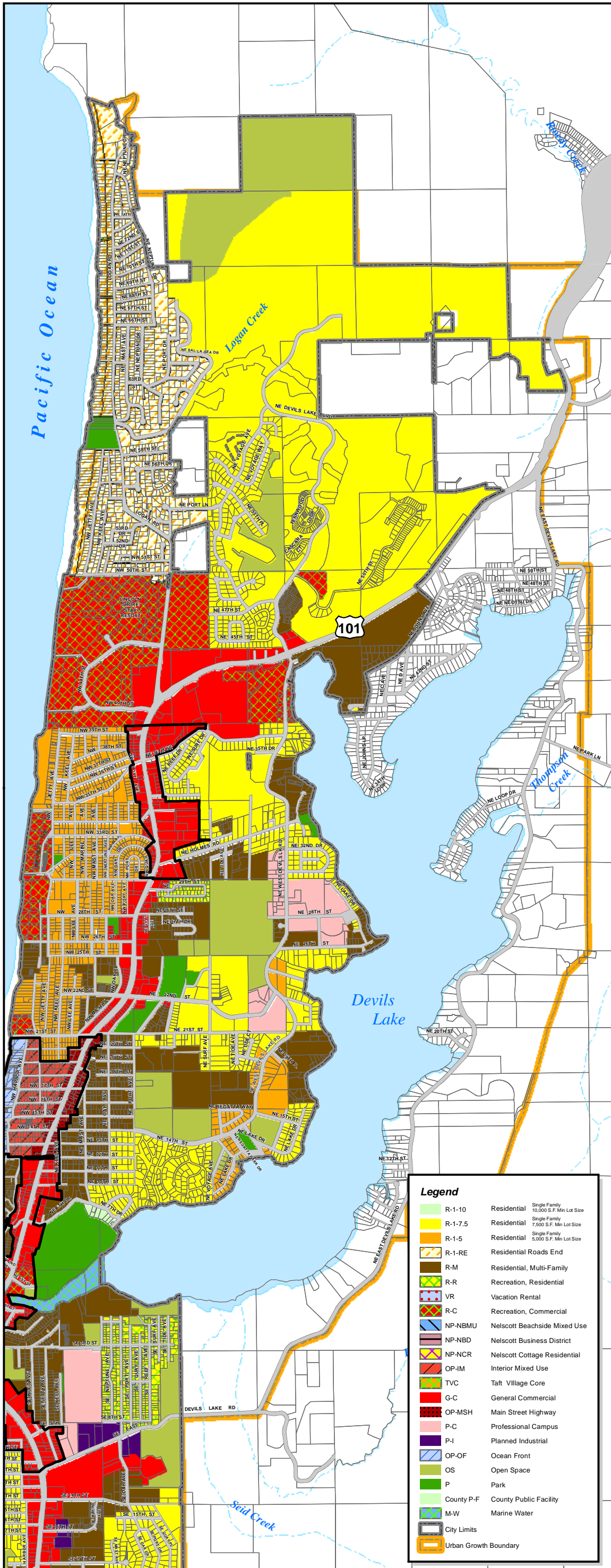
Nelscott Deck (Scott Plaza) Rental:	
Fee Per Hour (two-hour minimum)	\$21.00
Regatta Park - Picnic Shelter	
Small Shelter - Fee Per Hour (two-hour minimum)	\$19.00
Regatta Park - Stage	
Fee Per Hour (two-hour minimum)	\$45.00
Sandpoint Park - Picnic Tables	
Picnic Table - Fee Per Hour (two-hour minimum) Per Table	\$19.00
Siletz Bay - Picnic Tables	
Picnic Table - Per Hour (two-hour minimum) Per Table	\$19.00
Skateboard Park Rental - <i>Special Event Permit Required:</i>	
Non-profit Groups - Hourly	\$46.00
* Non-profit Groups - Daily	\$375.00
Private Groups - Hourly	\$52.00
* Private Groups - Daily	\$562.00
Commercial Groups - Hourly	\$91.00
* Commercial Groups - Daily	\$749.00
New Taft Park	
Individual Fields Non-Profit Group (<i>per hour</i>)	\$52.00
* Individual Fields Non-Profit Groups (<i>per day</i>)	\$337.00
Individual Fields Private Groups (<i>per hour</i>)	\$59.00
* Individual Fields Private Group (<i>per day</i>)	\$375.00
Individual Fields Commercial Groups (<i>per hour</i>)	\$91.00
* Individual Fields Commercial Groups (<i>per day</i>)	\$450.00
Taft Waterfront Park SW 51st Street - Picnic Shelter	
Large Shelter - Per Hour (two-hour minimum)	\$45.00
Wecoma Park - 2 Picnic Tables	
Picnic Table - Per Hour (two-hour minimum) Per Table	\$19.00
PLANNING AND COMMUNITY DEVELOPMENT:	
Adjustment- Design Standard	\$150.00
Administrative Adjustment (AA)	\$400.00
Agreement to Delay Landscaping Installation	\$150.00
Annexation	\$1,000.00
Appeals	\$250.00
Bed & Breakfast Application	\$50.00
Comprehensive Plan Map Amendment	\$2,500.00
Conditional Use Permit (CUP)	\$900.00
Development Review	\$1,000.00
Director's Interpretation	\$500.00
Floodplain Development Permit	\$250.00
Geologic Hazard Report/Beach Protective Structure Review	\$500.00
Land Use Compatibility Statement (LUCS)/Zoning Confirmation	\$50.00
Miscellaneous (Describe):	Varies
Mobile Food Unit Land Use Review	\$150.00
Modification of Approved Type II Application	\$250.00
Modification of Approved Type III Application	\$600.00

