

CHAPTER EIGHT -- BUILDING AND FIRE PROTECTION

BUILDING

BUILDING CODES

8.000 DEFINITIONS

- (1) The phrase "State Building Code," where used in this chapter, shall be construed to mean the Oregon State Structural Specialty Code and Fire and Life Safety Code referred to in [Section 8.005 \(Standards Applicable to Building\)](#).
- (2) The phrase "Uniform Building Code," where used in those codes adopted by [Sections 8.005 \(Standards Applicable to Building\)](#), [8.025 \(Dangerous Building Code\)](#) and [8.150 \(Housing Code Adopted\)](#), shall be construed to mean Oregon State Structural Specialty Code and Fire and Life Safety Code.
- (3) The Council shall serve as the Board of Appeals, as provided for in those codes adopted by [Sections 8.005 \(Standards Applicable to Building\)](#) and [8.025 \(Dangerous Building Code\)](#).
 - (a) Provided, however, the Council may appoint a hearings officer to act as the Board of Appeals under the International Property Maintenance Code.
 - (b) Appeals from the decision of the Hearings Officer, if appointed, shall be made to the City Council under Klamath Falls City Code [Section 1.025](#), provided, however, that such appeals shall be on the record from the hearing before the Hearings Officer.
 - (c) Notice of an abatement appeal hearing before the Hearings Officer shall be given to the Council person in whose Ward the subject building is located.

[Amended by Ordinance No. 6517, enacted Nov. 3, 1986; Amended by Ordinance No. 13-04, enacted Aug. 19, 2013.]

8.005 STANDARDS APPLICABLE TO BUILDING

In addition to compliance with this and other Ordinances of the City, building and related activities shall comply with provisions of each of the specialty codes making up the State Building Code adopted by the Department of Consumer and Business Services and the State Fire Marshal. No person shall conduct building or

related activities without compliance with these provisions.

[Amended by Ordinance No. 13-05, enacted Aug. 19, 2013.]

8.010 CODE ADMINISTRATION

The Klamath County Building Division of the County Community Development Department shall generally administer the International Building Code within the City. Provided, however, the City shall conduct independent reviews relative to the Community Development Ordinance, business licenses and permits, fire safety inspections and other matters provided for under the Code.

[Amended by Ordinance No. 6605 enacted July 2, 1990; Amended by Ordinance No. 13-05, enacted Aug. 19, 2013.]

8.015 LOCAL INTERPRETATION [REPEALED]

[Repealed by Ordinance No. 6605, enacted July 2, 1990.]

8.020 CITY CERTIFICATION

Plans submitted for County review for building within the City shall contain a certificate of approval stamp showing that they have been reviewed by the City for compliance with the Community Development Ordinance, fire safety regulations, sanitary sewer and water regulations and other matters provided for in this Code.

[Amended by Ordinance No. 6605, enacted July 2, 1990.]

8.025 DANGEROUS BUILDING CODE

The 2012 edition of the International Property Maintenance Code, as published by the International Code Council is hereby adopted as it applies to commercial or residential buildings that are deteriorated, dilapidated or damaged or any way a hazard to health or public safety.

[Amended by Ordinance No. 6350, enacted Aug. 17, 1981; Amended by Ordinance No. 6432, enacted Sept. 20, 1983; Amended by Ordinance No. 6517, enacted Nov. 3, 1986; Amended by Ordinance No. 6620, enacted July 17, 1991;

Amended by Ordinance No. 03-09, enacted April 7, 2003; Amended by Ordinance No. 13-05, enacted Aug. 19, 2013.]

8.100 UNIFORM SYSTEM ESTABLISHED

- (1) There shall be a uniform system of numbering all existing buildings or buildings hereafter erected, including all dwelling houses and buildings used for industrial, commercial and all other purposes, except sheds and outbuildings.
- (2) The system and extensions to new buildings shall conform as nearly as practical to that indicated by the official maps on file with the City Engineer.

[Amended by Ordinance No. 6605, enacted July 2, 1990.]

8.105 NEW BUILDINGS

- (1) All buildings hereafter erected in the City shall be assigned a number by the City Planning Department at the time a building permit is issued.
- (2) Numbers shall be assigned in accordance with [Section 8.100\(2\)](#) and the following guidelines:
 - (a) Buildings on the north or east sides of streets shall bear odd numbers, and

buildings on the south and west sides shall bear even numbers.

- (b) In the case of buildings on corners, the number assigned shall be controlled by the front of the building.

[Amended by Ordinance No. 6605, enacted July 2, 1990.]

8.110 NUMBERING BY OWNER

The owner of a building assigned a number by the City shall place the number on the door, door frame, or immediately above the door of the main entrance, or as near as practical. The number shall be printed on the building, or on metal or glass attached thereto, or by figure(s) attached thereto. It shall be so placed as to be readily seen from the street opposite the front of the building, and the number(s) shall be not less than three inches in height. In addition to any other remedies available by law, any violation of this Section may be abated pursuant to City Code Sections 5.664 through 5.676.

[Amended by Ordinance No. 6605, enacted July 2, 1990; Amended by Ordinance No. 13-05, enacted Aug. 19, 2013.]

HOUSING CODE**8.150 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED**

The 2012 edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted as amended in [Section 8.155](#).

[Added by Ordinance No. 96-17, enacted July 4, 1996; Amended by Ordinance No. 13-05, enacted Aug. 19, 013.]

8.155 AMENDMENTS

The International Property Maintenance Code is hereby amended as follows:

- (1) Section 102.1.1 is added to read as follows:
"Exemption. This code shall not apply to those conditions which the owner can show:
 - a) *were originally constructed to building codes then in effect;*
 - b) *have not been subsequently altered or modified;*
 - c) *are being used in the manner originally contemplated by the building code under which they were originally constructed; and*
 - d) *do not currently constitute an immediate hazard to the occupants health or safety."*
- (2) Section 104.1 is amended by adding *"The code official shall not have the authority to make arrests."*
- (3) Section 104.3 is amended by adding:
"Reasonable cause shall include any referral made about the health and safety of the residence by an authorized state, county, or city agency to include police, fire or health services. The inspection will be made available to the reporting agency, the property owner and authorized agents of owner, and tenant."
- (4) Section 104.3 last sentence is amended: *"If entry is refused, the code official shall have recourse to requesting an inspection warrant from Municipal Court."*
- (5) Section 111.2 is amended with the following definitions:
"(a) Membership of Board of Appeals. City Council"
- (6) Section 202 is amended with the following definitions:
*"Dwelling Unit. A residential building or dwelling unit. Owner occupied dwelling units are not included."
Code Official. The Code Enforcement Officer."*

- (7) Section 404.4.1 is amended to read as follows:
"Every dwelling unit must contain a minimum gross floor area not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant. In determining floor areas of rooms occupied for sleeping purposes, the term "floor area" shall not include floor area of halls or walkways, bathrooms, stairs, kitchens, laundry areas, closet or other storage areas, but may include dining room areas where consistent with other provisions of this Code."

- (8) Section 603.7 adds ORS 90.317 (Repair or replacement of carbon monoxide alarm):
"Repair or replacement of carbon monoxide alarm. If a rental dwelling unit that is subject to ORS chapter 90 has a carbon monoxide source or is located within a structure having a carbon monoxide source, the landlord shall ensure that the dwelling unit has one or more carbon monoxide alarms installed in compliance with State Fire Marshal rules and the state building code. The landlord shall provide the tenant of the dwelling unit with a written notice containing instructions for testing of the alarms."

[Added by Ordinance No. 96-17, enacted July 4, 1996; Amended by Ordinance No. 13-05, enacted Aug. 19, 2013; Amended by Ordinance No. 14-01.]

VACANT PROPERTY REGISTRATION

8.175 TITLE AND PURPOSE

This Act shall be known and may be cited as the Vacant Property Registration Act. The purpose of this Vacant property registration program is to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of Vacant properties.

8.178 DEFINITIONS

The following terms as used in Sections 8.175 to 8.198 (Vacant Property Registration Act) shall mean:

- (1) Borrower. Any person who becomes obligated on a Real Estate Loan Agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts, and grantors under trust deeds.
- (2) Boarded Building. Any unoccupied building that has been secured against entry by material such as plywood, boards or other similar material placed over openings, such as door or windows.
- (3) Evidence of Vacancy. Any condition that on its own, or combined with other conditions present, would lead the Chief of Police to believe that the property is Vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation or occupation; evidence of trespass or criminal mischief; or statements by neighbors, passerby, delivery persons, and/or government employees that the property is Vacant.
- (4) Lender. Any person who makes, extends, or holds a Real Estate Loan Agreement and includes, but is not limited to, mortgagees; beneficiaries under trust deeds; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.
- (5) Notice of Default. A written notice to a

Borrower stating that as default on a Real Estate Loan Agreement has occurred and that legal action may be taken.

- (6) Out of Area. Outside of Klamath County.
- (7) Partially Constructed. An occupied or vacant structure or portion thereof, that has been left in a state of partial construction for more than six months or after the expiration of any building or development permit, or that has not had a required permit inspection within any six-month period.
- (8) Premises. A lot, plot or parcel of land including any structures thereon.
- (9) Real Estate Loan Agreement. Any agreement providing for a loan on property, secured in whole or in part by real property located within the City of Klamath Falls, or any interest therein, and includes, but is not limited to mortgages, trust deeds and conditional land sales contracts.
- (10) Responsible Party. Any legal owner, executor of an estate, personal representative, or any person having charge care or control of the premises.
- (11) Structure. That which is built or constructed or a portion thereof.
- (12) Vacant. A subject property that is not legally occupied.

[Amended by Ordinance No. 17-08, enacted June 5, 2017]

8.180 INSPECTION

- (1) Immediately upon default of the Borrower, a Lender shall perform an inspection of the property that is the security for the Real Estate Loan Agreement.
- (2) If the property is found to be Vacant or shows Evidence of Vacancy, the Lender shall, within ten (10) days of the inspection, register the property with the Chief of Police.
- (3) If the property is occupied but remains in default, the property shall be inspected by the Lender on a monthly basis until the Borrower remedies the default.
- (4) Sections 8.175 to 8.198 (Vacant Property Registration Act) also applies to properties that have been the subject of a foreclosure sale where title has transferred from one Lender to another Lender; and a property transferred under a deed in lieu of foreclosure.

[Amended by Ordinance No. 17-08, enacted June 5, 2017.]

