

**Title 15**

**BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 15.04 Building Codes**
- 15.08 Dangerous Buildings**
- 15.12 Inspections and Warrants**
- 15.16 Historic Preservation**
- 15.20 Soil Destabilization**



## Chapter 15.04

### BUILDING CODES

#### Sections:

- 15.04.010 Building code – Administration and enforcement.
- 15.04.020 Structural specialty code and fire and life safety code – Adopted.
- 15.04.030 Structural specialty code and fire and life safety code – Violation, penalty.
- 15.04.040 Codes adopted.

#### **15.04.010 Building code – Administration and enforcement.**

(1) The city of North Bend is hereby authorized to enforce the State Building Code provided for in ORS Chapter 456 and all or any of the specialty codes which are a part of the State Building Code, and for such purpose the city shall appoint a building official who is authorized to administer and enforce any of such codes as may be designated from time to time by the city council.

(2) Existing building code administration and enforcement responsibility in the city of North Bend shall continue until changed by the city council as provided in ORS Chapter 456. (Ord. 1629 §§ 1, 2, 1981)

#### **15.04.020 Structural specialty code and fire and life safety code – Adopted.**

There is hereby adopted by reference and made a part of this chapter the administrative provisions contained in Chapters 1, 2 and 3 of the “State of Oregon Structural Specialty Code and Fire and Life Safety Code,” which shall be used in the administration and enforcement of the provisions of this chapter. (Ord. 1623 § 1, 1980; Ord. 1554 § 1, 1978; Ord. 1511 § 1, 1975)

#### **15.04.030 Structural specialty code and fire and life safety code – Violation, penalty.**

Violation of, failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1511 § 2, 1975)

#### **15.04.040 Codes adopted.**

The following codes, parts and provisions of codes, and regulations are hereby adopted and enacted to be enforced in the city of North Bend:

##### (1) Sign Regulations.

(a) Uniform Sign Code, 1982 Edition, of the International Conference of Building Officials, also known as the “Uniform Building Code, Volume V, Signs” is hereby adopted by reference and incorporated herein for the regulation of the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building in the city of North Bend. The permit fees and plan checking fees for signs and sign structures provided for in this chapter shall be the same as the permit and plan checking fees provided in the State Building Code adopted by the Director of the State Department of Commerce as such fees now exist or may hereafter be changed and amended.

(b) The design, workmanship, quality and durability of materials of signs shall be subject to the following regulations:

(i) Painted, flat wood signs that are made with plywood shall utilize a special plywood, overlaid with resin impregnated kraft paper, made especially for signs at least equivalent to medium density overlay Duraply.

(ii) Sandblasted, routed or carved signs shall be of solid wood at least one and one-half inches thick. Such signs less than 12 inches in width may be three-quarters-inch thick, if not more than four feet long.

(iii) All fastening materials attached to a sign shall be noncorrodable material or appropriately primed and painted to prevent rusting.

(iv) The surface for a painted wood sign or a flat wall sign directly on the building shall be properly prepared and primed with a quality oil base primer and the characters shall be a professional, commercial and industrial oil base enamel paint. The background shall be painted with at least a good quality exterior oil base enamel.

(v) The wood surface of a sandblasted, routed or carved sign shall be protected with a penetrating oil base primer or stain and the painted surfaces shall be as specified in the preceding subsection.

(vi) Rigid plastic signs shall be at least one-eighth-inch thick acrylic or polycarbonate plastic. Cut-out characters of plastic shall be at least one-eighth-inch thick acrylic and shall be attached with acrylic soluble cement. Painted char-

acters on a plastic sign shall be of acrylic sign paint.

(vii) Extruded, molded or vacuum-formed plastic letters shall be of a material, thickness and colorfastness proven to be appropriate for signs and shall be attached with appropriate adhesives or mechanical fasteners to a properly prepared surface.

(viii) All sign lettering, other than established logos, shall be a recognized letter style such as Gothic, Roman, Helvetica, Futura, etc.

(ix) Each character of lettering shall be consistent and uniform with the letters adjacent to it and with the selected letter style. The vertical and horizontal letter strokes shall be of consistent width throughout the particular letter style and all duplicate letters shall be of consistent dimensions. The lettering strokes shall be smooth, not irregular.