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

Natural Resource Development Review	\$500.00
Natural Resource Development Variance	\$900.00
Nonconforming Determination	\$350.00
Nonconforming Restoration Type II	\$350.00
Nonconforming Restoration Type III	\$800.00
Partition	\$350.00
Planned Unit Final Master Plan	\$1,000.00
Planned Unit Preliminary Master Plan	\$2,000.00
Planning Re-inspection (per re-inspection)	\$50.00
Planning Review for Building Permits	\$300.00
Pre-Application Conference	\$250.00
Property Line Adjustment (PLA)	\$350.00
Statutory Development Agreement	\$1,500.00
Subdivision Final Plat	\$500.00
Subdivision Preliminary Plat	\$1,000.00
Time Extension Application	\$150.00
Tree Removal Permit Application	\$50.00
Text Amendment	\$1,500.00
Urban Growth Boundary (UGB) Amendment	\$2,500.00
Vacation Rental Dwelling (VRD) Accessory to Unlimited	\$300.00
Vacation Rental Dwelling (VRD) Land Use Review	\$590.00
Vacation Rental Dwelling (VRD) Unit Re-inspection	\$100.00
Variance	\$900.00
Verbatim Written Transcript	\$500.00
Zoning Change (ZC)	\$2,500.00
Zoning Sign Permit	\$100.00
POLICE DEPARTMENT - ADMINISTRATIVE	
Code Enforcement Fees/Assessments	10% of fine
Copies of Police Reports/Video:	
First 5 pages	\$15.00
Each additional page	\$0.30
CD's and DVD's	\$15.00
Video Redaction (per 10 minutes)	\$98.00
*Actual cost or the stated fee is determined by multiplying the loaded hourly rate of the involved city employee by the time spent	
Fingerprinting:	
Children (free as public service)	Free
First Two Cards	\$30.00
Each Additional Card	\$5.00
Impound Fee	\$100.00
CAD Incident Response Reports	\$10.00
PUBLIC WORKS - ADMINISTRATIVE:	
***PLEASE NOTE THAT WATER, SEWER, PARK AND TRANSPORTATION FEE SYSTEM DEVELOPMENT CHARGES ARE ADJUSTED ANNUALLY ON JANUARY 1 ACCORDING TO ENR CONSTRUCTION COST INDEX	
ADVANCED FINANCE DISTRICT:	
Application Fee for 1-14 benefited properties	\$250.00
Application Fee for 15 or more benefiting properties	\$750.00
Application Processing Fee	\$100.00
ADMINISTRATIVE FEES:	
Account Change Fee	\$25.00
After Hours Fee	\$50.00
Delinquent Notice - Door Hanger	\$25.00
Disconnection Fee - (Turn-Off Services)	\$50.00
Erosion Control Kit	\$145.75
Fire Hydrant Meter Deposit	\$1,000.00

CITY OF LINCOLN CITY
 Fee Schedule
 Effective July 1, 2023

Fire Hydrant Meter Install	\$55.00
Fire Hydrant Relocation	\$3,125.00
Grease Trap Ordinance (Non-Compliance)	25% of total wastewater, & wastewater commodity charges
* Illegal Connection - (Turn-On of Services)	\$50.00
Inspection Fee - Sewer (Includes staff time, vehicle use & administrative costs)	\$100.00
Meter Read	No fee
Meter Test (Customer Request)	\$35.00
Meter Test - (Inaccurate Meter)	No fee
Re-establishing Water After Hours - After City Hall Work Hours	\$50.00
Septage Handling Fee - <i>Per Gallon</i>	\$0.15
Street Cut Fee (<i>Since Street Improvement</i>)	\$500.00 for 1st year
	\$400.00 for 2nd year
	\$300.00 for 3rd year
	\$200.00 for 4th year
	\$100.00 for 5th year
* Illegal conduct will be documented and referred for prosecution. See e.g. ORS 164.365 Criminal Mischief in the First Degree. Fee is not a civil compromise.	
BELLHAVEN FEES:	
Bellhaven Fees	\$1,029.00
GIS FEES:	
CD of City Mapping Data	\$150.00
Mapping (Including paper and plotter cost)	\$100.00/hr.
INSTALLATION FEE (City):	
Meter and service line	\$2,468.00
Meter only	\$146.00
Residential Irrigation Meter	\$721.66
PARK SYSTEM CHARGE (Revised Every January 1):	
Per Unit - <i>Effective 09/12/94, Res. 94-28</i>	\$2,257.00
PUBLIC WORKS PERMIT - RIGHT-OF-WAY:	
Plan Review & Inspection Fee - SFR/Duplex <i>(Includes staff time, vehicle use and administrative costs)</i>	\$707.50
<i>Additional Revisions (Beyond 2)</i>	\$200.00
<i>Additional Inspections (Beyond 2)</i>	\$100.00
STORMWATER FEE FOR SINGLE FAMILY RESIDENCE:	
Per square foot of impervious surface	\$0.03
SYSTEM DEVELOPMENT CHARGES (Revised Every January 1):	
Multi-Family Dwelling and Lodging Facilities That Share:	
A Single Meter:	
Lodging Water	\$1,674.00 x # of units
Lodging Sewer	\$3096.00 x # of units
Multi-Family Dwellings Water	\$1,608.00 x # of units
Multi-Family Dwellings Sewer	\$2,970.00 x # of units
Residential:	
3/4" Meter - Water	\$3,394.00
3/4" Meter - Sewer	\$6,273.00
1" Meter - Water	\$5,655.00
1" Meter - Sewer	\$10,453.00
1.5" Meter - Water	\$11,244.00
1.5" Meter - Sewer	\$20,904.00
2" Meter - Water	\$18,094.00
2" Meter - Sewer	\$33,448.00
TRAFFIC IMPACT FEES - North End	
Villages at Cascade Head and Lincoln Palisades 1, 2, and 3	\$4,838.00



Legend

	R-1-10	Residential	Single Family 10,000 S.F. Min Lot Size
	R-1-7.5	Residential	Single Family 7,500 S.F. Min Lot Size
	R-1-5	Residential	Single Family 5,000 S.F. Min Lot Size
	R-1-RE	Residential Roads End	
	R-M	Residential, Multi-Family	
	R-R	Recreation, Residential	
	VR	Vacation Rental	
	R-C	Recreation, Commercial	
	NP-NBMU	Nelscott Beachside Mixed Use	
	NP-NBD	Nelscott Business District	
	NP-NCR	Nelscott Cottage Residential	
	OP-IM	Interior Mixed Use	
	TVC	Taft Village Core	
	G-C	General Commercial	
	OP-MSH	Main Street Highway	
	P-C	Professional Campus	
	P-I	Planned Industrial	
	OP-OF	Ocean Front	
	OS	Open Space	
	P	Park	
	County P-F	County Public Facility	
	M-W	Marine Water	
		City Limits	
		Urban Growth Boundary	