8.185 REGISTRATION

- (1) The Responsible Party or Lender of any building that has become Vacant or shows Evidence of Vacancy shall within 30 days after the building becomes Vacant or within 30 days of assuming ownership of the building, whichever is later, file a completed registration form with the City.
- (2) The registration shall contain the following information:
 - (a) The name of the Responsible Party or Lender;
 - (b) The direct mailing address of the Responsible Party or Lender. Post office boxes are not acceptable;
 - (c) The direct contact name and phone number for the Responsible Party or Lender;
 - (d) The physical address for the agent authorized to receive service of process, if applicable; and
 - (e) The direct contact information for the local property management company responsible for security, maintenance and marketing of the property, if applicable.
- (3) No registration fee shall be imposed. A Responsible Party or Lender that has registered a property under Sections 8.175 to 8.198 (Vacant Property Registration Act) shall report any change of information contained in the registration within ten (10) days of the change. Properties subject to Sections 8.175 to 8.198 (Vacant Property Registration Act) shall remain under the registration requirement as long as the property remains Vacant.
- (4) Registration forms shall be available at the Klamath Falls Police Department and online at the City's website.

[Amended by Ordinance No. 17-08, enacted June 5, 2017.]

8.187 MAINTENANCE REQUIREMENTS

- (1) A Responsible Party or Lender shall maintain lots and buildings. Lot maintenance includes all of the following:
 - (a) Ensuring that the condition of the subject property does not, in the opinion of the Chief of Police, constitute a public nuisance;
 - (b) Regular cutting, pruning and mowing of the subject property and the removal of all trimmings, as applicable to the

- property;
 - (c) Pools and spas shall be kept in working order, so that water remains clear and free of pollutants and debris; or drained and kept covered;
 - (d) Junk, rubbish, waste, and any material that creates a health, safety or fire hazard including but not limited to any mail or flyers that have been delivered to the building shall not be permitted to accumulate on any portion of the exterior lot of the building;
 - (e) No portion of the lot nor any structure, vehicle, receptacle or object shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage;
 - (f) All fences and gates shall be maintained in sound condition and in good repair.
- (2) Building maintenance includes all of the following:
 - (a) Foundations, basements, cellars, and crawlspaces shall be maintained in sound and watertight condition adequate to support the building, and protected against the entry of rodents or other animals;
 - (b) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals;
 - (c) Exterior windows and doors shall be maintained in sound condition and good repair. Windows and doors shall fit tightly within their frames and the frames shall be constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building;
 - (A) Exterior windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition;
 - (B) All points of possible ingress and egress including but not limited to exterior windows and doors shall be secured to prevent unauthorized entry;
 - (C) Any window which is broken, cracked, or missing glass or glazing shall be replaced and maintained in good repair or the building opening shall otherwise be

adequately secured

(d) For residential buildings, the building must be maintained in accordance with the International Property Maintenance Code, adopted by the City in Section 8.150.

(e) All graffiti shall be promptly covered or removed.

(3) If the property is owned by an Out of Area Responsible Party or Lender, a local property management company shall be contracted to perform monthly inspections to verify the requirements of this section, and to ensure any other applicable laws are being met. The property management company shall post a direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in allocation visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials.

(4) Adherence to this section does not relieve a person subject to Sections 8.175 to 8.198 (Vacant Property Registration Act) of any obligations set forth in any covenants, conditions and restrictions which may apply to the subject property.

[Amended by Ordinance No. 17-08, enacted June 5, 2017]

8.190 SECURITY REQUIREMENTS

(1) The Responsible Party or Lender shall maintain a subject property in a secure manner so as not to be accessible to unauthorized persons, and includes the securing of windows, doors, gates and any other opening of such size that may allow a child to access the interior of the property. Broken windows shall be temporarily boarded as allowed under Section 8.192 (Temporary Boarding of Building) or reglazed.

(2) If the property is owned by an Out of Area Responsible Party or Lender, a local property management company shall be contracted to perform monthly inspections to verify the requirements of this section, and to ensure any other applicable laws are being met. A property management company shall be subject to the same

posting requirements as provided for in Section 8.817(2).

[Amended by Ordinance No. 17-08, enacted June 5, 2017.]

8.192 TEMPORARY BOARDING OF BUILDING

(1) Boarding buildings to secure from entry is only a temporary solution. The following shall apply to any boarded building:

(a) All materials used to secure openings such as doors and windows, shall be painted to match the body of the building or to blend with the building.

(b) No portion of a building viewable from a public right-of-way may be boarded for more than 90 days. All necessary repairs, replacement of windows, doors, light fixtures etc. shall be made to secure the building from unauthorized entry and boards removed within the 90-day time frame.

(2) Boarding up windows or doors on any portion of a building that is readily visible from a public right-of-way for longer than 90 days is prohibited.

[Added by Ordinance No. 17-08, enacted June 5, 2017.]

8.193 ADDITIONAL AUTHORITY

The Chief of Police shall have the authority to require the Responsible Party or Lender to implement any additional maintenance and/or security measures to prevent the decline of the property.

[Amended by Ordinance No. 17-08, enacted June 5, 2017.]

8.195 VIOLATION; PENALTY

(1) A Responsible Party or Lender that violates any portion of Sections 8.175 to 8.198 (Vacant Property Registration Act) shall be a violation and shall be punished by a fine not more than \$1000. Each day's violation shall constitute a separate violation.

(2) Citations for violations may be mailed by first class mail to the Lender or Lender's registered agent.

(3) Enforcement fees may be applied to properties in violation of Sections 8.175 to 8.198 (Vacant Property Registration) pursuant to the criteria defined in Section 8.980 (Enforcement Fees).

[Amended by Ordinance No. 17-08, enacted June 5, 2017.]

8.198 APPEALS

A Responsible Party or Lender that is required to implement additional maintenance or security measures as provided for in Section 8.190 (Security Requirements) shall have the right to appeal.

[Amended by Ordinance No. 17-08, enacted June 5, 2017.]

PRIVATE SWIMMING POOLS**8.200 – 8.215 PERMIT REQUIRED, SIDE YARDS, FENCING, & DRAINAGE FACILITIES [REPEALED]**

[Repealed by Ordinance No. 6627, enacted Sept. 4, 1991.]

GEOTHERMAL WELLS

PURPOSE & SCOPE

8.250 PURPOSE

The purpose of [Sections 8.250 to 8.298](#) (the "Ordinance") is comprehensive of the geothermal resources and thermal ground waters within and adjacent to the City of Klamath Falls, Oregon. In furtherance of this overall purpose, this Ordinance is specifically intended to serve the following sub-purposes:

- (1) Conservation and beneficial management of geothermal resources and thermal ground waters in a comprehensive and coordinated manner, so as to assure their continued availability and productivity;
- (2) Continued support and assistance for individual private geothermal resource and thermal ground water uses; including residential, institutional, commercial, and industrial activities;
- (3) Maximization of the public welfare and economic benefit to be derived from geothermal resources and thermal ground waters, by extending their availability throughout the City and elsewhere;
- (4) Minimization of the potential for damage or degradation to geothermal resources and thermal ground waters;
- (5) Protection of the surface and subsurface environment during development and utilization of geothermal resources and thermal ground waters;
- (6) Advancement of the scientific study of geothermal resources and thermal ground waters, through the collection and dissemination of resource data and the demonstration of geothermal technologies; and
- (7) Implementation of the City Comprehensive Plan and its goals and policies for geothermal development and utilization.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.251 REPEALED

[Repealed by Ordinance No. 6492, enacted July 1, 1985.]

8.252 SCOPE

The scope of this Ordinance includes general provisions for administration of this Ordinance the establishment of geothermal and thermal ground

water reservoir management procedures.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.254 DEFINITIONS

The following terms, as used in this Ordinance, mean:

Altering. The deepening, re-casing, perforating, re-perforating, the installation of packers or seals and other material changes in the design of a well.

By-Product. Any mineral or minerals, exclusive of oil, hydrocarbon gas, helium or other hydrocarbon substances, which are found in solution or in association with geothermal resources or are not, because of quantity, quality or technical difficulties in extraction and productions, of sufficient value to warrant extractions and productions by themselves.

City. City of Klamath Falls, Oregon.

City Manager. City Manager of the City of Klamath Falls, Oregon, or the City Manager's authorized representative.

Constructing. The boring, digging, drilling, or excavating of a well, including the installation of casing or well screens.

Council. The City Council of the City of Klamath Falls, Oregon.

Drilling (a well). The drilling, re-drilling, or deepening of a well.

Drilling Machine Operator. See Water Well Contractor.

Drilling Site. Any site where drilling operations will, or are being, or have been, undertaken to construct or alter a well.

Geothermal Data Center. The City office or other location designated by the City Manager which acts as a geothermal information clearinghouse and data repository where local geothermal information and all geothermal records authorized or required by this Ordinance shall be kept and made available for public inspection and reproduction; and registry of local wells and geothermal facilities shall be established and maintained at the Center.

Geothermal Fluid. Any fluid transporting or capable of transporting geothermal heat.

Geothermal Heat. Heat derived from geothermal resources, and/ or heat derived from ground water; provided such heat is initially more

than 120° Fahrenheit at bottom-hole temperature.

Geothermal Resources. The natural heat of the earth, and the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, in whatever form, found below the surface of the earth, exclusive of oil, hydrocarbon gas, helium or other hydrocarbon substances, but including specifically:

- (1) All products of geothermal processes, embracing indigenous steam, hot water, and hot brines;
- (2) Steam and other gases, hot water, and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;
- (3) Heat or other associated energy found in geothermal formations; and
- (4) Any by-product derived from them.

Ground Water. Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands flows, percolates, or otherwise moves.

Thermal Ground Water: Thermal Ground Water: Ground water which is more than 120 Fahrenheit and less than 250° Fahrenheit at bottom-hole temperature.

Owner. The holder of the record title to real property or the vendee under a recorded land sale contract.

Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, nonprofit corporation, trust, estate, receiver, syndicate, branch of government, or similar entities, any group or combination acting as a unit, or the successors or assigns of any of the aforesaid.

Pollution. The contamination or other alteration of the physical, chemical, or biological properties of any surface or ground waters which will or can reasonably be expected to render such waters harmful, detrimental, or injurious to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial use.

Reservoir. An aquifer or combination of aquifers or zones containing a common geothermal and/or ground water resource.

