

BEFORE THE MALHEUR COUNTY COURT

ORDINANCE #238

**An Ordinance amending the)
Malheur County Building Code)
Title 5, Chapter 3, Section 15)
Of the Malheur County Code (MCC); and)
Declaring an Emergency)**

The matter came before the Malheur County Court for a single hearing on May 6, 2026 pursuant to ORS 203.045(4); and

WHEREAS, notice of adoption of this ordinance was advertised in the Argus Observer on April 15, 2026 and on the County website; and

WHEREAS, the Malheur County Building Code codified in Title 5, Chapter 3 of the Malheur County Code requires updating from time to time to comply with current provisions of Oregon specialty codes and their administration; and

WHEREAS, Malheur County ("County") adopted Ordinance #224 updating the Malheur County local building codes; and

WHEREAS, it has been determined there is no need for the Local Appeal Board established under MCC 5-3-15; and

WHEREAS, the County desires to amend/delete Malheur County Code Title 5, Chapter 3, Section 15 to remove the Local Appeal Board appeal procedure; and

WHEREAS, this ordinance is being adopted as an emergency because this Ordinance is necessary for the immediate preservation of the public peace, health and safety in administering an effective building program.

NOW THEREFORE, the Malheur County Court ordains as follows:

1. Findings. The above-stated findings and statements are hereby adopted.
2. Amendments. The Malheur County Court hereby adopts the amendments to MCC Title 5, Chapter 3, Section 15 by removing the words lined through and adding the words that are underlined as follows:

5-3-15: APPEAL: ~~LOCAL APPEAL BOARD AND ALTERNATIVE APPEAL PROCEDURE:~~

- A. Manner Of Taking: Any person aggrieved by a code interpretation or decision of the Building Official may file an appeal with the ~~Malheur County Court who will, within a reasonable time, convene the local appeal board for hearing of the appeal. A decision of the local appeal board can be appealed to the appropriate state advisory board pursuant to ORS 455.690. directly to the state specialty code chief under OAR 918-001-0130 and ORS 455.475. If the appeal relates to an inspection pursuant to the electrical specialty code, the appeal process set forth in OAR 918-251-0040 shall be followed.~~

- B. ~~Alternative Appeal Process: In lieu of subsection A of this section, the aggrieved person may appeal directly to the state specialty code chief under OAR 918-001-0130 and ORS 455.475. If the appeal relates to an inspection pursuant to the electrical specialty code, the appeal process set forth in OAR 918-251-0040 shall be followed.~~

- C. ~~Form Of Appeal To Local Appeal Board: No particular form or format for an appeal to the local board is required. However, the appeal shall specify the nature of decision appealed, the date of the decision and shall specifically set out each and every allegation of error. The appeal shall be signed by the grievant. A copy of the appeal shall be sent U.S. mail or delivered personally to the Building Official. An appeal fee is established by the Malheur County Court.~~

- D. ~~Form Of Appeal To State: An appeal application to the State of Oregon may be obtained from Oregon Department of Consumer and Business Services/State of Oregon Building Codes Division. An appeal fee is established by State.~~

- E. ~~Local Appeal Board: A local appeal board is hereby created consisting of five (5) members. The members shall be selected by and serve at the pleasure of the Malheur County Court. The board will consist of the following: 1) engineer or architect; 2) plumbing contractor; 3) electrical contractor; 4) building contractor; and 5) representative from any fire protection agency.~~

An emergency is hereby declared for the continued operations of Malheur County's building inspection program in compliance with current state law and this ordinance shall be effective on the day it is passed. This Ordinance shall become effective on May 6, 2026.

Date this 6th day of May 2026.

Judge Dan P. Joyce

Commissioner Ron Jacobs

Commissioner Jim Mendiola