Lincoln City Zoning

November 24, 2022



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Chapter 15.04

CITY OF LINCOLN CITY BUILDING CODE

Sections:

- 15.04.010 Title.
- 15.04.020 Purpose.
- 15.04.030 Scope.
- 15.04.040 Definitions.
- 15.04.050 Alternate materials and methods.
- 15.04.060 Modifications.
- 15.04.070 Tests.
- 15.04.080 Powers and duties of the building official.
- 15.04.090 Construction documents and permits.
- 15.04.100 Inspections.
- 15.04.110 Construction codes adopted.
- 15.04.115 Optional local amendments to adopted codes.
- 15.04.120 Construction-related codes adopted.
- 15.04.130 Building official authority to impose civil administrative penalty.
- 15.04.140 Appeal procedures.
- 15.04.145 Special appeal procedures and requirements for discretionary decision of contract building official (OAR 918-020-0230(2)(b), 918-020-0250 and 918-020-0260).
- 15.04.150 Violations – Penalties – Remedies.
- 15.04.160 Lien.

Prior legislation: Ords. 2010-01, 2014-17 and 2020-01.

15.04.010 Title.

These regulations shall be known as the “City of Lincoln City Building Code,” may be cited as such and will be referred to herein as “this code.” (Ord. 2021-08 § 1)

15.04.020 Purpose.

The purpose of this title is, consistent with available resources, to establish uniform performance, minimal standards, enforcement procedures, and administrative standards in order to provide reasonable safeguards for the health, safety, welfare, comfort and security of the residents of this jurisdiction, and to provide for the use of modern methods, devices, materials, techniques, practicable maximum energy conservation standards, and fire and life safety features in the construction and use of structures. (Ord. 2023-01 § 1; Ord. 2021-08 § 1)

15.04.030 Scope.

A. This code shall apply to new and existing construction and premises, and construction-related activities including, but not limited to, installation of: mechanical, energy, grading, accessibility (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 Specialty Codes, rules, or statutes, and/or regulated by various other codes of the city of Lincoln City, including zoning or land use regulations. The city of Lincoln City enforces the State Building Code as per ORS Chapter 455 and the rules adopted thereunder.

B. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern, except in cases where the minimum/maximum provisions of the State Building Code apply. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

C. Notwithstanding the above, demolition of buildings and structures is addressed in Chapter 15.06 LCMC, and moving of buildings is addressed in Chapter 15.12 LCMC. (Ord. 2023-01 § 2; Ord. 2021-08 § 1)

15.04.040 Definitions.

In addition to the definitions provided in the applicable building codes, for the purpose of this chapter, the following definitions shall apply:

“Agency” shall mean the Lincoln City building department.

“Approved” means approved by the building official.

“Building code hearings officer” shall mean a qualified employee designated to hear appeals of decisions of the contract building official.

“Building official” shall mean the Lincoln City contract building official or deputy thereof, with powers granted by ORS 455.153.

“Building service equipment” means all support systems/equipment such as piping, ducts, vents, and other components of systems other than portable appliances that are permanent in place to serve the building.

“Certificate of occupancy” means a certificate of approval issued by the building official, as required by the applicable code, after all provisions of the building code, laws, codes and conditions of approval enforced by the building official are met for a building intended for occupancy.

“Contract building official” means an owner, manager or employee of a person that the director of the state of Oregon Department of Consumer and Business Services has licensed to perform specialty code inspections and plan reviews under ORS 455.457 and that engages in the business of providing the services described in ORS 455.148(3) and 455.150(3) to one or more municipalities to which the director of the state of Oregon Department of Consumer and Business Services has delegated a building inspection program. (See OAR 918-020-0015(2).)

“Discretionary decision” means a decision on whether to waive a plan review, an inspection, or a provision of the State Building Code; or to allow an alternative material, design, or method of construction. (See Per OAR 918-020-0015(4).)

“Enforcement action” means an action in which an order to correct has been issued, or which seeks or results in a civil penalty.

“Imminent danger” or “imminent hazard” means a condition which could cause serious or life threatening injury or death at any time.

“Nonconforming” means any building, premises, or structure which lawfully existed prior to the effective date of the ordinance codified in this code, but which, due to the requirements adopted herein, no longer complies with one or more provisions of this code.

“Operating plan” means a state-mandated document, as required by OAR 918-020-0080, created and maintained by the building official, that outlines policies, procedures, rules, timelines, hours of operation, and general administrative procedures describing the operation of the building division.

“Public way” means any street, alley, or similar piece of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

“Qualified employee” is an individual that the municipality employs and has been designated to ratify or disapprove a contract building official’s discretionary decisions (OAR 918-020-0015(7)).

“State Building Code” means all of the combined specialty codes together, including the electrical, plumbing, and mechanical codes, as provided in ORS 455.010(8). (Ord. 2023-01 § 3; Ord. 2022-04 § 1; Ord. 2021-08 § 1)

15.04.050 Alternate materials and methods.

A. The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically prescribed by this code, provided such alternate material, design, or method has been approved and its use authorized by the building official.

B. The building official may approve any such alternate material, design or method, provided the building official finds that the proposed material, design or method complies with the provisions and intent of this code and that it is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

C. The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the use of such alternate material, design, or method. The details of any approval of any alternate material, design or method shall be entered in the files of the city. (Ord. 2023-01 § 4; Ord. 2021-08 § 1)

15.04.060 Modifications.

When there are practical difficulties in carrying out the provisions of the technical codes or this code, the building official may grant modifications for individual cases, provided the building official finds that the modification is in conformance with the intent and purpose of the technical codes or this code and that said modification does not lessen any health, life safety, or fire-protection requirements, nor any degree of structural integrity. The details of any approved modification shall be entered in the files of the city. (Ord. 2023-01 § 5; Ord. 2021-08 § 1)

15.04.070 Tests.

A. Whenever there is insufficient evidence of compliance with the provisions of this code or the technical codes, or that any material, method or design does not conform to the requirements of this code or the technical codes, the building official may require tests or engineering reports as proof of compliance to be made at no expense to this jurisdiction.