Water Well Contractor & Drilling Machine

Operator. As defined in ORS 537.747 through 537.759, and any amendment.

Well. Any artificial opening or artificially altered natural opening, however made, by which geothermal fluids or ground water flows under natural pressure or is artificially withdrawn, or is used to operate a heat exchanger within the well, provided that this definition shall not include a natural spring.

- (1) Prospect Well. Any well constructed or altered as a geo-physical test well, seismic shot hole, mineral exploration drilling, core drilling or temperature gradient test well, less than 2,000 feet in depth, and constructed or altered specifically in prospecting for geothermal resources.
- (2) Injection Well. Any well or converted well constructed to dispose of geothermal fluids or ground water into an underground reservoir.
- (3) Artesian Well. A well taking water from an aquifer holding water under pressure greater than atmospheric pressure, which causes the water to seek a static level above the well's juncture with the aquifer; artesian flow shall mean that water discharging to the natural ground surface if the flow is unrestricted.

Well Drilling Machine. Any power-driven percussion, rotary, boring, digging, or augering machine used in the construction or alteration of wells.

[Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ordinance No. 01-13, enacted Sept. 18, 2001.]

8.256 CONSTRUCTION AND SEVERABILITY

- (1) The provision of this Ordinance shall be construed to the maximum extent possible as consistent with regulations promulgated under ORS 537.783.
- (2) It is the intention of the Council that the provisions of this Ordinance are severable, and if any provision of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of this Ordinance.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.258 RESERVOIR MANAGEMENT POLICY

In furtherance of the purposes of this Ordinance, it shall be the policy of the City that all wells existing on the effective date of this Ordinance, and those constructed or altered thereafter, be used in such a manner as to:

- (1) Conserve and protect the geothermal fluids and ground water within and adjacent to the City, in order to: enhance reservoir productivity and benefit; prevent wasteful extraction and disposal of geothermal fluids and thermal ground water; prevent geothermal fluid and thermal ground water temperature degradation; prevent thermal pollution of surface environs and water; and prevent harmful intermixing of geothermal fluids and other ground water;
- (2) Allow continued individual inhabitant utilization of geothermal fluids and thermal ground water for residential, commercial, industrial, and other legitimate beneficial purposes;
- (3) Increase and disseminate the scientific knowledge of geothermal and ground water resources; and
- (4) Protect the public health, safety, and welfare from improperly constructed, operated, maintained, or abandoned wells.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.260 PRE-ORDINANCE WELLS

All wells existing or under construction within the City on the effective date of this Ordinance shall be known as pre-Ordinance wells, and shall be subject to the requirements of [Sections 8.258 to 8.264 and 8.286 to 8.298](#).

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.262 REGISTRATION OF PRE-ORDINANCE WELLS

Owners of pre-Ordinance wells, within and without the City, may register their wells with the Geothermal Data Center as soon as this Ordinance becomes effective. Such registration shall be voluntary and without cost to the owner, and shall be for purposes of establishing the Geothermal Data Center. Said registration shall be on forms supplied by the City for that purpose, and may include but are not limited to: the name and address of the owner, specific location of the well, date of construction, depth and diameter of the well, specifications of casing, bottom hole temperature, static fluid or water level, type of

geothermal utilization system, accessibility for monitoring devices, and disposal method, if any. The City Manager shall direct reasonable public notice to the City's inhabitants at large, explaining the registration program and encouraging participation.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.264 PRE-ORDINANCE SURFACE DISCHARGE ELIMINATION

- (1) In order to eliminate the wasteful and harmful effects of thermal fluid or water surface discharges, any well or geothermal facility discharging thermal ground water onto the surface of the ground or into any public ditch or drainage facility, on the effective date of this Ordinance, shall cease such discharging within 5 years of such effective date.
- (2) The City Manager shall cause such discharging wells or facilities to be identified and technical assistance offered to affected owners during the conversion or abandonment of such discharging wells or facilities.
- (3) When circumstances beyond the control of individual owners prevent them from meeting this requirement, the City Manager may grant exceptions to the 5 year requirement, providing that the owner(s) shall:
 - (a) Show that they have made reasonable and diligent efforts to meet the requirement;
 - (b) Provide a plan to address surface drainage;
 - (c) Provide adequate justification for seeking an exception to the requirement; and
 - (d) Show how the reasons for failure to meet the requirements are beyond the owner's control.
- (4) The City Manager may exempt pre-Ordinance ground water heat pump wells from this requirement in those cases where it is determined that the well is not harming a geothermal aquifer. The following criteria shall be used to evaluate the impact of the heat pump well on geothermal resource:
 - (a) Temperature of water;
 - (b) Chemical composition of the ground water;
 - (c) Location of the well relative to known geothermal aquifer wells; and
 - (d) Amount of ground water being pumped.

[Added by Ordinance 6492, enacted July 1, 1985; Amended by Ordinance No. 6567, enacted April 3, 1989; Amended by Ordinance No. 01-13,

enacted Sept. 18, 2001.]

8.266 POST-ORDINANCE WELLS

All wells constructed or altered within the City subsequent to the effective date of this Ordinance shall be known as post-Ordinance wells, shall be subject to the requirements of [Sections 8.258 and 8.292 to 8.298](#).

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.268 APPLICATION FOR WELL PERMIT

Any person, including the City, desiring to construct, install, or alter a well within the City shall first apply for a Well Permit at the Geothermal Data Center, on forms provided for that purpose by the Center. No person shall commence construction or alteration of a well prior to the owner of a proposed well receiving a Well Permit.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.270 APPLICATION FEE

All applications for a geothermal Well Permit shall be accompanied by an application fee which shall be non-refundable, such fee to be established and modified by the City Manager in accordance with the requirements of [Section 1.075](#).

[Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ordinance No. 07-09.]

8.272 APPLICATION REVIEW

The City, upon determination of conformity with City plans and Ordinances, shall determine: any potential for adverse effects to the surrounding reservoir and other wells; and to assure registration. The City may utilize the services of a qualified hydrologist/hydrogeologist to assist in their review. In the event of an emergency, the City Manager may immediately approve a temporary Well Permit subject to final permit review at a later date.

[Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ord 01-13, enacted Sept. 18, 2001.]

8.274 PERMIT DECISION

No later than 60 days from the date of filing a Well Permit application, using the recommendation received under [Section 8.276](#), the City Manager shall send the applicant, by certified mail, a written Well Permit, containing clear and objective findings of approval, with or without

conditions pursuant to [Section 8.280](#) or a written Permit Denial Report, containing clear and objective findings supporting the denial decision. [Added by Ordinance No. 6492, enacted July 1, 1985.]

8.276 PERMIT DECISION CRITERIA

Permit decisions pursuant to [Section 8.274](#) shall contain written findings for approval or denial which may include, but are not limited to, the following criteria:

- (1) The estimated hydrological impacts of the proposed well's operation upon the reservoir and surrounding wells;
- (2) The adequacy of provisions for environmental protection and public safety;
- (3) The compliance of the proposed well and its use with this Ordinance, the City Comprehensive Plan, the City Community Development Ordinance, and all other applicable laws, Ordinances, regulations; and
- (4) Such other reservoir management criteria as may be deemed directly relevant to the proposed well or its operation.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.278 APPEAL OF PERMIT DECISION

Applicants or other affected persons may appeal the permit decision to the Council in accordance with [Section 1.025](#) of the City Code.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.280 AUTHORITY TO ATTACH CONDITIONS TO PERMITS

When the City Manager determines that certain construction or operational conditions are necessary to assure the conservation and protection of thermal ground water and/or geothermal resources, or to assure the conservative and efficient utilization of said water and/or resources, the City Manager may stipulate conditions within a Well Permit issued according to [Section 8.274](#); such conditions may include, but are not limited to:

- (1) Restrictions on hours of well construction and/or requirements for noise muffling and waste disposal necessary to assure compatibility with surrounding land-uses;
- (2) Well design requirements above and beyond state requirements, necessary for ground water and/or geothermal fluid protection;
- (3) Restrictions on pumping, heat exchanging,

storage, and/or injection operations necessary for the conservation or protection of ground waters and/or geothermal fluids; and/or

- (4) Requirements for scientific sampling, testing, or monitoring, necessary to conserve or protect ground water and/or geothermal fluids, or to determine the permitted well's impacts on such water and/or fluids.

[Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ordinance 01-13, enacted Sept. 18, 2001.]

8.282 COMPLETION INSPECTION

Upon completion of any well construction or alteration, but prior to regular use, the owner shall promptly notify the Geothermal Data Center to request a well completion inspection and written report thereof to be made for purposes of assuring compliance with this Ordinance and registration with the Geothermal Data Center.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.284 POST-ORDINANCE SURFACE DISCHARGES

No well constructed or altered after the effective date of this Ordinance shall be operated or altered in such a manner as to cause thermal ground water to be discharged onto the surface of the ground or into any public ditch or drainage facility. Construction and routine maintenance of wells shall be exempt from said prohibition; surface discharges for construction and routine maintenance purposes shall be conducted in accordance with written standards issued by the Public Works Director.

[Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ordinance No. 01-13, enacted Sept. 18, 2001.]

INJECTION WELLS**8.286 FILING OF APPLICATION COPY**

All wells constructed, operated, or maintained for purposes of injecting geothermal fluids and/or ground water into the ground shall comply with applicable state statutes and rules relating to injection. In the event that the Oregon Department of Environmental Quality requires a Water Pollution Control Facilities Permit for an injection well, the owner of such well shall provide the Geothermal Data Center with a copy of the application for said permit at the time of filing with said Department.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

8.288 CITY REVIEW AND COMMENT

The City Manager shall review all Water Pollution

Control Facilities applications and may transmit reservoir management comments regarding such applications to the Oregon Department of Environmental Quality, the Oregon Water Reserve Department, and the applicant. [Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ordinance No. 01-13, enacted Sept. 18, 2001.]

8.290 FILING OF PERMIT COPY

A copy of any Water Pollution Control Facilities Permit issued for an injection well within the City shall be filed with the Geothermal Data Center by the well owner promptly upon issuance of said Permit.

[Added by Ordinance No. 6492, enacted July 1, 1985.]

RESOURCE DATA COLLECTION**8.292 ANNUAL WELL SURVEY**

At least once every five years, the City shall mail all registered well owners within and without the City a questionnaire to update original registration information and document, to the extent possible, well operation characteristics of the foregoing year. Scheduling of the survey shall be determined by the City Manager and responses shall be voluntary. The City may issue such surveys on a more frequent and geographically selection basis when investigating specialized geothermal and/or ground water matters.

