

Enrolled
Senate Bill 915

Sponsored by Senator MORSE

CHAPTER

AN ACT

Relating to the regulation of structures.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 455.

SECTION 2. (1) The Legislative Assembly finds and declares that enforcement of the state building code in a fair, equitable and uniform manner throughout this state is a matter of state concern.

(2) If a municipality administers a building inspection program under ORS 455.148 or 455.150, a monetary penalty assessed under the program for a violation must be assessed as a civil penalty. This subsection does not prohibit a municipality from charging a violator an increased permit fee or investigative fee, seeking injunctive relief from a violation or taking any enforcement action that does not include a monetary penalty. This subsection does not limit the terms or conditions of any voluntary agreement for the resolution of a violation.

(3) A municipality may not assess a civil penalty for a violation under a building inspection program unless the municipality provides to the party that is subject to the civil penalty:

(a) Notice that:

(A) Describes the alleged violation, including any relevant code provision numbers, ordinance numbers or other identifying references;

(B) States that the municipality intends to assess a civil penalty for the violation and states the amount of the civil penalty;

(C) States that the party may challenge the assessment of a civil penalty; and

(D) Describes the means and the deadline for informing the municipality that the party is challenging the assessment of the civil penalty; and

(b) A municipal administrative process other than a judicial proceeding in a court of law, that affords the party an opportunity to challenge the civil penalty assessment before an individual, department or body that is other than the municipality's building inspector or building official.

(4) If the municipality assesses a civil penalty for a violation under a building inspection program, the amount of the civil penalty assessed for the violation may not exceed the maximum civil penalty amount authorized for an equivalent specialty code violation under ORS 455.895.

(5) The costs incurred by a municipality in providing notice and administrative process under this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 3. Section 2 of this 2009 Act applies to a civil penalty assessed on or after the effective date of this 2009 Act for a violation occurring before, on or after the effective date of this 2009 Act.

Passed by Senate May 4, 2009

.....
Secretary of Senate

.....
President of Senate

Passed by House June 2, 2009

.....
Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

.....
Secretary of State