B. Test methods shall be as specified by this code, the technical codes, or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

C. All tests shall be made by a testing agency approved by the building official. The building official shall retain reports of such tests for the period required for the retention of public records. (Ord. 2023-01 § 6; Ord. 2021-08 § 1)

15.04.080 Powers and duties of the building official.

A. General.

1. There is hereby established an agency which shall be under the administrative and operational control of the building official.

2. The building official is authorized to enforce all the provisions of this code.

3. The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.

B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out the functions of the agency.

C. Right of Entry. When it may be necessary to inspect to enforce the provisions of this code, or the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, in violation of this code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the building official, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by Oregon law, including but not limited to administrative warrant, to secure entry.

D. Stop Work Orders.

1. Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement), the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the building official to proceed thereafter.

2. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties of LCMC 15.04.150.

E. Authority to Disconnect Utilities in Emergencies. The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time thereafter.

F. Authority to Abate Hazardous Equipment.

1. When the building official ascertains that equipment, or any portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

2. When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as deemed necessary to prevent, restrain, correct or abate the violation.

G. Connection After Order to Disconnect. No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official until the building official specifically authorizes the reconnection and/or use of such equipment.

H. Occupancy Violations. Whenever any building, structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in the notice and make the structure, or portion thereof, comply with the requirements of this code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of LCMC 15.04.150. (Ord. 2021-08 § 1)

15.04.090 Construction documents and permits.

A. Permits – Generally. It is unlawful for any person, firm, or corporation to engage in any work, conduct, or activity for which a permit, certificate, label, or other formal authorization is required by this code or other regulation without first obtaining such permit, certificate, label, or other formal authorization. Permits are required for any work that is regulated under the State Building Code as per ORS Chapter 455 and the rules adopted thereunder, as well as any work, activity, use, or review required by any code, policy, or procedure within this jurisdiction that is enforced by the building official, which may include occupancy reclassifications, grading, signs, demolition, new parking lots, or regrading and parking lot resurfacing/stripping.

B. Application for a Building Permit. To obtain a permit, the applicant shall first apply to the city of Lincoln City building division through the electronic permitting system.

C. Submittal Documents.

1. Plans, specification, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data shall constitute the submittal documents and shall be uploaded in PDF form with each application for a permit. When such plans are not prepared by a licensed architect or licensed engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or licensed engineer. The building official may require plans, computations, and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such, even if not required by state law.

2. The building official may waive the submission of plans, calculations, construction inspection requirements, and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

D. Permit Issuance.

1. The application, plans, specifications, computations, and other data filed by an applicant for permit shall be reviewed by the building official or designee. Such plans shall be reviewed by other departments of this jurisdiction and North Lincoln Fire and Rescue District No. 1 to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specification, and other data filed therewith conform to the requirements of this code and the technical codes and other pertinent laws and ordinances, and that the applicable fees have been paid, the building official shall issue a permit therefor to the applicant.

2. When the building official issues a permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications "REVIEWED." Such plans and specifications shall not be changed, modified, or altered without authorization from the building official, and all work regulated by this code and the technical codes shall be done in accordance with the approved plans.

E. Deferred Submittals and Phased Construction.

1. Deferred submittal of plans and phased construction may be permitted, subject to the approval of the building official, when the deferred submittals or phasing of construction is not likely to result in mistakes, faulty construction, or violation of any local or state codes or laws. Requests for deferred submittals must be made in writing and noted on the construction documents. Construction associated with phased, partial, or deferred submittals and permits shall be done at the risk of the permit holder, applicant, and property owner.

2. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this title. If the holder of a partial permit elects to proceed, they shall do so without assurance that the permit for the entire building or structural will be granted.

3. Additional costs for partial permits and/or deferred submittals shall be in accordance with the fee schedule and charged to the applicant at the time of initial permit issuance.

F. Retention of Plans, Permits, and Documentation. One set of approved plans, specifications, computations, and permits shall be retained by the building official and shall be stored and retained by the jurisdiction as required by the State Archivist. The applicant shall be responsible for keeping one approved set of plans and specifications on the site of the building or work at all times, and available to the inspector, during which the work authorized thereby is in progress. Such set shall be kept in good order and in clean, legible condition.

G. Validity of Permit.

1. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other code of the jurisdiction, or any other federal, state, or local law, statute, rule, regulation, or code. Permits presuming to give authority to violate or cancel the provisions of this code or other codes or ordinances of the jurisdiction shall not be valid.

2. The issuance of a permit based on plans, specifications, and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications, and other data requiring additional engineering data, or from preventing building operations being carried on thereunder when in violation of this code or of any other codes of this jurisdiction.

H. Expiration of Application for a Permit. Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may be discarded by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once, unless expressly authorized by the building official. In order to renew action on an application after expiration, the applicant shall submit plans again through the electronic permitting system and pay a new plan review fee. When an applicant applies for concurrent review, the applicant assumes the responsibility and risk of obtaining all approvals required by other departments or jurisdictions within the 180-day period.

I. Permit Expiration.

1. Every permit issued by the building official, under the provisions of this code and the technical codes, shall expire by limitation and become null and void 180 days from the date of such permit issuance if the building or work authorized by such permit is not commenced, or pursuant to any time limits designated by conditions of approval, or after the building or work authorized by such permit is suspended or abandoned for 180 consecutive days at any time after the work is commenced. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities.

2. Any permittee holding an unexpired permit may apply to the building official for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once, unless expressly authorized by the building official.

3. Where a permit has expired, the permit may be reinstated and the work authorized by the original permit can be recommenced, provided the original permit expired less than one year from the request to reinstate.