[Added by Ordinance No. 6492, enacted July 1, 1985; Amended by Ordinance No. 01-13, enacted Sept. 18, 2001.]

well within the City is, by the nature of its construction, installation, or operation, causing wasteful use of thermal ground water or geothermal fluids, or is adversely interfering with other wells, or is polluting ground water or surface water, the City Manager shall promptly notify the affected owner, by certified mail, of the wasteful or defective well, and require said owner to repair or adjust the well within 60 days; a well continuing a wasteful or defective operation after expiration of the 60 days shall be prosecuted as a violation of this Ordinance.

[Amended by Ordinance No. 01-13, enacted Sept. 18, 2001.]

8.294 WELL-DRILLING DATA

A copy of all well logs prepared in accordance with ORS 537.765 or ORS 522.365, or any amendments thereto, shall be furnished to the Geothermal Data Center, within 30 days after the completion of the well construction or alteration by the well contractor or drilling operator or at the conclusion of any state imposed period of confidentiality.

8.296 CITY INSPECTION AND MONITORING OF WELLS AND GEOTHERMAL FACILITIES

In connection with the principal functions and activities of the City resource management responsibility, City officials may, upon reasonable notice to the owner, enter upon any property within the City for purposes of inspecting wells and/or geothermal facilities, or monitoring the operational characteristics of such wells and/or facilities, when such inspection and/or monitoring is reasonably necessary to: the assessment of other indices related to geothermal or ground water reservoir management, or protection of the public safety and welfare. The City shall provide affected property owners with reasonable prior notice, describing the nature, purpose, and duration of the necessary inspection and/or monitoring; such inspections and/or monitoring shall be conducted in accordance with applicable City and state procedures for inspection warrants.

8.298 WASTEFUL OR DEFECTIVE WELLS

Whenever the City Manager determines that any

TV AND RADIO ANTENNAS**8.300 - 8.320 PERMITS FOR MASTS OR
TOWERS OVER THIRTY FEET,
APPLICATION, FEES, STANDARDS
FOR INSTALLATION, &
APPLICABILITY [REPEALED]**

[Repealed by Ordinance No. 6605, enacted July
2, 1990.]

DEMOLITION OF BUILDINGS

8.400 BOND REQUIRED

- (1) Any owner or contractor desiring to demolish any building or structure within the City shall post with the City Planning Department a cash bond to insure completion of demolition work, including clearing the premises of all debris and filling and compacting the site to grade, within the time limit provided by [Section 8.410](#). Provided, however, there shall be no bond required for demolition of any building or structure of less than 500 total square feet, as measured from the outside dimensions and including all stories. Demolition Safety Inspection fee of \$50 shall be paid to the City Planning Department upon posting of the bond.
- (2) Until changed by Resolution of the Council, the amount of the cash bond shall be as follows:
 - (a) \$500 for any building or structure of less than 2,000 total square feet.
 - (b) \$2,000 for any building or structure of 2,000 to 4,000 total square feet.
 - (c) \$5,000 for any building or structure with more than 4,000 total square feet.
- (3) For purposes of [Sections 8.400 to 8.410](#), "total square feet" shall be determined by the outside dimensions multiplied by the number of stories, excluding any basement or cellar.
[Amended by Ordinance No. 6605, enacted July 2, 1990; Amended by Ordinance No. 6619, enacted June 19, 1991; Amended by Ordinance No. 94-05, enacted Feb. 24, 1994.]

8.405 PERMIT REQUIRED

Before demolition work is started, the owner or contractor shall apply to the County Building Inspector for a permit, as required by the building codes.

[Amended by Ordinance No. 6605, enacted July 2, 1990.]

8.410 COMPLETION

All demolition work shall be completed within a 45 day period; provided, however, that extensions of time for completion may be granted by the City Planning Department upon showing of good cause by the owner or contractor.

[Amended by Ordinance No. 6605, enacted July 2, 1990; Amended by Ordinance No. 94-05, enacted Feb. 24, 1994.]

UTILITIES**8.420 UNDERGROUND UTILITIES**

Unless expressly permitted by an existing franchise agreement, all new public utility lines and wires located in City public rights-of-way shall be installed underground unless the Public Works

Director determines that extraordinary circumstances require overhead installation. This requirement shall not apply to lines for the transmission of electric energy at nominal voltage of 35,000 volts.

CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS

8.450 PERMIT TO CONSTRUCT SIDEWALK

No person shall construct or reconstruct a sidewalk in a public right-of-way within the City without first obtaining a Site Construction Permit from the Public Works Director as provided in [Sections 8.800 to 8.830](#). A minimum inspection fee shall be paid to the Public Works Director for such right, at the time such permit is issued. Such permit shall be in force for no longer than 60 days from the date of issuance. Application, issuance and execution and enforcement of such permit shall be governed by [Sections 8.450 to 8.465 and 8.800 to 8.830](#). Such permit requirement shall apply to sidewalks constructed or reconstructed under [Section 3.320](#), [Section 5.666](#), and the Community Development Ordinance, as well as those voluntarily constructed or reconstructed. [Added by Ordinance No. 6424, enacted July 5, 1983; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

8.455 SUBMISSION OF PLANS

At the time of application for a permit, the permittee shall submit a plan and shall give an estimated date when work will begin therefore and agree to replace all curbing and other public improvements affected during construction. A form shall be available at the Public Works Department office which details all of the information required by [Sections 8.450 to 8.460](#). The owner of the property abutting the sidewalk for which the permit is issued shall agree that he

shall replace such curbing and other public improvements at his/her own expense. [Added by Ordinance No. 6424, enacted July 5, 1983.]

8.460 REQUIREMENTS OF PERMITTEE

The permittee shall comply with all provisions of [Sections 8.510 to 8.515, 8.525, to 8.530, and 8.540 to 8.545](#). [Added by Ordinance No. 6424, enacted July 5, 1983.]

8.465 CONSTRUCTION STANDARDS; NOTIFICATIONS FOR INSPECTIONS

The permittee shall be responsible for insuring that all new construction meets the standards for sidewalk design as adopted in the Public Works Engineering Standards Manual on file in the Public Works Department office. All new construction shall match for grade and alignment all existing curb, gutter street and sidewalk profiles. The permittee shall notify the Public Works Director, or his/her designee, at least twenty-four hours prior to actual pouring so that the forms can be inspected at least twenty-four hours prior to the actual placing of concrete so that the form work can be inspected. [Added by Ordinance No. 6424, enacted July 5, 1983; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

ENCROACHMENT PERMITS

8.470 ENCROACHMENT PERMITS

- (1) Any person desiring to erect, construct or maintain an encroachment structure upon public property must first obtain an encroachment permit therefore. An encroachment permit may be obtained by filing a written application with the Public Works Director on a form supplied through his/her office. The application shall state the name and address of the owner of the adjacent real property benefited by the encroachment and shall be accompanied by a legal description of the adjacent real property benefited by the encroachment, a one-sheet plot plan illustrating the proposed structure and a written justification as to the need for the encroachment.
- (2) Each applicant for an encroachment permit shall, at the time of filing the application, pay a non-refundable application fee in an amount set by the City Manager in accordance with the requirements of [Section 1.075](#).
- (3) If the Public Works Director finds that a proposed encroachment will not be detrimental to the health, safety or welfare of the community or the surrounding property and when completed will not unreasonably interfere with traffic or with access to any public place he/she shall issue the encroachment permit. If the proposed encroachment does not meet each of the requirements set out in the preceding sentence, the Director shall deny the permit, giving his/her reasons in writing.
- (4) For the purposes of this Section "encroachment structures" shall include any tower, pole, poleline, pipe, pipeline, deck, billboard, stand or building, or any other such

object or structure which is placed in, upon, under or over any portion of any public street, highway or alley right-of-way, or other public property.

- (5) If at any time it is determined by the Public Works Director that the encroachment structure has become detrimental to the health, safety or welfare of the community or the surrounding property interferes with access to any public property at the public works project and development requires removal of the encroachment, the encroachment permit granted shall be revoked by the City Manager upon providing the permittee 60 days' notice thereof.
- (6) An applicant or permittee aggrieved by any decision of the Public Works Director or City Manager may appeal such decision as provided by [Section 1.025](#).

[Added by Ordinance No. 93-5, enacted April 14, 1993; Amended by Ordinance No. 07-09, enacted March 5, 2007.]

8.472 EXCLUSIONS

The provisions of [Section 8.470](#) shall not apply to the following:

- (1) utility facilities placed under authority of a City franchise;
- (2) fences, provided there is a valid fence permit therefore issued by the City Planning Department; or
- (3) those structures and other facilities duly authorized by federal, state or County authority.

[Added by Ordinance No. 93-5, enacted April 14, 1993.]

EXCAVATIONS

8.500 PERMITS GENERALLY; INSPECTION FEE

- (1) No person shall make any excavation within any street, alley or way within the City without obtaining a Site Construction Permit granted upon the proper application to the Public Works Director as provided in [Sections 8.800 to 8.830](#). An inspection fee shall be charged at the time such permit is issued. Application, issuance, execution and enforcement of such permit shall be governed by [Sections 8.500 to 8.545](#) and [8.800 to 8.830](#). Such permit shall be in force for no longer than 60 days from the day of issuance.
- (2) No permit shall be required for excavations conducted pursuant to an agreement entered into under Section 11.505.

[Added by Ordinance No. 6341, enacted June 1, 1981; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

8.505 SUBMISSION OF PLANS

At the time of application for the Site Construction Permit, the permittee shall submit a plan and shall give an estimated date when work will begin. A form shall be available at the Public Works Department office which details all of the information required by the Public Works Director.

[Added by Ordinance No. 6341, enacted June 1, 1981; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

8.510 CONTACT OF AND COORDINATION WITH OTHER AGENCIES

The permittee shall be responsible for contacting all other private and public agencies who may be affected during any phase of construction and shall be solely responsible for coordinating all construction activities with such agencies. The permittee shall be responsible for any damage done to any public or private property during any phase of construction.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.515 CONFORMANCE WITH STANDARDS

The permittee shall be responsible for insuring that all phases of construction conform to standards for excavation, back-filling, construction and paving as adopted in the Public Works Engineering Standards Manual on file in

the Public Works Department office or as deemed necessary by the Director of Public Works, or his/her designee, if special circumstances so dictate.