(x) Sufficient contrast shall be provided between the letter color and the background color to be legible.

(2) All of the excavation and grading provisions of Chapter 70 of the 1982 Edition of the Uniform Building Code of the International Conference of Building Officials is hereby adopted by reference and incorporated herein for the control of excavation, grading and earthwork construction, including fills and embankments within the city of North Bend. No grading shall be performed until a grading or building permit has been issued, and a grading plan shall be submitted with an application for a building permit. Notwithstanding the exceptions contained in Section 7003 of the Uniform Building Code, a grading permit shall be required for any grading which creates or increases a slope in excess of three feet on the horizontal to one foot on the vertical in an area where the soil is predominately dune or blow sand. All such slopes shall require soil stabilization before work under the permit shall be completed. (Ord. 1703 § 1, 1986; Ord. 1667 §§ 1, 2, 1983; Ord. 1623 § 2, 1980; Ord. 1568 § 1, 1978; Ord. 1554 § 1, 1978; Ord. 1511 § 3, 1975)

## Chapter 15.08

### DANGEROUS BUILDINGS

#### Sections:

- 15.08.010 Definitions.
- 15.08.020 Determination procedures and orders.
- 15.08.030 Building unsafe for occupancy.
- 15.08.040 Violation – Penalties.

#### **15.08.010 Definitions.**

As used in this chapter, the terms “dangerous building” and “owner” shall have the following meanings:

(1) “Dangerous building” shall mean and include any building or other structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and which building or structure is so situated or occupied as to endanger any other building or property or human life. Said term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oil, gasoline, or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises, or to human life. Said term shall also mean and include any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases. Said term shall also mean and include any building or structure in such weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of partial or entire collapse thereof. A dangerous building shall constitute a public nuisance.

(2) “Owner” means the owner of the title to real property or the contract purchaser of real property of record as shown on the last available complete assessment roll in the office of the county assessor. (Ord. 1724 § 1, 1987)

#### **15.08.020 Determination procedures and orders.**

Whenever an appointed or elected officer of the city of North Bend shall be of the opinion that there is a dangerous building in the city, it shall be the duty of such officer to report the same to the city council which may determine whether such build-

ing is dangerous and issue orders under the following procedures:

(1) Within a reasonable time after receiving said report, the council shall make provisions for calling a public hearing to determine whether the building is dangerous. Not less than 10 days' notice of the time and place of said hearing shall be given by a publication in a newspaper of general circulation in the city and by delivering or mailing such notice to the owner. If the owner is unknown or cannot be found, then such notice shall be posted in a conspicuous place on the premises. If the notice is properly published, then no irregularity or failure to mail notices shall invalidate the proceedings.

(2) At the hearing the owner or other persons interested in said property or building shall have the right to be heard. As a part of the hearing the council may inspect the building, and the facts observed by the council at such inspection may be considered in determining whether or not said building is dangerous and what orders should be issued. The council may recess such hearing to a different time or place and may receive evidence and reports concerning such building until the council is prepared to make a determination. Prior to making a determination as to the disposition of the building, the council may issue temporary orders for the protection of persons or property.

(3) If the council shall find that said building is in a dangerous condition, then its finding shall be incorporated in a resolution in which it may order said building to be made safe by repair, by demolition, or by repair or demolition at the option of the owner, and it may prohibit occupancy of the building or continue its temporary orders until it has been made safe. If said building may be made safe by repair, then the council shall specify the repairs required to make such building safe. The order of the council shall establish the time within which said building shall be made safe, which shall not be less than 10 days from the giving of notice of the action of the council by mail or delivery to the owner or by posting on the building.

(4) If the work required by the council shall not be performed within the time established in the resolution, or within any extension of such time, then the council shall have the authority to enforce its orders as follows:

(a) The council may order the city to proceed to make such building safe by repair or demolition and have the cost thereof charged to the property as a special assessment. In such event the council shall specify with convenient certainty the

work to be done and whether such work shall be performed by personnel of the city or by advertising for bids in the manner provided for public improvements, and when the costs shall have been determined, they shall be assessed against the property on which the building was situated and shall be entered in the docket of city liens.