4. The fee for a reinstated permit shall be one-half the amount required for a new permit plus any costs incurred as a result of investigations. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees and review, shall be required.

J. Investigation.

1. Whenever any work for which a permit is required by this code or the technical codes has been commenced without first obtaining said permit, an investigation shall be made before a permit may be issued for such work. This investigation is subject to the fees described below, and may or may not result in a penalty.

2. The building official may require an investigation in order to ascertain whether a party is in possession of a state license, and/or is in compliance with other state-mandated requirements.

3. Unless waived by the building official, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be in accordance with the jurisdiction's adopted fee schedule.

K. Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder unless specifically requested by the property owner, in writing, and approved by the building official.

L. Suspension/Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance, or activity thereunder, is in violation of any state or local statute, code, or regulation, or if the permittee violates any term or condition of the permit or this code. (Ord. 2023-01 § 7; Ord. 2021-08 § 1. Formerly 15.04.100)

15.04.100 Inspections.

A. Inspections – Generally.

1. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have special or continuous inspection as specified in the State Building Code.
2. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code, the technical codes, or of other ordinances or codes of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code, the technical codes, or of other ordinances or codes of the jurisdiction shall not be valid.
3. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and shall ensure that the reviewed construction documents are on site and available for the inspector. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
4. A survey of the site may be required by the building official to verify that the structure is located in accordance with the approved plans.

B. Inspection Requests.

1. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection, and to make provision for access during normal business hours. Inspection requests shall be requested at least one working day before such inspection is desired and in accordance with the specific times described in the operating plan.
2. It shall be the duty of the person requesting any inspections required by this code to provide safe access to and means for inspection of such work, including any and all required special equipment, tools, ladders, belts, clothes, or other protective equipment or devices.
3. It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary, or otherwise required, in a timely manner, to provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity until authorized to do so by the building official.

C. Inspections Required.

1. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection and test purposes until approved by the building official. The address must be posted. No work shall be covered until approved and signed off for that stage of the project or work.
2. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes including providing any necessary ladders, walkways, lighting, carpet runners for protection of carpet or other equipment necessary for safe access and inspection. Neither the building official, deputies nor the jurisdiction shall be liable for expense entailed in the removal, cleaning, or replacement of any equipment or material required to allow inspection.

3. Inspection and approval by the building official is not to be construed as relieving the permit holder of his/her responsibility to correct any deficiencies that are later discovered, even though they may have existed at the time of the original inspection and approval.

D. Reinspections.

1. A reinspection fee, in accordance with the fee schedule, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

2. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, when the address for the site is not posted, or for deviating from plans requiring the approval of the building official.

3. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid, unless authorized by the building official.

E. Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the city.

F. Special Inspections and Structural Observations. Special inspections and structural observations shall be conducted as required by the State Building Code. Additional special inspections and/or structural observations may be determined necessary and required by the building official. Special inspectors are required to be approved by the building official prior to any inspections. All special inspections shall be conducted prior to the regular and corresponding city inspection. It shall be the responsibility of the permit holder to ensure that the results of the special inspection are made available to the building official and the city inspector at the job site prior to, and at the time of, the city inspection.

G. Approval Required.

1. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed, or shall notify the permit holder, or an agent of the permit holder, wherein the same fails to comply with this title. Any portions which do not comply shall be corrected and such portion(s) shall not be covered or concealed until authorized by the building official.

2. Unless an alternate method of notification is approved by the building official, the form of notification shall be a minimum of a written notice left at the job site. Any work that does not comply with this code and/or the technical codes shall be corrected and such work shall not be covered or concealed until authorized by the building official.

3. Prior to occupancy, there shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

H. Certificate of Occupancy.

1. Except for work exempt from permits and residential accessory buildings, no building or structure shall be used or occupied, and no change in the existing character, use, or occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy.

2. The certificate of occupancy for buildings other than single-family dwellings and U occupancies shall be posted in a conspicuous place and shall not be removed except by the building official.

3. In cases where there are outstanding corrections and/or deficiencies that do not present a hazard or immediate public concern, or where no outstanding corrections exist, the building official may grant a partial and/or temporary certificate of occupancy upon request. When granting a temporary certificate of occupancy,

the building official shall provide the permit holder with conditions and time restrictions for compliance and final approval. The fee for partial and/or temporary certificate of occupancy shall be in accordance with the fee schedule.

4. Upon failure to obtain final approval and a certificate of occupancy, when applicable, and/or upon the expiration of the permit, the building official, in addition to other remedies, may file a notice of noncompliance with the county recorder. To remove the notice, proof of compliance must be provided and all enforcement costs, recording costs, and filing costs determined by the building official must be paid by the permit holder.

5. Changes in the character or use of a building shall not be made except as specified in the building code.

6. Issuance of a certificate of occupancy shall not be construed as an approval of a violation to the provisions of this code or of other city ordinances. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this title when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure, or portion thereof, is in violation of an ordinance, regulation, or the provisions of this title.

I. Proceeding Without Inspection or Approval. Work performed without approval shall be required to be exposed for inspection, and any costs due to damage, such as the repair to sheetrock, masonry, concrete, siding, and any investigation or penalties shall be the responsibility of the permittee and/or owner. (Ord. 2023-01 § 8)

15.04.110 Construction codes adopted.

The city of Lincoln City adopts, administers, and enforces the Oregon State Building Code, including all specialty codes, as promulgated by the Director of the Oregon Department of Consumer and Business Services pursuant to ORS Chapter 455, except that the plumbing specialty code and the electrical specialty code are administered and enforced by Lincoln County. The adopted codes, without limitation, are identified herein.

A. Structural Specialty Code. The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through OAR 918-460-0015, except as modified in this chapter, is adopted as part of this chapter.

B. Excavation and Grading/Erosion Control. Appendix J of the Oregon Structural Specialty Code is adopted as part of this chapter.

C. Mechanical Code. The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 and 918-440-0040, except as modified in this chapter, is adopted as part of this chapter.

D. Plumbing Code. The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, except as modified in this chapter, is adopted as part of this chapter.

