

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

(Sitting for the Transaction of County Business)

In the Matter of the Adoption  
of the Uniform Building Code  
for Yamhill County.

}  
ORDINANCE NO. 28

This matter came on to be heard before the Yamhill County Court on the 17th day of April, 1968, meeting in regular session, County Judge C. N. Teegarden and County Commissioners Morris Majors and R. A. Schaad being present; and

It appearing to the court that on the 15th day of August, 1967, the Yamhill County Planning Commission held a public hearing regarding the enactment of the Uniform Building Code for Yamhill County, and on that date recommended to the Yamhill County Court the approval of the Uniform Building Code for Yamhill County; and

It further appearing to the court that on the 7th day of February, 1968, the Yamhill County Court made substantial changes to the recommendations of the Yamhill County Planning Commission, and thereupon referred these changes to the Yamhill County Planning Commission; and

It further appearing that on the 20th day of February, 1968, the Yamhill County Planning Commission recommended to the Yamhill County Court the adoption of the Uniform Building Code for Yamhill County, with the changes and recommendations made by the court; and

It further appearing to the court that after due notice was given in accordance with the law, that a public hearing was held on this matter on the 13th day of March, 1968; and it further appearing that at the termination of the public hearing and at the regular session of the court on the 17th day of April, 1968, that a motion was duly made and regularly passed to adopt said Uniform Building Code for Yamhill County; now, therefore,

IT IS HEREBY ORDAINED:

SECTION 1.

The "Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1," a copy of which is attached hereto and marked "Exhibit A -- Ordinance No. 17" and made a part hereof, and all amendments thereto set forth herein, be and the same are hereby enacted for the area of Yamhill County outside of incorporated cities and shall apply to all buildings and structures located within the area of Yamhill County outside of incorporated cities, except, however:

- A. Trailer coaches which conform to the sanitation and safety requirements promulgated by the Oregon State Board of Health, the Oregon State Fire Marshal, and the Oregon State Labor Commissioner, shall be exempt from the requirements of this ordinance, except as hereinafter provided in subsection B of this section, and in Sections 7 and 8 of this ordinance. This subsection shall in no way be construed so as to exempt from the requirements of this ordinance any additions, buildings or structures attached to or made a part of any such trailer coach.
- B. Notwithstanding any provisions contained within this ordinance to the contrary, no building or structure of any kind shall be erected, constructed, enlarged, or moved, unless the eave line of the building or structure has a minimum setback of at least fifty feet (50 ft.) from the center line of any adjacent easement, road, street or highway, or not less than twenty feet (20 ft.) from the adjacent right-of-way line of any easement, road, street, or highway then and there in existence or incorporated within the comprehensive plan adopted for Yamhill County, whichever is greater.
- C. Any building or structure shall be exempt from all other provisions of this ordinance, except subsection B (set-back requirements), if such building or structure
  - (1) is solely used or intended solely for use as an agricultural building, or
  - (2) is not located on agricultural property and the building or structure is solely used or intended solely for use to shelter farm implements, equipment, hay, grain, poultry, livestock or other farm produce, and such building or structure is not used for human habitation and is not used by the public, or

- (3) is an advertising or identification sign, and such sign, exclusive of supports, has a total area of 24 sq. ft. or less.

## SECTION 2.

Section 103 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add the following:

Where the conditions imposed by a provision of this code differ from the conditions imposed by the provisions of another law, ordinance or order having application in Yamhill County, the provision which is more restrictive shall govern.

Section 205 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

The location, erection, construction, maintenance, repair, moving, alteration or use of a building or other structure in violation of the provisions of this code shall be deemed a nuisance.

No person shall locate, construct, maintain, repair, move, alter or use a building or other structure in violation of the provisions of this code.

Violation of any provision of this code is punishable, upon conviction by:

- (a) A fine of not more than \$100 for each day of violation where the offense is a continuing offense, but such fine may not exceed \$1,000.
- (b) A fine of not more than \$500 where the offense is not a continuing offense.