[Added by Ordinance No. 6341, enacted June 1, 1981; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

8.520 SURETY BONDS

- (1) The permittee shall deposit with the Public Works Director a cashier's check or a corporate surety bond in the amount of \$150 or the estimated cost of back-filling the excavation and resurfacing the street, as determined by the Public Works Director, whichever sum is greater. Such corporate surety bond shall be in the form of a performance bond insuring the permittee's performance of all the terms and conditions of the permit and [Sections 8.500 to 8.545](#).
- (2) Subsection (1) shall not apply to licensed contractors, public utility companies holding a franchise from the City or governmental agencies.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.525 PROTECTION OF PUBLIC RIGHTS

The permittee shall take appropriate measures as required by the Public Works Director to assure that, during the performance of all phases of construction, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the neighboring property and to the general public. The permittee shall take appropriate measures to reduce noise, dust, and unsightly debris to the fullest extent practicable in the performance of the work.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.530 PROTECTION OF PUBLIC SAFETY; LIABILITY OF CITY

The permittee shall be responsible for insuring the safety of the public. This article shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of any work for which a permit is issued; nor shall the City or any official or employee thereof be deemed to have assumed

any such liability or responsibility by reason of inspections authorized, the issuance of any permit, or the approval of any work. The permittee shall sign a hold harmless clause prior to issuance of such permit. Furthermore, the permittee shall be required to implement any safety measures which may be deemed necessary by the Director, or the State of Oregon. [Added by Ordinance No. 6341, enacted June 1, 1981.]

8.535 PUBLIC LIABILITY INSURANCE

The permittee, prior to the commencement of work, shall furnish the Public Works Director satisfactory evidence, in writing, that the permittee has in force, and will maintain in force during all phases of construction, public liability insurance in amounts at least equal to the maximums established by ORS 30.270 as presently constituted or hereinafter amended, duly issued by an insurance company authorized to do business in the State of Oregon. [Added by Ordinance No. 6341, enacted June 1, 1981.]

8.540 NOTIFICATION AS TO STARTING WORK; PROMPT COMPLETION OF WORK.

The permittee shall give the Public Works Director 48 hours notice prior to actually starting work. The permittee shall notify the Public Works Director prior to back-filling any excavation and prior to repaving any street, in order to allow all phases of construction to be inspected. After work is commenced, the permittee shall prosecute with diligence and speed all work

covered by the permit and shall promptly complete such work and restore the street to its original condition.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.545 RIGHT OF CITY TO COMPLETE WORK AND CHARGE PERMITTEE

- (1) The permittee shall, within twenty-four (24) hours comply with any notice from the Public Works Director of noncompliance with any provision of [Sections 8.500 to 8.545](#).
- (2) If the permittee or his/her subcontractor fails to comply with any provision as set forth in [Section 8.500 to 8.550](#) or with any requirement of the Public Works Director, the City shall have the right to cause the work, as deemed necessary by the Public Works Director, to be done and may recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the permittee.
- (3) If a bond or cashier's check has been deposited under [Subsection 8.520\(1\)](#), the City may utilize said bond or check to cover its costs and expense. If the amount of the deposit exceeds the cost and expense incurred by the City, it shall release the remainder. If the amount of the deposit is less than the cost and expense incurred by the City, the permittee shall be liable to the City for the difference.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

CURB CUTS AND DRIVEWAYS

8.550 PERMIT TO CUT EXISTING CURB; INSPECTION FEE

No person shall cut the existing curbing along a street or alley within the City without first obtaining a Site Construction Permit from the Public Works Director as provided in [Sections 8.800 to 8.830](#). A minimum inspection fee shall be paid to the Public Works Director for such right, at the time such permit is issued. Such permit shall be in force for no longer than 60 days from the day of issuance. Application, issuance and execution of such permit shall be governed by [Sections 8.550 to 8.575](#).

[Added by Ordinance No. 6341, enacted June 1, 1981; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

8.555 SUBMISSION OF PLANS

At the time of application for a permit, the permittee shall submit a plan and shall give an estimated date when work will begin therefore and agree to replace all curbing and other public improvements affected during construction. A form shall be available at the Public Works Department office which details all of the information required by [Sections 8.550 to 8.575](#). The owner of the property abutting the curb for which the permit is issued shall agree that he/she shall replace such curbing and other public improvements at his own expense.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.560 REQUIREMENTS OF PERMITTEE

The permittee shall comply with all provisions of [Sections 8.510 to 8.540](#).

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.565 REPLACEMENT OF CURBING

(1) In the event of failure to comply with [Section 8.555](#), the City shall cause the affected curbing and other public improvements, as deemed necessary by the Public Works Director, to be replaced and the owner shall reimburse the City for the cost of such replacement.

(2) The Public Works Director shall cause notice to be given of the City's demand for replacement of curbing and other public improvements, and after 10 days from date of notice and failure of the owner to replace such

curbing and public improvements, the City shall cause such curbing and public improvements to be replaced.

(3) The City's cost and expense, and an additional 10% thereof for administrative costs, shall be a lien against the abutting property and collected as any other lien for local improvements.

[Added by Ordinance No. 6341, enacted June 1, 1981.]

8.570 WIDTH AND NUMBER OF DRIVEWAYS

(1) Residential Uses:

(a) For single family homes, and duplexes, triplexes and four-plexes with driveways for each dwelling unit, the width of the driveway is hereby limited to 4 feet in excess of the opening of garage doors or carports. Where no garage or carport exists and a driveway only is constructed on residential property, the width shall be a minimum of 10 feet, but shall not exceed 20 feet in width. Each dwelling unit is permitted one driveway on each street it abuts if streets are of the same performance classification. If the abutting streets are of different performance classifications, only one driveway shall be permitted, and it shall be located on the street with the lowest performance classification. A minimum of 5 feet of full height curb shall separate driveways.

(b) For duplexes, triplexes, four-plexes and apartments where the dwelling units share a common driveway, the width of the driveway is hereby limited to 24 feet in width, with a minimum width of 15 feet. Each multiplex structure is permitted one driveway on each street it abuts if streets are of the same performance classification. If the abutting streets are of different performance classifications, only one driveway shall be permitted, and it shall be located on the street with the lower performance classification. A minimum of 22 feet of full height curb shall separate these common driveways.

(2) Commercial Uses: For commercial uses, including similar uses permitted under the Public Facility and Industrial zones, the driveway shall be a maximum of 24 feet in

width. No more than 2 driveways per street shall be permitted to any single commercial development; provided, however, the maximum number of driveways for any one development, and regardless of the number of abutting streets, shall be 4. If a development abuts more than one street, and the streets have different performance classifications, driveways shall be restricted to the street(s) with a lowest performance classification. A minimum of 22 feet of full height curb shall separate driveways.

- (3) Industrial Uses: For industrial uses, including similar uses permitted under the Public Facility zone, the driveway is hereby limited to a maximum of 40 feet in width with a minimum width of 24 feet. No more than 2 driveways per street shall be permitted to any single industrial development or structure; provided, however, the maximum number of driveways for any one development or structure, and regardless of the number of abutting streets, shall be 4. If a development or structure abuts more than one street, and the streets have different performance classifications, driveways shall be restricted to the street(s) with a lowest performance classification. A minimum of 22 feet of full height curb shall separate driveways. For existing streets where no curb, gutter or sidewalk exist (e.g., Spring Street), an applicant may seek a variance to these standards pursuant to subsection (5).
- (4) Joint Access: For commercial and industrial uses, including similar uses permitted under the Public Facility zone, common driveways at a shared property line are encouraged and in some instances may be required to reduce the number of access points to streets. For commercial uses, the width of joint driveways shall be governed by the relevant provisions of subsection (2). For industrial uses, the width of joint driveways shall be governed by the relevant provisions of subsection (3). Construction of common driveways shall be

preceded by recording of joint access and maintenance easements.

- (5) Purpose and Intent: The intent of this Section is to control and/or limit the number and location of access points onto City streets by encouraging placement of driveways in locations that promote the safe and efficient flow of traffic. Subsections (2) and (3) recognize that commercial and industrial developments can contain more than one structure and/or more than one use, and can be built on more than one lot or parcel.
- (6) The provisions of this Section are subject to the provisions of Chapter 14 and the current Public Works Engineering Standards, adopted and implemented by the Director in compliance with City Code [Section 4.015\(1\)](#), and may be modified by an order of variance issued by the Community Development Director in consultation with the Public Works Director.

[Added by Ordinance No. 6341, enacted June 1, 1981; Amended by Ordinance No.07-11, enacted May 22, 2007.]

8.575 CONSTRUCTION STANDARDS; NOTIFICATIONS FOR INSPECTIONS

The permittee shall be responsible for insuring that all new construction meets the standards for curb and gutter design as adopted in the Public Works Engineering Standards Manual on file in the Public Works Department office. All new construction shall match for grade and alignment all existing curb, gutter, street and sidewalk profiles. The permittee shall notify the Public Works Director, or his/her designee, at least 24 hours prior to actual pouring so that the forms can be inspected and at least twelve hours prior to the actual placing of concrete so that the actual pouring can be inspected.

[Added by Ordinance No. 6341, enacted June 1, 1981; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

FIRE CODE**8.600 FIRE CODE ADOPTED**

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the Uniform Fire Code, including Appendix Chapters I A, I C, I D, I E, I F, II A II C, II D, II E, II F, III A, III B, III C, IV B, V A, V B, VI A, VI D, published by the International Fire Code Institute, being particularly the 1994 edition thereof, and the Oregon Uniform Fire Code, published by the State of Oregon, being particularly the 1996 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by [Section 8.605 to 8.635](#) and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling within the limits of the City of Klamath Falls.