E. Electrical Code. The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100, except as modified in this chapter, is adopted as part of this chapter.

F. One- and Two-Family Dwelling Code. The Oregon Residential Specialty Code, as adopted by OAR 918-480-0000 through 918-480-0010, except as modified in this chapter, is adopted as part of this chapter.

G. Oregon Reach Code (Optional). The Oregon Reach Code, as adopted by OAR 918-465-0020 through 918-465-0040, except as modified in this chapter, is adopted as part of this chapter.

H. Manufactured Dwelling Code – Parks. The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0095, except as modified in this chapter, are adopted as part of this chapter.

I. Manufactured Dwelling Code – Installations. The manufactured dwelling rules adopted by OAR Chapter 918-500, except as modified in this chapter, are adopted as part of this chapter. (Ord. 2021-08 § 1)

15.04.115 Optional local amendments to adopted codes.

Notwithstanding the adoption of the Oregon Structural Specialty Code (OSSC) in LCMC 15.04.110(A), the Oregon Residential Specialty Code (ORSC) in LCMC 15.04.110(F), and the permit exemptions contained therein, the city of

Lincoln City specifically requires a permit for the following listed items. In addition, the construction standards of the OSSC or ORSC, as applicable, remain applicable for these items.

- A. Protection of adjoining property, as defined by Chapter 1 of the OSSC.
- B. Retaining walls as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e., walls greater than four feet in height and retaining walls where the wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a non-soil surcharge).
- C. Fences, as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e., fences constructed of wood, wire, mesh or chain link, when such fences are greater than seven feet in height; fences constructed of materials other than wood, wire, mesh or chain link, require a permit regardless of height).
- D. Tanks as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e., exterior to and not attached to a regulated building).
- E. Flagpoles as defined by Chapter 1 of the OSSC (i.e., poles not attached to or supported by a regulated building provided the flagpole is greater than 25 feet in height).
- F. Ground-mounted photovoltaic systems, as defined by Chapter 1 of the OSSC and ORSC, as applicable (i.e., greater than 10 feet in height).
- G. Signs as defined by Chapter 1 of the OSSC (i.e., not located in a public right-of-way and not attached to or supported by a regulated building). (Ord. 2023-01 § 9; Ord. 2021-18 § 1)

15.04.120 Construction-related codes adopted.

A. Dangerous Building Code. Except as modified in subsection (B) of this section, the city of Lincoln City adopts, administers, and enforces the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, by the International Conference of Building Officials (UCADB), a copy of which is on file and available for reference with the city building official.

B. Local Amendments to the UCADB.

1. The following supplementary definitions are added:

- Board of Appeals. Board of appeals established by Chapter 2.12 LCMC.
- Clerk. The city recorder of the city of Lincoln City.
- Director of Public Works. The city engineer of the city of Lincoln City.
- Health Official. The Lincoln County sanitarian or other designee.

2. UCADB, Chapter 4, Section 403, Section 1.3 is not an available remedial option for a building declared to be dangerous under this code, except that any repair order (Section 1.1) or demolition order (Section 1.2) of the building official may require a premises to be secured and maintained against entry during the period when repair is authorized or prior to scheduled demolition.

3. All references in the UCADB to the “Building Code” shall mean the applicable Oregon State Building Code in effect, including all currently enforced specialty codes or, when the context requires, the applicable predecessor code.

4. Notwithstanding Section 401.2.5 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by subsection (A) of this section, the time period for appeals from notices, orders, or actions of the building official shall be 10 days.

C. Unsafe Buildings.

1. All buildings or structures regulated by this code which are unsafe under the terms of the Uniform Code for the Abatement of Dangerous Buildings are hereby designated as unsafe buildings, structures, or appendages.

2. All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this chapter and the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

3. Notwithstanding the provisions of LCMC Title 8, appeals of dangerous building determinations/declarations, or determinations/declarations of a nuisance in subsection (C)(2) of this section, shall be appealed to the board of appeals as specified in this chapter. (Ord. 2023-01 § 10; Ord. 2021-08 § 1)

15.04.130 Building official authority to impose civil administrative penalty.

A. Authority to Impose Civil Administrative Penalty.

1. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (A)(1) through (A)(13) of this section. For purposes of this subsection, a “responsible person” includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner.

2. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

3. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time provided for correction shall be not less than five calendar days.

4. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been satisfactorily completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible person to whom an order to correct was issued.

5. Notwithstanding subsections (A)(2) and (A)(3) of this section, the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional, or a repeat of a similar violation.

6. In imposing an administrative civil penalty authorized by this section, the building official shall consider:

- a. The person’s past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- b. Any prior violations of statutes, rules, orders, and permits;
- c. The gravity and magnitude of the violation;
- d. Whether the violation was repeated or continuous;
- e. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- f. The violator’s cooperativeness and efforts to correct the violation; and

g. Any relevant rule of the building official.

7. A notice of a civil violation that imposes an administrative civil penalty under this section shall be served by personal service, or sent by registered or certified mail and by first class mail. A notice served by mail shall be deemed received three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

- a. Reference to the particular code provision, ordinance number, or rule involved;
- b. A short and plain statement of the matters asserted or charged;
- c. A statement of the amount of the penalty or penalties imposed;
- d. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (A)(5) of this section, a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
- e. A statement of the party's right to appeal the civil penalty to the building board of appeals, or if the building board of appeals lacks sufficient members to constitute a quorum, to the city manager or the city manager's designee; a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.

8. Any person, firm, corporation or other entity however organized that is issued a notice of civil penalty may appeal the penalty to the building board of appeals, or if the building board of appeals lacks sufficient members to constitute a quorum, the city manager or the city manager's designee.

9. A civil penalty imposed under this section shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the building board of appeals, or if the building board of appeals lacks sufficient members to constitute a quorum, to the city manager or the city manager's designee pursuant to, and within the 15-day time limit established by appeals procedures.

