

**Oregon**  
**Authorized Local Amendment No. 94-9**  
**CITY OF LOSTINE**

**Requested By: DIANNA BARNEY**  
**MAYOR, CITY OF LOSTINE**  
**JANUARY 12, 1994**

**ACTION REQUESTED**

The City of Lostine requests approval of a local ordinance allowing porches to be erected in the public right-of-way under specified conditions.

**HISTORY**

Last year a store owner in Lostine constructed a western-style porch with posts in the public right-of-way. Such construction does not conform to the State Structural Specialty Code. The mode of failure is an automobile may jump the curb and knock the post from under the roof causing it to collapse on the car. A number of jurisdictions have requested and received approval for local ordinances which require the porch to be constructed as a marquee, to be supported from the building with "facade posts" which are intended only to create the impression of support and the flavor of the Old West. ORS 455.050 allows the Director of the Department of Consumer and Business Services to approve local amendments. At the March 9, 1994, meeting the Building Codes Structures Board recommended the local ordinance to the Building Codes Administrator.

**ORDINANCE APPROVED**

<p><b>ORDINANCE NO _____</b></p> <p><b>AN ORDINANCE PROVIDING A SPECIAL STANDARD FOR MARQUEES WITHIN THE CITY OF LOSTINE</b></p> <p><b>THE CITY OF LOSTINE ORDAINS AS FOLLOWS:</b></p> <p><b>Section 1.</b> Pursuant to the authority of ORS Ch. 455 and ORS 455.010, and the authorization of the State Building Codes Administrator to enact this Ordinance having been first obtained, the City of Lostine does hereby establish an alternate structural standard for marquees erected over a sidewalk or other portion of a City Street, as set forth in Section 2.</p> <p><b>Section 2.</b> As used herein a marquee is a roof structure attached to a building and providing roof cover over an area adjacent to the building. A marquee may be erected over a City sidewalk and be anchored on the City Street right of way of sidewalk by the use of posts or other anchoring devices if the following requirements are met:</p> <ul style="list-style-type: none"><li>a. The structure is designed to withstand the failure of one supporting post (as by collision by an automobile) and a licensed engineer so certifies;</li><li>b. If supporting posts are anchored on a sidewalk, that they be anchored no less than 18 inches from the curb; and</li><li>c. The City Council of the City of Lostine has approved said use of the City street or sidewalk.</li></ul> <p><b>Section 3.</b> An emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its passage.</p> <p>Passed and adopted this __ day of _____, 1994.</p> <p style="text-align:right">Mayor</p> <p>Attested:</p> <p style="text-align:center">City Recorder</p>
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**FINDINGS**

ORS 455.040 authorizes the Director of Consumer and Business Services to review, and if found necessary, to approve local ordinances that may conflict with requirements in the specialty codes. The formula

of allowing one post to be dislodged without collapse is deemed equivalent to other authorized local ordinances.

**DISCUSSION**

In this case the City is trying to resolve an existing condition and permit the same system to be used by other citizens.

**CONCLUSION**

The above local ordinance has been authorized as provided in ORS 455.040.

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(signed April 25, 1994)  
John Talbott, Chair  
Building Codes Structures Board

\_\_\_\_\_  
Date

The recommendations and findings of the Building Codes Structures Board are accepted and the conclusions are adopted.

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(signed April 29, 1994)  
Gary J. Wicks, Administrator  
Building Codes Division

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Date