[Amended by Ordinance No. 6406, enacted Oct. 4, 1982; Amended by Ordinance No. 6498, enacted Oct. 7, 1985; Amended by Ordinance No. 6582, enacted Oct. 2, 1989; Amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

8.605 AMENDMENTS

- (1) The 1996 Oregon Uniform Fire Code is amended and changed in the following respects: the following articles of the Uniform Fire Code are deleted in the 1996 Oregon Uniform Fire Code, which deletions are canceled and the articles reinstated for application within the boundaries of Klamath Falls: "New Construction and Alterations" Sections 103.3.2, 103.3.2.1, 103.3.2.2, 103.3.3, 103.3.4; "Enforcement" Sections 103.4, 103.4.1, 103.4.1.1; "Unsafe Heating or Electrical Equipment and Structural Hazards" Sections 103.4.1.2, 103.4.1.3, 103.4.1.4; "Compliance" Sections 103.4.3.2, 103.4.3.3, 103.4.4; "Investigation" Section 104.2; "Fire Occurrences" Sections 104.3.1, 104.3.2; "Permits" Sections 105.2, 105.2.2, 105.2.3; "Retention of Permits" Sections 105.5, 105.6, 105.7.
- (2) The following Sections of the Oregon Uniform Fire Code are amended to read as follows:
- 105.3 Application for Permit. When permits are required by Section 105.8, applications for permits shall be made to the Klamath County Fire District No. 1 Fire Marshal in such form*

and detail as prescribed by the chief. Applications for permits shall be accompanied by such plans as required by the Chief.

105.8 Permits Required. When required by law or regulation, a permit, a license, or a certification shall be obtained from the Klamath County Fire District No. 1 Fire Marshal prior to engaging in the following activities, operations, practices or functions:

- (d) Wholesale fireworks. To sell to the general public for their use under 480.127.*
- (e) Retail sale and public display fireworks. To sell, discharge, fire off, explode or display fireworks for public display, or to sell items described in ORS 480.127(4) under ORS 480.130.*
- j) LPG tank installation. To install new LP-gas containers or receptacles under ORS 480.450.*
- k) LPG tank installation over 2,000 gallons (7570 L). To install single containers over 2,000 gallons (7,570 L) water capacity or the aggregate capacity of containers over 4,000 gal. (15,140 L) water capacity.*
- l) Flammable/combustible liquid aboveground tanks. To install tanks for the storage of flammable or combustible liquids above ground in excess of 1,000 gallons (3785 L) in either individual or aggregate quantities as specified in Section 7901.3 of this code.*
- f.1.) Fire hydrants and water-control valves. For a permit to use a fire hydrant or operate a water-control valve intended for fire-suppression purposes. See Article 9.*
- f.2.) Fireworks. For permits for fireworks. See Article 78.*
- m.2.) Mall, covered. See Article 35. To use a covered mall in the following manner:*
 - 1. Placing or constructing temporary kiosks, display booths, concession equipment or the like in the mall.*
 - 2. To use a mall as a place of assembly.*
 - 3. To use open-flame or flame-producing devices.*
 - 4. To display any liquid- or gas-fueled*

powered equipment.

o.1.) Open burning. To conduct open burning. Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. See Section 1102.3.

p.3.) Pyrotechnical special effects material. For permits for pyrotechnical special effects material, see Article 78.

t.1.) Tents, canopies and temporary membrane structures. To erect or operate a tent or air-supported temporary membrane structure having an area in excess of 200 square feet (18.6m²), or a canopy in excess of 400 square feet square feet (37.2m²), except for structures used exclusively for camping. See Article 32.

Local additions not covered above:

z.1.) Foster care homes.

z.2.) Hazardous chemical tanks with capacity greater than 200 gallons or with aggregate capacity greater than 330 gallons.

z.3.) Occupancies/sites with miscellaneous aggregate quantities of hazardous materials. See Section 8001.3.1.

z.4.) Bed and Breakfast facilities.

z.5.) Underground tank removal.

[Amended by Ordinance No. 6605, enacted July 2, 1990; amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

8.610 DEFINITIONS

- (1) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the area within the corporate boundaries of the City.
- (2) Wherever the term "Corporation Counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the City.
- (3) Wherever the term "fire marshal" is used in the Uniform Fire Code it shall be held to mean the Fire District No. 1 Fire Marshal, Klamath County also known as the Chief of the Bureau of Fire Prevention.

[Amended by Ordinance No. 97-4, enacted Jan. 21, 1997.]

8.615 LIMITS ON STORAGE OF FLAMMABLE LIQUIDS

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows:

- (1) All storage of Class I or II flammable and combustible liquids, as defined in the Uniform Fire Code, shall be prohibited on property zoned Single Family, Medium Density or Apartment Residential or other areas deemed not appropriate by the City Planning Director.
- (2) All above ground storage of Class I, II or III flammable or combustible liquids, as defined by the Uniform Fire Code, shall be prohibited on property zoned Single Family, Medium Density, Apartment Residential or Neighborhood Commercial or other areas deemed not appropriate by the City Planning Director.
- (3) Siting of permitted storage facilities for Class I, II or III flammable or combustible liquids as defined by the Uniform Fire Code, in any zone shall be subject to the prior review and approval of the City's Planning Department and Klamath County Fire District No. 1.

[Amended by Ordinance No. 6547, enacted Jan. 4, 1988; amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

8.620 LIMITS ON BULK STORAGE OF LIQUEFIED PETROLEUM GASES

The limits referred to in Section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: all zones as set out in the CDO of the City except the Industrial Zone and except those other zones which currently contain such uses as legal nonconforming uses under the CDO.

[Amended by Ordinance No. 6547, enacted Jan. 4, 1988; amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

8.625 LIMITS ON STORAGE OF EXPLOSIVES

The limits referred to in Section 7701.7.2 of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: all areas within the corporate boundaries of the City of Klamath Falls.

[Amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

8.630 APPEALS

Whenever the District No. 1 Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the State Fire Marshal's Region 4 Appeals Board within 30 days from the date of the decision appealed.

[Amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

8.635 NEW MATERIALS, PROCESSES OR OCCUPANCIES

The County Building Official, the Fire Chief and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Uniform Fire Codes. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

[Amended by Ordinance No. 6605, enacted July 2, 1990; Amended by Ordinance No. 97-4, enacted Jan. 22, 1997.]

FIRE ALARM SYSTEMS

**8.650 - 8.660 FIRE ALARM SYSTEMS,
CONDITIONS OF CONNECTION &
FEE [REPEALED]**

[Repealed by Ordinance No. 6611, enacted Oct. 15, 1990.]

BURGLARY ALARM SYSTEMS

8.700 PURPOSE

It is the primary purpose of [Sections 8.700 to 8.735](#) to reduce the incidence of false robbery and burglary alarms to which police are expected to respond through the imposition of civil fines. In addition to the above, certain incidental standards have been imposed on local alarm systems and burglar alarm salespersons to eliminate unnecessary public disturbance.

[Added by Ordinance No. 6349, enacted July 20, 1981.]

8.705 DEFINITIONS

As used in [Sections 8.700 to 8.735](#), the following words and phrases shall have the meanings prescribed:

Alarm System. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention to which police are expected to respond.

Alarm User. The person in control of any building, structure, or facility wherein an alarm system is maintained.

Automatic Dialing Device. A device which is interconnected to a telephone line is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for an emergency response to the Communication Center.

Burglar Alarm Salesperson. A person engaged in the business of installing, servicing, repairing or maintaining burglar alarms or systems.

Central Dispatch Center. A privately maintained communications center designed to take incoming alarm and transmit such alarm or information concerning such alarm to the Communication Center.

Chief. The City of Klamath Falls Police Chief or his designee.

Communication Center. The City Police Department facility used to receive emergency and general information from the public.

False Alarm. An alarm signal to which the City Police respond with emergency service personnel or equipment when a situation requiring a response by the police does not in fact exist.

The following shall not be considered false alarms:

(1) Alarms caused by the testing, repair, or

malfunction of telephone equipment or lines.

(2) Alarms caused by an act of God including earthquakes, floods, windstorms, thunder or lightning.

(3) Alarms caused by an attempted illegal entry or robbery of which there is visible evidence.

(4) Alarms caused by the testing, repair, or malfunction of electrical utility equipment or lines.

Local Alarm. An alarm system which, when activated, emits an audible or visual signal at the premises protected.

Police Chief. The City of Klamath Falls Police Chief or his designee.

[Added by Ordinance No. 6349, enacted July 20, 1981.]

8.710 COMMUNICATIONS CENTER TERMINAL

(1) Persons wishing to install an automatic dialing device shall apply in writing to the Police Chief stating the address of the premises to be protected, and identification of the alarm user, if other than applicant. The application shall include a signed acknowledgment by the alarm user that said user has read and agrees to the provisions of [Sections 8.700 to 8.735](#). The names, address, and phone numbers of at least 3 persons who have authority to enter the protected premises shall accompany the application.

(2) The Police Chief shall review all applications and conduct such other inquiry as appropriate to be satisfied that the proposed system and equipment is acceptable. Upon satisfactory review, the Chief shall authorize installation of the automatic dialing service.

(3) All automatic dialing device installations shall meet requirements as prescribed by the Chief and shall be made by qualified personnel at no expense to the City.

[Added by Ordinance No. 6349, enacted July 20, 1981.]

8.715 LOCAL ALARMS

(1) Alarm users with local alarms shall provide the Police Chief a diagram of the alarm system and the names, addresses and phone numbers of at least three persons who have authority to enter the protected premises.

(2) Local alarms must be silenced or extinguished within 15 minutes of the initial signal.

(3) It shall be unlawful for local alarms to utilize any signaling device such as siren or lights similar, in the sole determination of the Police Chief, to those used on emergency vehicles. [Added by Ordinance No. 6349, enacted July 20, 1981.]

8.720 FALSE ALARMS

- (1) False alarms are hereby declared a nuisance.
- (2) For a police response to any false alarm, the Police Chief shall collect from the alarm user the following:
 - (a) For a response to premises at which no other false alarm has occurred within the preceding three month period, hereinafter referred to as "first response", no fee will be charged, but the alarm user shall, within 3 working days after notice to do so, make a written report to the Police Chief on forms prescribed by the Police Chief setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman, and such other information as the Police Chief may reasonably require to determine the cause of such false alarm and corrective action necessary.
 - (b) For a second response to premises within 3 months after a first response, no fee shall be charged, but a written report will be required upon receipt of notice to do so, as for a first response, and the Police Chief shall be authorized to inspect or cause to be inspected the alarm system at such premises, prescribe necessary corrective action, and shall give notice to the alarm user of the conditions and requirements of this Section.
 - (c) For a third response to premises within 3 months after such a second response, and for all succeeding responses within 3 months of the last response, a fee of \$25 shall be charged.
 - (d) The above false alarm schedule shall become effective 60 days after installation of a new alarm system.

[Added by Ordinance No. 6349, enacted July 20, 1981.]