10. Each day the violator fails to remedy the code violation shall constitute a separate violation.

11. Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final (i.e., upon expiration of the time to appeal) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official also is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by this chapter or other provisions of this code, or state statutes. The civil administrative penalty authorized by this section shall be in addition to:

- a. Assessments or fees for any costs incurred by the city in remediation, cleanup, or abatement; and
- b. Any other actions authorized by law; provided, that the city may not issue a citation to municipal court for a violation of this chapter.

12. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the municipal lien docket. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the municipal lien docket. The lien shall be enforced in the same manner as liens established by city council pursuant to this chapter. The interest shall commence from the date of entry of the lien in the lien docket.

13. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to subsection (A)(1) of this section shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy. (Ord. 2021-08 § 1)

15.04.140 Appeal procedures.

A. A person, firm, corporation or other entity, however organized, and aggrieved by an administrative action of the building official taken pursuant to any section of this chapter that authorizes an appeal under this section, including a discretionary decision of the contract building official, may, within 15 days (unless a different time is provided) after the date of notice of the action, appeal in writing to the building board of appeals (appeal authority) (Chapter 2.12 LCMC). Notwithstanding the above, the appeal period shall be 30 days if the appeal is from a discretionary decision of the contract building official (OAR 918-020-0260). Such appeals are subject to strict compliance with the additional requirements of LCMC 15.04.145. Such appeal shall include a statement that shall describe the basis for the appeal, and shall first be filed with the building official. The written appeal shall be accompanied by a \$100.00 appeal fee payable to the city of Lincoln City and shall include:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The reason the determination is incorrect; and
4. What the correct determination of the appeal should be.

An appellant who fails to file such a statement within the time permitted waives the objections, and the appeal shall be dismissed. All appeal requirements shall also be met; any defect is jurisdictional.

B. If a person, firm, corporation or other entity however organized appeals a civil penalty to the building board of appeals, or, if the building board of appeals lacks sufficient members to constitute a quorum, to the building code hearings officer (hereinafter appeal authority), the penalty shall become final, if at all, upon issuance of a decision of the appeal authority affirming the imposition of the administrative civil penalty.

C. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this subsection, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

D. Unless the appellant and the city agree to a longer period, an appeal shall be heard by the appeal authority within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the city shall mail notice of the time and location of the hearing to the appellant.

E. The appeal authority shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the appeal authority deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply. Notwithstanding the above, in an appeal concerning a discretionary decision of the contract building official, the permit applicant has the burden to establish by a preponderance of the evidence that overturning the discretionary decision of the contract building official will not create a dangerous or unsafe condition or decrease the minimum fire and life safety standards set forth in the relevant code.

F. The decision of the building board of appeals for an appeal of a contract building official's discretionary decision shall be rendered within 30 days of receipt of the appeal. The decision of the building board of appeals on other appeals shall be rendered within 60 days of the building official's receipt of the appeal, unless both parties stipulate to an extension of time. The building board of appeals' decision shall be in writing and shall be final upon receipt. All notices given by the board shall be given to the appellant by first-class mail at the address indicated by the appellant on the notice of appeal and shall be deemed received three days after mailing.

G. An appeal of the building board of appeals' decision relative to the application, enforcement, and interpretation of provisions of this title which are not governed by the State Building Code shall be made in writing pursuant to Chapter 1.26 LCMC, Uniform Administrative Appeals, to the Lincoln City city council within 14 days of the board's notice of said decision. An appeal of the building board of appeals' decision relating to technical and scientific determinations regarding any provision of the state specialty codes regulated by the municipality shall be appealed to the appropriate advisory board within 30 days of the board of appeals' decision per OAR

918-080-0120(6). All work which is the subject of a permit, interpretation, or other matter under appeal shall be suspended pending resolution of the appeal.

H. Other than as provided in this subsection, the appeal fee is not refundable. The appeal authority may make a determination on the motion of the appellant that the appeal fee shall be refunded to the appellant upon a finding by the appeal authority that the appeal was not frivolous.

I. Failure to pay a penalty imposed under this chapter within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The city is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by this chapter or other provisions of this code, or state statutes. (Ord. 2023-01 § 11; Ord. 2022-04 § 2; Ord. 2021-08 § 1)

15.04.145 Special appeal procedures and requirements for discretionary decision of contract building official (OAR 918-020-0230(2)(b), 918-020-0250 and 918-020-0260).

A. These special procedures are limited, per OAR 918-020-0015(4), to a discretionary decision of the contract building official, which means a decision on whether to waive a plan review, an inspection or a provision of the State Building Code; or to allow an alternative material, design or method of construction.

B. For appeals of a discretionary decision made by the contract building official, the building board of appeals (Chapter 2.12 LCMC) shall comply with the requirements of OAR 918-020-0250 and 918-020-0260 as outlined in LCMC 2.12.060, 15.04.140 and this section.

C. In accordance with OAR 918-020-0230(2), within five business days from making a discretionary decision, the contract building official must:

1. Notify a qualified employee in writing of the discretionary decision; and
2. Notify the permit applicant in writing of the discretionary decision that relates to the permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

The qualified employee must review and ratify or disapprove a contract building official's discretionary decision, in writing, to the contract building official and the permit applicant/aggrieved person within 30 days after receiving notice of the decision. The notification shall also inform the permit applicant/aggrieved person that the decision of the building official can be appealed in accordance with ORS 455.475.

Note: Before exercising oversight over a contract building official, the qualified employee is required to complete the basic training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division. Within 180 days after being designated as the qualified employee, the employee is required to complete the advanced training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

D. In accordance with OAR 918-020-0260, for an appeal of a contract building official's discretionary decision:

1. After receiving notice of the building official's discretionary decision, a permit applicant has 30 days to submit an appeal to the local board.
2. In an appeal before the local board, the permit applicant has the burden of establishing by a preponderance of the evidence that overturning the discretionary decision of the contract building official will not create a dangerous or unsafe condition or decrease the minimum fire and life safety standards set forth in the relevant code.
3. Upon receipt of a notice of appeal, the local board has 30 days to review the appeal and issue a determination.
4. The appeal rights to which a permit applicant is entitled before a local board is in addition to, and not in lieu of, any other rights of appeal the permit applicant may have.