(b) The council may order that an action be brought in the circuit court of Coos County to require the owner to make the building safe. (Ord. 1724 § 2, 1987)

#### **15.08.030 Building unsafe for occupancy.**

Whenever any building shall be an immediate danger to the lives of the occupants thereof by reasons of the inadequacy of the structure, or extreme fire or sanitation hazards, then the building official shall have the authority to prohibit the occupancy of such building for a period not to exceed 30 days, unless such prohibition is continued for a longer period by order of the city council under the dangerous building procedures of this chapter. During all times when occupancy of any building is prohibited under this section, the building official shall cause to be posted at each entrance to such building a notice to read substantially as follows:

**DO NOT ENTER. UNSAFE TO OCCUPY.**  
Building Department, City of North Bend.

Such notice shall not be removed without written permission of the building official, and no person shall enter the building except with the approval of the building official or city council. (Ord. 1724 § 3, 1987)

#### **15.08.040 Violation – Penalties.**

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1724 § 4, 1987)

## Chapter 15.12

### INSPECTIONS AND WARRANTS

Sections:

- 15.12.010 Application.
- 15.12.020 Amendment of ordinances.
- 15.12.030 Inspections.
- 15.12.040 Search warrant.
- 15.12.050 Violation – Penalty.

#### **15.12.010 Application.**

The procedures provided in this chapter shall apply to inspections made by officers and employees of the city of North Bend relative to fire, sanitation, and structural safety of property and premises, existence of nuisances and the improper use of premises under ordinances for the protection of the health, safety, and welfare of the public. The provisions of this chapter shall not include inspections involving permits or licenses where the inspection is a condition for obtaining or keeping such permit or license. (Ord. 1392 § 1, 1969)

#### **15.12.020 Amendment of ordinances.**

This chapter, where applicable, shall be deemed to be an amendment of, and an addition to, all ordinances of the city of North Bend, regulating use of structures, buildings, property and premises including, but not limited to, ordinances relating to building, fire protection, electrical, sanitation and plumbing codes, dangerous buildings, nuisances and zoning. (Ord. 1392 § 2, 1969)

#### **15.12.030 Inspections.**

It shall be the duty of the official or employee of the city charged with the enforcement of an ordinance or such other official or employee as may be designated by the city administrator or city council to make routine and periodic inspections of properties and premises within the corporate limits of North Bend to determine whether there is compliance with the laws, rules and regulations which are designed for the protection of the health, safety and welfare of the public, and it shall also be the duty of such persons to make such inspections upon the receipt of complaints or specific or general information indicating the existence of hazardous conditions or noncompliance with such rules, regulations and laws. In the event that any authorized officer or employee of the city of North Bend shall be denied access to any property or premises for the purpose of making an inspection provided for

in this chapter, then such officer or employee shall not inspect such premises unless and until he shall have obtained from the municipal judge of the city of North Bend a search warrant for the inspection of such premises. (Ord. 1392 § 3, 1969)

#### **15.12.040 Search warrant.**

No search warrant shall be issued under the terms of this chapter for the inspection of any property or premises within the corporate limits of the city of North Bend unless and until there shall have been filed with the municipal court of the city of North Bend an affidavit showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, the ordinance or ordinances which form the basis for such inspection, whether it is a routine or periodic inspection or an inspection instituted by complaint or other specific or general information concerning the property or premises or the area in which it is situated. The search warrant issued by the court shall specify the purpose and extent of the inspection which is proposed to be made and the specific property or premises covered by such warrant. It shall be unlawful for any person, firm, or corporation to hinder, delay or obstruct the inspection of premises based on a search warrant issued under the terms of this chapter. (Ord. 1392 § 4, 1969)

#### **15.12.050 Violation – Penalty.**

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00. (Ord. 1392 § 5, 1969)

## Chapter 15.16

### HISTORIC PRESERVATION

#### Sections:

- 15.16.010 Title.
- 15.16.020 Purpose.
- 15.16.030 Definitions.
- 15.16.040 The city of North Bend, Coos County historic landmark commission.
- 15.16.050 Powers and duties of the city of North Bend, Coos County historic landmark commission.
- 15.16.060 The inventory of historic resources.
- 15.16.070 The designated landmarks register.
- 15.16.080 Alterations, relocations, and demolitions.
- 15.16.090 Public incentives for historic preservation.
- 15.16.100 Appeals.
- 15.16.110 Other provisions.
- 15.16.120 Enforcement and penalties.