8.725 ALARM TESTING

Whenever an alarm user or burglar alarm SITE CONSTRUCTION REQUIREMENTS

[Added by Ordinance No. 03-08, enacted April 7, 2003.]

salesperson deems it necessary to test or otherwise intentionally set off or activate an alarm system, he shall notify the Communications Center that he intends to test or otherwise intentionally activate an alarm prior to actual testing being conducted. Failure to do so shall result in that user being considered as having had a false alarm.

[Added by Ordinance No 6349, enacted July 20, 1981.]

8.730 BURGLAR ALARM SALESPERSON

- (1) All burglary alarm salespersons shall register with the Police Chief and shall provide the Police Chief with the names and photographs and a copy of the state protective signal installer licenses of all employees. Said names, photos, and license copies shall be kept current. Identification cards shall then be issued by the Police Chief to each registered salesperson. Said cards shall contain a full face photo, the name, height, weight, date of birth, name of employing company, capacity of employee (e.g., salesman, repairman, installer) and the signatures of the company authorizing the individual and card holder. Said cards shall be numbered.
- (2) No burglar alarm salesperson shall install, repair, maintain, or service any automatic dialing service, local alarm or other alarm system unless:
 - (a) Said system is in compliance with [Sections 8.700 to 8.735](#); and
 - (b) The burglar alarm salesperson is validly registered pursuant to Subsection (1) above.

[Added by Ordinance No. 6349, enacted July 20, 1981.]

8.735 ADMINISTRATION AND APPEAL

- (1) The Police Chief shall administer the alarm program and be the determining authority in matter in question regarding removal and status of alarm signals.
- (2) At such times as an alarm user or burglar alarm salesperson disagrees with determinations relating to the alarm program, he may appeal pursuant to [Section 1.025](#).

[Added by Ordinance No. 6349, enacted July 20, 1981.]

8.800 SITE CONSTRUCTION PERMIT REQUIRED

(1) Definitions. For the purposes of [Sections 8.800 through 8.830](#), the following terms shall mean:

- (a) **Director.** The Public Works Director or his/her designee.
- (b) **Permit Code.** City Code [Sections 8.800 through 8.830](#).

(2) No person shall make any qualifying site improvement without first obtaining a Site Construction Permit granted upon proper application to the Director. An improvement is a qualifying site improvement, and a Site Construction Permit will be required, if any of the following apply to a particular location:

- (a) The quantity of imported fill will equal or exceed 50 cubic yards;
- (b) The quantity of excavation will equal or exceed 50 cubic yards;
- (c) One acre or more of land will be disturbed;
- (d) 5000 square feet or more of new impervious area will be added to the site;
- (e) A total of 10,000 square feet or more of impervious area will be added or reconstructed on the site;
- (f) Infrastructure will be constructed and dedicated to the City;
- (g) A curb cut is made for a driveway location;
- (h) Excavation will occur within a public right-of-way;
- (i) A sidewalk is constructed or replaced within a public right-of-way; or
- (j) the site will be converted from an existing use to a use that is a “potentially significant source of pollution.” The following uses will be considered a “potentially significant source of pollution.”
 - (i) Fuel dispensing facility: A place where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers (including fuel islands, above-ground fuel tanks, fuel pumps, and the surrounding pad).
 - (ii) Exterior storage of liquid materials: A place where one or more above-ground storage tanks are used for outside storage of any type of liquid chemicals, waste oils, solvents, petroleum products, or food product.
 - (iii) Storage, use and transportation of hazardous/toxic materials: A place where the total quantity of stored or

transported toxic compounds, confirmed carcinogens, halogenated solvents, or chemicals with a pH less than 6.0, or greater than 9.0, is expected to exceed 200 gallons or 1,000 pounds.

- (iv) Exterior storage of bulk materials: Non-contained storage of materials that may adversely affect water quality. Examples include fertilizers, scrap and recycling materials, food items and wastes, soil and sand stockpiles, and other raw materials and byproducts.
- (v) Material transfer area and loading docks: An area designed to accommodate a truck/trailer being backed up to or into it and used specifically to receive or distribute materials to/from trucks/trailers.
- (vi) Site with existing or proposed interior floor drains when the proposed use may adversely affect the City’s sanitary sewer or storm drainage systems.
- (vii) Vehicle or equipment washing facility: An area designated for equipment or vehicle washing or steam cleaning.
- (viii) Storm water disposal from development on a contaminated site: Land that currently or previously has had pollutants detected in the soil or groundwater at concentrations that exceed state/or federal cleanup standards.
- (ix) Non-contained exterior solid waste storage areas.
- (x) Discharge of geothermal water to storm water system.

(3) The Site Construction Permit application will trigger a detailed review of a proposed construction project to ensure that: the proposed project meets applicable public works engineering standards; all easements and dedications of public rights-of-way are recorded; and application of system development charge credits and public infrastructure advance financing agreements are agreed to prior to initiating construction. The Site Construction Permit serves as a mechanism for: review and approval of plans for site and public infrastructure construction prior to initiation of development or

construction to assure compliance with current public works engineering standards; and review, approval and inspection of grading, erosion control and storm water drainage systems on development sites in order to meet state and federal laws and regulations.

- (4) The City Manager is hereby authorized, in accordance with requirements of [Section 1.075](#), to establish and revise a schedule of fees and charges associated with the Site Construction Permit.

[Amended by Ordinance No. 07-09, enacted March 5, 2007.]

8.810 REVIEW AND APPEAL OF SITE CONSTRUCTION PERMIT

- (1) The Director shall review each application for a Site Construction Permit to determine conformance with the provisions of the City Code and the current Public Works Engineering Standards adopted and implemented by the Director in compliance with City Code [Section 4.015\(1\)](#). The Director is hereby authorized to develop and implement appropriate forms, procedures and requirements for processing an application. The Director shall obtain the approval of the City Manager and shall provide notice of the procedure and requirements to the Council not less than 30 days prior to implementation. After receiving an application, the permit reviewer shall, in writing:
- (a) approve the permit application subject to such reasonable conditions as may be necessary to assure compliance with the City Code and the current Public Works Engineering Standards, and issue the permit subject to those conditions; or
 - (b) disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or required application submission.
- (2) Any applicant aggrieved by an adverse decision relating to the issuance of the Site Construction Permit may appeal that decision to the City Manager pursuant to the Uniform Appeal and Hearing Procedure set forth in City Code [Section 1.025](#).

8.820 INSPECTION AND STOP WORK ORDERS

- (1) Inspections. The Director may conduct

inspections whenever necessary to enforce or to determine compliance with any of the provisions of the Permit Code, or whenever the Director has reasonable cause to believe there exists any violation of those Code provisions. Application for issuance of a Site Construction Permit shall constitute consent for authorized city personnel to enter upon the premises to conduct authorized inspections and to enforce Permit Code provisions. Inspections shall occur at reasonable times of day. If the premises include an occupied structure, the inspector shall first make a reasonable effort to contact the owner or other person having charge or control of the premises and request entry.

- (2) Stop Work Order. When it is necessary to obtain compliance with any of the provisions of the Permit Code, the Director may issue a stop work order requiring that any work being done contrary to Permit Code provisions be immediately and completely stopped. The scope of the stop work order shall be appropriately limited to include only those work activities that are in violation of applicable Permit Code provisions and shall not prevent any work activities directly related to the elimination of the violation. If a stop work order is issued, no person may resume stopped work activities until such time as the Director gives specific approval in writing.
- (a) The stop work order shall be in writing and shall include:
 - (i) Date of Order;
 - (ii) Permit number, where applicable;
 - (iii) Site address, legal description or project location of stop work order;
 - (iv) A description of all violations; and
 - (v) The conditions under which the work may resume.
 - (b) The stop work order shall be posted in a conspicuous location at the site and a copy shall be sent to the landowner, the permit applicant and the person or business performing the work by certified mail, return receipt requested. For projects in the public right-of-way, the stop work order shall be delivered to the permit applicant and the person or business performing the work.
 - (c) It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
 - (d) A stop work order shall be effective upon

posting.

- (e) When an emergency condition exists, the Director may issue a stop work order orally. The Director shall then issue a written notice under subsection (a) above within 24 hours.

8.830 VIOLATION AND ENFORCEMENT; ABATEMENT REMEDIES

- (1) Any violation of any term or provision of the Permit Code is hereby deemed to constitute a public nuisance and continues to be a public nuisance until the noncomplying activity or circumstance is brought into compliance with those Code provisions. In addition to any other remedies available by law, any violation of the Permit Code may be abated pursuant to City Code [Sections 5.664 through 5.676](#).
- (2) The procedure for remedy of a violation shall be:
- (a) Issuance of Warnings - The Director may issue a warning notice of an alleged violation; if issued, such warning notice shall give a brief description of the violation alleged to exist, and shall be deemed to be served upon the person accused of the offense when personally delivered or sent by certified mail to the address of the violation or to the address of the owner of the property as shown on the Klamath County Assessor's ownership records;
- (b) The warning notice shall further contain the name of the City department or staff person to contact regarding the violation, the name of the person issuing the warning notice, the date the warning was issued and a statement that failure to correct the alleged violation or to contact appropriate City department or staff person may result in: proceedings being initiated to abate the nuisance; imposition of administrative civil penalties; assessment of administrative enforcement fees; and/or the filing of a code violation proceeding in Municipal Court;
- (c) If the alleged violation has not been corrected within 10 days after service of the warning notice as set forth above, the City may institute appropriate proceedings to prevent, temporarily or permanently enjoin the violation, to abate or remove the alleged violation pursuant to City Code [Sections 5.664 through 5.776](#), to impose administrative civil penalties, assess

administrative enforcement fees and/or file a code violation proceedings in Municipal Court pursuant to City Code [Sections 5.682 and 2.800 through 2.882](#); and

