



REQUEST FOR COUNCIL ACTION

Title: Request for Council Action – Ordinance Bill No. 1 for 2022 Sweet Home Ordinance Amending Certain Sections of the Building Code

Preferred Agenda: January 25, 2022

Submitted By: Blair Larsen, Community & Economic Development Director

Reviewed By: Ray Towry, City Manager

Type of Action: Resolution _____ Motion X Roll Call _____ Other _____

Relevant Code/Policy: SHMC §15.01.090, SHMC §15.03.020

Towards Council Goal: Aspiration II, Effective and efficient local government; Aspiration IV, viable and sustainable essential services; Goal 2.1: update and streamline processes.

Attachments: Ordinance Bill No. 1 For 2022, Sweet Home Ordinance Amending Certain Sections of the Building Code

Purpose of this RCA:

In order to better comply with State law, City Staff recommend amending City Code to update the City's building code board of appeals and clarify the authority of the Building Official.

Background/Context:

In 2021, the State legislature passed SB 866, which includes additional requirements for Cities that contract with a third-party for the duties of the Building Official, including plan review and building inspection services. Among other regulations, this law imposes requirements for the City's building code board of appeals that affects who may serve on that board.

For several years, the City has contracted with NW Code Professionals for all duties of the building official, including inspections, plan reviews, and enforcement of the building code.

In addition, SB 866 requires the City to submit an updated building program operating plan, which specifies the Building Official's source of authority, and outlines options for appealing the Building Official's decisions. City Staff recommend updating the City Code to clarify that the Building Official has the authority to enforce the Building Code through inspections, investigations, stop work orders, occupancy violations, and the imposition of civil penalties. This authority is already present in the City's code, however, Staff believe that the Code should be amended to better communicate this authority.

The Challenge/Problem:

How do we comply with State law and adequately communicate the Building Official's authority?

Stakeholders:

- Sweet Home Residents and Property Developers – Residents and Property Developers deserve a well-administered building code, with clear requirements and effective methods of appeal.
- Sweet Home City Council – Council members are the voice of the citizens they serve and represent, and are responsible for oversight over appointed officials, such as the Building Official.
- City of Sweet Home Staff – Current City Staff do not have the expertise to conduct plan reviews and building inspections.
- NW Code Professionals – NW Code desires to continue the existing relationship with the City for the duties of the Building Official.

Issues and Financial Impacts:

No financial impact.

Elements of a Stable Solution:

An ideal outcome would be to amend the City's code to comply with State Law, as well as clearly communicate the authority of the Building Official.

Options:

1. Do Nothing – Make no amendments to City Code. This would cause the City to be out of compliance with State law.
2. Motion to conduct a first reading of the proposed ordinance as written, followed by a motion to conduct a second reading by title only – A unanimous vote in favor of the proposed ordinance would allow a second reading to be held at the same meeting. This would speed passage of the ordinance.
3. Motion to conduct a first reading of the proposed ordinance as written, followed by a motion to move the ordinance forward to a second reading at the February 8th Council meeting.
4. Motion to conduct a first reading of the proposed ordinance with changes, followed by a motion to conduct a second reading by title only – A unanimous vote in favor of the proposed ordinance with changes would allow a second reading to be held at the same meeting. This would speed passage of the ordinance.
5. Motion to conduct a first reading of the proposed ordinance with changes, followed by a motion to move the ordinance forward to a second reading at the February 8th Council meeting.
6. Reject the proposed ordinance and direct staff to investigate other options – Direct staff to research other ways to comply with State Law.

Recommendation:

Staff recommends option 2: Motion to conduct a first reading of the proposed ordinance as written, followed by a motion to conduct a second reading by title only.