#### **15.16.010 Title.**

The city of North Bend, Coos County historic preservation ordinance. (Ord. 1892 § 1, 2002)

#### **15.16.020 Purpose.**

The city of North Bend, Coos County recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. This chapter establishes a historic landmark commission; a program for the identification, evaluation, and designation of historic resources as landmarks; public incentives for the preservation of designated landmarks; and land use regulations regarding the alteration, moving or demolition of designated landmarks and historic resources of statewide significance. (Ord. 1892 § 2, 2002)

#### **15.16.030 Definitions.**

The following definitions apply to terms used in this chapter. Terms not defined have their commonly construed meaning.

(1) "Alteration" means an addition, removal, or reconfiguration, which significantly changes the character of a historic resource, including new construction in historic districts.

(2) "Demolition" means the razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

(3) "Designated landmark" means a property officially recognized by the city of North Bend, Coos County as important in its history.

(4) "Designated landmarks register" means the list of, and record of information about, properties officially recognized by the city of North Bend, Coos County as important in its history.

(5) "Extraordinary historic importance" means the quality of historic significance achieved outside the usual norms of age, association, or rarity.

(6) "Historic integrity" means the quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

(7) "Historic resource" means a building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

(a) "Building" means a construction made for purposes of shelter or habitation, e.g., house, barn, store, theater, train station, garage, school, etc.

(b) "Structure" means a construction made for functions other than shelter or habitation, e.g., bridge, windmill, dam, highway, boat, kiln, etc.

(c) "Object" means a construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g., statue, fountain, milepost, monument, sign, etc.

(d) "Site" means the location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.

(e) "District" means a geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g., downtown, residential neighborhood, military reservation, ranch complex, etc.

(8) "Historic resources of statewide significance" means buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places.

(9) "Inventory of historic resource" means the record of information about resources potentially significant in the history of the city of North Bend, Coos County.

(10) "Relocation" means the removal of a resource from its historic context. (Ord. 1892 § 3, 2002)

**15.16.040 The city of North Bend, Coos County historic landmark commission.**

(1) The mayor and the council shall appoint a historic landmark commission, hereinafter the commission, of seven members with a demonstrated positive interest, knowledge, or competence in historic preservation to carry out the provisions of this chapter. A majority of the members shall reside within the corporate boundaries of the city of North Bend, Coos County. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their services.

(2) Initial appointments to the commission shall be for terms of one, two, and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.

(3) A simple majority of the seated members shall constitute a quorum to conduct official business.

(4) A chair and vice-chair shall be elected annually by and from the seated membership. Officers are eligible for re-election.

(5) The commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings and decisions of the commission shall be maintained as public records in accordance with applicable state law. (Ord. 1892 § 4, 2002)

**15.16.050 Powers and duties of the city of North Bend, Coos County historic landmark commission.**

(1) The commission may adopt and amend by-laws, subject to approval by the city council, to regulate its internal operations.

(2) For the purposes consistent with this chapter and subject to the approval of the city council, the commission may seek, accept, and expend public appropriations, seek, accept, and expend grant and gift funds, cooperate with public and private entities, and employ clerical and expert assistance.

(3) The commission may undertake to inform the citizens of, and visitors to the city of North Bend, Coos County, regarding the community's history and prehistory, promote research into its history and prehistory, collect and make available materials on the preservation of historic resources,

provide information on state and federal preservation programs, document historic resources prior to their alteration, demolition, or relocation and archive that documentation, assist the owners of historic resources in securing funding for the preservation of their properties, and recommend public incentives and code amendments to the city council.

(4) The commission may develop and publish, or adopt, written and graphic guideline and example materials to clarify the criteria in this chapter and to assist applicants in developing complete and viable applications.