5. The board of appeals makes determinations on a case-by-case basis, and shall have no authority relative to interpretation of the administrative provisions of this title, nor shall the board be empowered to waive requirements of this title. For example, the board of appeals may review the building official's discretionary determination that a structure is dangerous, but not the ensuing remedy.

6. Notwithstanding LCMC 2.06.045 (Hearing officer appointment) and 2.06.065 (Powers and duties), a hearing officer is not available to hear appeals of the discretionary decisions of the contract building official. The building code hearing board for Lincoln County or for an adjoining county may hear such appeal, if the body meets the requirements of the administrative rule and is consistent with LCMC 2.12.020. (Ord. 2023-01 § 12)

15.04.150 Violations – Penalties – Remedies.

A. No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the city, or cause the same to be done, contrary to or in violation of this code or the codes adopted herein.

B. A person who commits a violation established in subsection (A) of this section shall be subject to an administrative civil penalty of no less than \$50.00 and not exceeding \$5,000 per offense, or in the case of a continuing offense, not more than \$1,000 for each day of the offense and shall be processed in accordance with the procedures set forth in this chapter.

C. Each day that a violation of a provision of subsection (A) of this section exists constitutes a separate violation.

D. In addition to imposing a monetary penalty, the city may determine a condition caused or permitted to exist in violation of subsection (A) of this section is a public nuisance and may be abated as provided by law, including abatement under Chapter 8.12 LCMC.

E. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the city by law. (Ord. 2021-08 § 1)

15.04.160 Lien.

A. There shall be a lien created and it shall be done in accordance with this section.

B. Any fine, assessment or civil penalty imposed pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted herein, or any administrative civil penalty imposed under the terms of this chapter, which remains unpaid 30 days after the penalty is imposed (or after the fine, assessment or civil penalty has been affirmed on appeal), shall be filed as a lien against the lot, lots or parcels of land involved in the municipal lien docket. At the time of filing in the municipal lien docket, notice shall be provided to the responsible person. If the responsible person is not the owner of the property shown in the electronic records of the Lincoln County assessor on that date, then notice shall also be sent to the owner of the property. Failure to provide notice shall not in any way affect the validity of the lien. The notice shall state that the amounts imposed as penalties shall be payable and due, and that the penalties shall be liens against the lots or parcels of land involved, respectively. All such liens remaining unpaid after 30 days from the date of recording on the municipal lien docket shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The liens shall be enforced in the manner provided in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character. Pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by this chapter, and the civil administrative penalty provisions of this chapter, the city council, as the legislative body of the city, elects to treat costs associated with the abatement of dangerous buildings, and any fine, assessment or administrative civil penalties, as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any dangerous building and/or any fine, assessment or administrative civil penalty not paid within 30 days shall be an assessment and lien against the property where the building is located. (Ord. 2021-08 § 1)

1 **SECTION 1.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.030 (*Scope*) is
2 hereby amended as follows:

3
4 15.04.030 Scope.

- 5
6 A. This code shall apply to new and existing construction and premises, and construction-
7 related activities including, but not limited to, installation of: **electrical, plumbing,**
8 mechanical, energy, grading, accessibility (disability access), alteration, moving,
9 demolition, repair, maintenance, fire and life safety, and work associated with any
10 building, structure, premises, property, or license regulated by this title, mandated under
11 any of the Oregon Specialty Codes, rules, or statutes, and/or regulated by various other
12 codes of the City of Lincoln City, including zoning or land use regulations. The City of
13 Lincoln City enforces the State Building Code as per ORS Chapters 455 **and 479** and the
14 rules adopted thereunder.

15
16 **SECTION 2.** Chapter 15.04 (*City of Lincoln City Building Code*), Section 15.04.110 (*Construction*
17 *codes adopted*) is hereby amended as follows:

18
19 The city of Lincoln City adopts, administers, and enforces the Oregon State Building
20 Code, including all specialty codes, as promulgated by the Director of the Oregon
21 Department of Consumer and Business Services pursuant to ORS Chapter 455 **and ORS**
22 **Chapter 479, except that the plumbing specialty code and the electrical specialty**
23 **code are administered and enforced by Lincoln County.** The adopted codes, without
24 limitation, are identified herein.

25
26 E. Electrical Code. The Oregon Electrical Specialty **and Oregon Residential Specialty**
27 **Codes**, as adopted by OAR [918-305-0100](#), except as modified in this chapter, **are is**
28 adopted as part of this chapter.

29
30 **SECTION 3. Findings adopted.** Findings contained in the Whereas Clauses of this ordinance, as
31 well as the competent substantial evidence in the whole record of this legislative proceeding are
32 incorporated into this section by reference as if fully set forth herein, and are adopted in support
33 of this legislative action.

34
35 **SECTION 4. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
36 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
37 validity of the remaining sections, subsections, paragraphs and clauses.

38
39 **SECTION 5. Savings.**

40
41 Notwithstanding the amendment to this Title, the existing Title remains valid and in full force
42 and effect for purposes of all criminal, civil or administrative code enforcement cases or
43 applications filed or commenced during the time said ordinances were operative. Nothing in

1 this Ordinance affects the validity of prosecutions commenced and continued under the laws in
2 effect at the time the matters were originally filed.

3
4 **SECTION 6. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
5 takes effect 30 days after the date of its adoption.

6
7 **SECTION 7. Codification.** Provisions of this Ordinance shall be incorporated in the City of
8 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
9 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
10 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1 and 2)
11 need not be codified and the City Recorder is authorized to correct any cross-references and
12 any typographical errors.

13
14 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
15 9.2 of the City of Lincoln City Charter on the 13th day of May, 2024 (First Reading) and on the
16 13th day of May, 2024 (Second Reading).

17
18 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th day of May,
19 2024.

20
21 _____
22 SUSAN WAHLKE, MAYOR

23
24 ATTEST:

25
26 _____
27 JAMIE YOUNG, CITY RECORDER

28
29 APPROVED AS TO FORM:

30
31 _____
32 CITY ATTORNEY
33