

SENATE AMENDMENTS TO SENATE BILL 915

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 29

1 On page 1 of the printed bill, line 2, after “structures” insert a period and delete the rest of the
2 line and line 3.

3 Delete lines 5 through 24 and delete pages 2 through 5 and insert:

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

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

8 **“(2) If a municipality administers a building inspection program under ORS 455.148 or**
9 **455.150, a monetary penalty assessed under the program for a violation must be assessed as**
10 **a civil penalty. This subsection does not prohibit a municipality from charging a violator an**
11 **increased permit fee or investigative fee, seeking injunctive relief from a violation or taking**
12 **any enforcement action that does not include a monetary penalty. This subsection does not**
13 **limit the terms or conditions of any voluntary agreement for the resolution of a violation.**

14 **“(3) A municipality may not assess a civil penalty for a violation under a building in-**
15 **spection program unless the municipality provides to the party that is subject to the civil**
16 **penalty:**

17 **“(a) Notice that:**

18 **“(A) Describes the alleged violation, including any relevant code provision numbers, or-**
19 **dinance numbers or other identifying references;**

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

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

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

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

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

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

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