(5) Employing the procedures and criteria in NBCC 15.16.060, the commission shall periodically identify and evaluate the historic resources of the city of North Bend, Coos County, and maintain an inventory of historic resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.

(6) Employing the procedures and criteria in NBCC 15.16.070, the commission shall periodically revise the designated landmarks register of the city of North Bend, Coos County, by adding or deleting properties.

(7) Employing the procedures and criteria in NBCC 15.16.080, the commission shall review and act upon applications for the alteration, relocation, or demolition of designated landmarks, or the major exterior alteration, relocation, or demolition of historic resources of statewide significance.

(8) The commission shall advise and make policy recommendations to the city council and the planning commission on matters relating to historic preservation, and shall make an annual report, in writing, to the city council on its activities and expenditures during the preceding 12 months, and its projected activities and expenditures for the following 12 months. (Ord. 1892 § 5, 2002)

**15.16.060 The inventory of historic resources.**

(1) The commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.

(2) Unless the commission finds extraordinary historic importance, only properties over 50 years of age shall be considered for inclusion in the inventory of historic resources.

(3) The commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as

eligible, potentially eligible, or ineligible for listing on the designated landmarks register. Owners of surveyed properties will be notified of these findings.

(4) Documentation of properties in the inventory of historic resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.

(5) Records concerning archaeological sites shall not be made available to the public. (Ord. 1892 § 6, 2002)

#### **15.16.070 The designated landmarks register.**

(1) Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the designated landmarks register. As historic resources of statewide significance, all such properties are subject to the regulations in NBCC 15.16.080 regardless of their listing on the designated landmarks register, pursuant to OAR 660-023-200. However, only properties listed on the designated landmarks register shall be eligible for public incentives and code consideration pursuant to this chapter.

(2) Any individual or group, including the commission acting on its own initiative, may nominate a historic resource for inclusion in or removal from the city's designated landmarks register by submitting a complete application to the city planning department. The burden of proof lies with the applicant. No property shall be so nominated or designated without the written consent of the owner(s) or, in the case of a district or other multiple-properties nomination, a majority of the owners.

(3) The planning commission shall establish standards for a complete application. Upon acceptance of a complete application the planning commission shall schedule a public hearing pursuant to applicable state laws.

(4) In order to be included or maintained on the designated landmarks register the commission must find that the historic resource is over 50 years of age or of extraordinary historic importance, and possesses sufficient historic integrity, and:

(a) Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or

(b) Is associated with the lives of persons, or groups of people, significant in local, state, or national history; or

(c) Embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

(d) Has yielded or is likely to yield information which is important in local, state, or national history.

(5) The commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior, landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this chapter. (Ord. 1956 § 2, 2006; Ord. 1892 § 7, 2002)

#### **15.16.080 Alterations, relocations, and demolitions.**

(1) No exterior, interior, landscape, or archaeological element of a designated landmark which is specified as significant in its designation shall be altered, removed, or demolished without a permit issued pursuant to this chapter.

(2) No major exterior alteration, relocation, or demolition of a historic resource of statewide significance shall be allowed without a permit issued pursuant to this chapter.

(3) Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a preapplication conference to review concepts and proposals. The planning commission may form ad hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex parte contact at the time of a public hearing on the proposal.

(4) The planning commission shall establish standards for a complete application. Upon acceptance of a complete application the planning commission shall schedule a public hearing pursuant to applicable state laws.

(5) In cases requiring a public hearing, the commission shall review and act upon applications for the alteration, relocation, or demolition of a designated landmark, or the major exterior alteration, relocation, or demolition of a historic resource of statewide significance. The burden of proof lies with the applicant. Applications may be approved,

approved with conditions, or denied. The city of North Bend, Coos County, shall include any conditions imposed by the commission in permits issued pursuant to this section.

(6) In order to approve an application for the alteration of a designated landmark or the major alteration of a historic resource of statewide significance, the commission must find that the proposal meets the following standards:

(a) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(b) The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(c) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

(d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

(g) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and

proportion, and massing to protect the integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(7) In order to approve an application for the relocation or demolition of a designated landmark or historic resource of statewide significance, the commission must find that:

(a) No prudent and feasible alternative exists; or

(b) The designated property is deteriorated beyond repair; or

(c) The value to the community of the proposed use of the property outweighs the value of retaining the designated landmark or historic resource of statewide significance.