- (d) Emergencies - In the event that the Director determines that an immediate threat exists to the public health, safety or welfare, the 10 day notice period may be waived and immediate action to resolve the alleged violation may be taken.
- (3) Any person or business entity which violates any term or provision of the Permit Code shall be subject to any or all of the following penalties:
- (a) For each violation, the Director may assess an administrative civil penalty of up to \$500 per day per violation. Each day a violation exists shall be considered a separate violation. The imposition of an administrative civil penalty may be appealed to the City Manager pursuant to the Uniform Appeal and Hearing procedure set forth in City Code [Section 1.025](#).
- (b) For each violation, the Code Enforcement Officer or City Attorney may initiate a code violation proceeding in Municipal Court pursuant to City Code [Sections 5.682 and 2.800 through 2.882](#). Civil penalties of up to \$500 per day per violation may be imposed by the Court. Each day or portion of a day a violation exists shall be considered a separate violation.
- (c) The Code Enforcement Officer may assess enforcement fees pursuant to the procedures set forth in City Code [Sections 8.980 through 8.988](#); provided, however, that the monthly enforcement fee as provided in Code [Section 8.980\(3\)](#) shall initially be set at \$100 per month and shall be doubled every month thereafter until compliance is obtained.
- (d) The City Manager may initiate proceedings under City Code [section 7.070](#) to revoke the business license of any licensed business in violation.
- (4) The penalties provided herein are in addition to any other remedies available

8.980 ENFORCEMENT FEES

- (1) In order to defray the costs of enforcement of [Sections 8.000 to 8.298](#), the Public Safety Officer or his/her designee (the Officer) shall impose fees on those properties and owners of those properties which are found not to be

- in compliance with the City adopted building codes, the International Property Maintenance Code, Vacant Property Registration Ordinance, or the Geothermal Ordinance (collective referred to as “these Acts”).
- (2) The City shall charge a monthly enforcement fee for each dwelling unit inspected that meets the following conditions:
 - (a) The property is subject of a written notice of violation, as described in [Section 8.982](#);
 - (b) A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - (c) The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
 - (3) The amount of the monthly enforcement fee shall be \$50 per month per unit for the first 3 months. Thereafter the monthly fee shall be doubled every three months until paid in full.
 - (4) Whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall so notify the Officer. Upon receipt of such notice, the Officer shall promptly schedule an inspection of the property and shall notify the owner if any violations remain uncorrected. If compliance occurs after the 30 day notice period has run, a \$25 inspection fee shall be paid by the owner.
 - (5) Once monthly enforcement fees begin, they shall continue until all violations listed in the first or any subsequent notice of violation have been corrected.
 - (6) When a property meets the conditions for charging an enforcement fee as described in (2) above, the City shall then:
 - (a) Notify the occupant(s) and the property owner(s) of the assessment of enforcement fees;
 - (b) Record a property lien in the City Lien Docket and record a Notice of Pending Lien with Klamath County;
 - (c) Bill the property owner(s) monthly for the full amount of enforcement fees owing, plus an additional 10% to cover administrative costs together with interest at 12% per annum; and
 - (d) Maintain lien records until:
 - (i) The lien and all associated interest, penalties, and costs are paid in full; and
 - (ii) The Officer certifies that all violations listed in the original or any subsequent

- notice of violation have been corrected.
- (7) Each person who has a legal or equitable interest in the property on or after the effective date of a notice of violation shall be personally liable for fees imposed pursuant to this section, including all interest, civil penalties, and other charges.
- [Added by Ordinance No. 96-29, enacted Sept. 17, 1996; amended by Ordinance No. 96-37 Dec. 3, 1996; Amended by Ordinance No. 16-02, enacted April 4, 2016.]

8.981 DISCONTINUANCE OF WATER SERVICE

- (1) In addition to the enforcement fees imposed by 10.207, in the event a violation is not corrected within 120 days of the effective date of the notice, or such extension as may be granted, water service to the property shall be discontinued.
 - (2) The Officer shall forward a disconnect request to the City utilities Department or Division with a copy of the request mailed to the owner and occupant of the property. Service shall be terminated no sooner than 7 days after the date the request is forwarded to the utilities department.
 - (3) Water service to an existing tenant shall not be discontinued as a result of a landlords failure to make repairs.
- [Added by Ordinance No. 96-29, enacted Sept. 17, 1996.]

8.982 NOTICE OF VIOLATION

If the Officer finds one or more violations of the pro-visions of these Acts, the Officer shall in writing notify the owner or the owner’s local agent and the occupant of the existence of the violations. The method of serving the notice to the owner shall be one or more of those described in (3) below. Failure to comply with the notice shall be a violation of these Acts.

- (1) The notice of violation shall:
 - (a) Give the street address and a legal description sufficient for identification of the property;
 - (b) Describe the violation at the property;
 - (c) Disclosure that fees, charges, and liens as described in [Section 8.980](#) may result form a failure to remedy the violations;
 - (d) Specify a response period during which the property may be brought into compliance with this Title before fees, charges, or liens will be assessed; and

- (e) Disclose the owner's right to appeal the findings of the notice of violation.
- (2) The effective date of a notice of violation shall be the date of service of the notice to the owner. The date of service shall be the day on which the notice is:
- Mailed first class to the property owner at the address shown on the last available assessment roll in the office of the county assessor;
 - Mailed first class to any local agent for the property; or
 - Delivered personally to the property owner or any local agent for the property.
- (3) The Officer shall monitor compliance with the notice of violation through periodic tracking and inspection. Once a notice of violation has been sent, the owner shall be responsible for all enforcement fees associated with the property, as described in [Section 8.980](#), until the violations are corrected.
- (4) The Officer may set time limits in which the violations are to be corrected. Failure to comply with the time limits shall be a violation of these Acts.

[Added by Ordinance No. 96-29, enacted Sept. 17, 1996.]

8.984 EXCEPTIONS TO ENFORCEMENT FEES

- When all outstanding violations on a property, except those requiring exterior repair, have been corrected, the Officer may, at the request of the owner, temporarily suspend enforcement fees due to inclement weather until the following May 1st. Suspension of fees shall not in any case extend more than 1 year beyond the effective date of the initial notice of violation.
- If the owner fail to correct violations within the stated period of suspension, the City shall immediately charge the full value of all suspended fees.

[Added by Ordinance No. 96-29, enacted Sept. 17, 1996.]

8.986 HARDSHIPS

- When the literal application of the requirements of these Acts would cause undue hardship to the owner or occupants of the affected structure, an exception may be granted by the Officer upon application. The application shall state the reasons for the requested exception, and shall be in writing.

However, regardless of hardship, an exception may only be granted when all safety and sanitary conditions are met. This Section shall not be construed so as to evade the provisions of these Acts.

- Any exception granted by the Officer shall be in writing and shall state the reasons for granting that exception. A copy of the Officer's decision shall be kept in the files of the Planning Department.

[Added by Ordinance No. 96-29, enacted Sept. 17, 1996; Amended by Ordinance No. 14-11, enacted Nov. 17, 2014.]

8.988 APPEALS

Whenever a responsible party has been given a notice or order pursuant to these Acts and has been directed to make any correction, to perform any act, or to incur any expense, the party may have the notice or order reviewed by the Code Enforcement Supervisor. If a review is sought, the party shall submit a written request to the Code Enforcement Supervisor within 15 days of the date of the notice or order. Pending determination by the Code Enforcement Supervisor, the order will be stayed. Following the review, the Code Enforcement Supervisor shall issue a written determination.

(Added by Ordinance No. 96-29, enacted Sept. 17, 1996; Amended by Ordinance No 14-11, enacted Nov. 17, 2014.)

8.990 VIOLATIONS AND PENALTIES

- No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.
- Any person violating any of the provisions of [Sections 8.000 to 8.155 and 8.400 to 8.735](#) shall be deemed guilty of an offense; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continued or permitted; and, upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.

[Amended by Ordinance No. 96-29, enacted Sept. 17, 1996; Amended by Ordinance No. 13-05, enacted Aug. 19, 2013.]

8.992 PENALTY

Any person, firm or corporation violating any provision of [Section 8.470](#) shall be fined not less than \$5 nor more than \$100 for each offense and a separate offense shall be deemed committed on each day during or on which violation occurs or continues following written notice by the City of such violation.

[Added by Ordinance No. 93-5, enacted April 14, 1993.]

SCHEDULE 8-A -- EXCAVATION/CURB CUT PERMIT FEES

[Added by Res. No. 2839, effective June 15, 1981; Amended by Res. No. 96-22, effective May 21, 1996.]

Excavation Permit Fee. The fee for an excavation permit under Klamath Falls City Code [Section 8.500\(1\)](#) shall be \$50.

Curb Cut Permit. The fee for a curb cut permit under Klamath Falls City Code [Section 8.550](#) shall be \$50.

Sidewalk or curb replacement accomplished at property owner expense shall not require a fee.

SCHEDULE 8-B -- FIRE CODE AND FIRE ALARMS

Nature or Action Fee Basis

Fire Suppression Services Outside City: Res. No. 2931

Minimum Billing:

Initial response regardless of time and equipment dispatched shall be a minimum rate of \$250. Time beyond this shall be prorated. \$250

Each piece of apparatus for the first hour or fraction thereof over and above the minimum. \$150

Each piece of apparatus per hour following first hour broken down to the fractional portion of this charge for each fraction after the first hour.

Per hour per man (minimum charge - one hour) for each man responding to and performing service at the scene of the fire emergency to be billed on a fractional basis after the first hour for any fractional portion of hours of service. \$10

The provisions of this Resolution shall not apply in those areas subject to a mutual aid agreement with another jurisdiction.

EMS Responses Outside City:

The costs to be filed for EMS responses shall be the same as those provided for fire suppression above. Resolution No. 3046

Annual

Nature or Action Fee Basis

Permit Fee:

Fees required for permit No. 3343 as listed under UFC Section 4.101 of the Uniform Fire Code \$ 50

EXCEPT THE FOLLOWING:

Above ground or vaulted flammable liquid tank permit \$100

Above ground or vaulted combustible liquid tank permit \$ 75

LPG tanks over 2000 gallons or aggregate capacity of containers is over 4000 gallon water capacity \$100

Any hazardous chemical tanks greater than 200 gallon water capacity of containers is over 330 liquid gallons \$100

Occupancies having misc. aggregate quantities of hazardous materials \$250

Annual retail sale of fireworks \$ 25

Annual

Nature or Action Fee Basis

Inspection Fee:

There is hereby created an inspection fee for the following new responsibilities: Res. No. 3343

Pre-occupancy Fire Life

Safety Plan review fee \$100*

Foster Care Facility

Fire Life Safety

Permit/Inspection fee \$ 50*

Bed and Breakfast Facility

Fire life Safety

Permit/Inspection fee \$ 50*

* All the above inspection fees are based on approximate time and materials used to perform the permit inspection process and shall have a cap of \$250 per premise inspected.

Underground Storage Tank

Removal Inspection Fee:

up to three tanks \$ 50

four or more tanks \$ 75