(8) At the hearing of an application to relocate or demolish a designated landmark or historic resource of statewide significance the commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 12 days from the date of the hearing. If, 10 days prior to the expiration of the delay period, the commission finds that there are still reasonable alternatives to explore, it may apply to the city council for permission to continue the delay for an additional period of up to 120 days.

(9) In approving an application for the demolition of a designated landmark or historic resource of statewide significance, the commission may impose the following conditions:

(a) Photographic, video, or drawn recordation of the property to be demolished; and/or

(b) Salvage and duration of significant elements; and/or

(c) Other reasonable mitigation measures.

(10) No provision of this chapter shall be construed to prevent the ordinary repair or maintenance of a designated landmark or historic resource of statewide significance, when such action does not involve a change in design, materials, or appearance.

(11) No provision in this chapter shall be construed to prevent the alteration, demolition, or relocation of a designated landmark or historic resource of statewide significance, when the building official certifies that such action is required for the public safety. (Ord. 1892 § 8, 2002)

**15.16.090 Public incentives for historic preservation.**

Property owners who participate in the historic preservation district program in the city of North Bend may be eligible to apply for all available local, state of Oregon and United States government financial benefits including tax incentive programs. (Ord. 1892 § 9, 2002)

**15.16.100 Appeals.**

(1) Decisions of the commission are appealable to the city council. Decisions of the city council are appealable to the land use board of appeals.

(2) Procedures for appeals to the city council shall be the same as those for appeals of planning commission decisions. (Ord. 1892 § 10, 2002)

**15.16.110 Other provisions.**

(1) There is no fee for designation of a historic resource as a designated landmark. Fees for other applications shall be determined by the city council based on the cost of processing the application.

(2) The provisions of this chapter shall not affect any citation, complaint, prosecution, or other proceeding pending at the time the ordinance codified in this chapter is passed.

(3) Should any section, paragraph, sentence, or word of this chapter be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter independent of the elimination of any portion as may be declared invalid. (Ord. 1892 § 11, 2002)

**15.16.120 Enforcement and penalties.**

No property owner or owners shall be required to participate in the historic preservation district program and no penalties will be assessed for a property owner's refusal to participate. All businesses operating within the city of North Bend shall comply with all other ordinances relating to the operation of a business in the city. (Ord. 1892 § 12, 2002)

**Chapter 15.20****SOIL DESTABILIZATION****Sections:**

15.20.010 Duty to replant, cover or stabilize.

15.20.020 Notice – Completion of work.

15.20.030 Violation – Penalty.

**15.20.010 Duty to replant, cover or stabilize.**

Any person, firm or corporation which shall remove the vegetation from, expose or otherwise destabilize soil which is predominately dune or blow sand subject to being blown onto other public or private property, and the owner of the land on which the exposure or destabilization takes place, shall jointly and severally have the duty to replant, cover or otherwise stabilize such area before it shall cause damage to other public or private property. Such duty shall not apply to a building site for the period of 90 days from the issuance of a building permit or the period of construction plus 30 days, whichever period is the shorter. (Ord. 1637 § 1, 1981)

**15.20.020 Notice – Completion of work.**

After receiving written notice from the city of North Bend to replant, cover or otherwise stabilize a specified area, the person or persons having the duty to perform such work as provided in NBCC 15.20.010 shall perform such stabilization within 30 days from the receipt of such notice. Within the time limits for the completion of the stabilization, any person receiving notice or having a duty to perform such work may deliver to the city administrator a written request for an extension of time stating therein the reason for such extension and the amount of additional time requested, and, for good cause shown in such request, the city administrator may grant an extension not to exceed 10 days, and the city council may grant such extension as may be justified by the circumstances. (Ord. 1637 § 2, 1981)

**15.20.030 Violation – Penalty.**

Violation of or failure to comply with a provision of this chapter shall be an offense for which the court may impose a civil penalty not to exceed \$500.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1637 § 3, 1981)