## SECTION 3.

Section 301 (a) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

No person, firm or corporation shall erect, construct, enlarge, alter, move, improve, remove, convert, or demolish any building or structure in the county, or create, change or alter, or add to the sewage disposal system of any such building or structure, or cause the same to be done, all of the same being hereafter referred to as "work," without first obtaining a permit to do so from the building official.

SECTION 4.

Section 402 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add the following:

APPOINTING AUTHORITY shall mean the Yamhill County Court.

SECTION 5.

Section 404 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

CHIEF OF THE FIRE DEPARTMENT is the head of the Fire Protection District having jurisdiction, or his regularly authorized deputy.

CITY shall mean the portions of Yamhill County that are not within the limits of an incorporated city.

CITY COUNCIL shall mean the Yamhill County Court.

CITY TREASURY shall mean the County General Fund.

SECTION 6.

Section 414 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add the following:

MAYOR shall mean the Yamhill County Court.

SECTION 7:

Section 302 (e) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

Permits shall be denied where:

- (1) A subsurface sewage disposal field will be required and the proposed site does not meet the conditions therefor required by state law, rules and regulations of the Oregon State Board of Health, or ordinances of Yamhill County.
- (2) The applicant, in relation to the proposed site, has not complied with any and all Yamhill County ordinances and regulations regarding subdivision, platting or partitioning of land.

- (3) The proposed site has been created by lease or transfer of ownership separating said site from adjoining land in violation of any Yamhill County ordinance or any law of the State of Oregon.
- (4) Proposed work as stated in the application, or proposed use of the building or structure when completed, would not comply with existing state law, state and county rules and regulations, and county ordinances.
- (5) The proposed site does not comply with the following access requirement:

The proposed site is located, all or in part, within any area determined by the Yamhill County Court to necessitate special building requirements as a result of potential floods, surface water, or other potentially hazardous conditions, and designated either "Yamhill County Special Permit Area," or "Flood Hazard District," or "Flood Plain Zone," in any ordinance enacted by the Yamhill County Court, and the special permit required by such ordinance has not been obtained by the applicant; provided that all special building requirements included in any such special permit shall be incorporated into the permit issued to the applicant under this ordinance.

SECTION 8.

Section 303, Table No. 3-A, Building Permit Fees of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add:

(1) PERMIT FEES

- For work the value of which is less than \$250.00...No fee
- For work the value of which is \$250.00 to and including \$400.00.....\$ 3.00
- For re-roofing or re-painting an existing building or structure.....No permit
- Permit for the parking and use of a trailer coach as a living unit not in an authorized trailer park.....\$10.00
- Permit for the construction or alteration of an individual sewage disposal system.....\$10.00

Permit for the construction or alteration of a Commercial or Industrial building or structure when accompanied by complete construction plans prepared by an architect or engineer registered by the State of Oregon AND certification by him that the plans and construction are and will be in accordance with the provisions of this ordinance, State and other regulations.....\$20.00

Permit for the construction or alteration of a Commercial or Industrial building or structure WITHOUT the required certification shall be determined by the regular fee schedule of this Section.

Permit for moving buildings or structures.....No fee

Permit for demolishing buildings or structures....No fee

(2) DETERMINATION OF FEE

Determination of fee shall be computed by the declared cost of materials and labor for each permit for each structure. The building inspector shall account for all fees paid under this code. Revenue collected shall be placed in the general fund of the county.

SECTION 9.

Footnote 3, Table 5-B, of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended by deleting the words "self-closing."

SECTION 10.

Section 1409 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended by deleting the words "doors between a dwelling and a carport shall be self-closing."

SECTION 11.

Section 1504 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended by deleting "or I."

SECTION 12.

Section 1707 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add:

Building paper on all exterior walls shall not remain uncovered more than 18 months after a permit has been issued for the structure.

SECTION 13.

Section 2507 (e) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, the second paragraph thereof, is amended to add:

or "4 mil polyethelene."

SECTION 14.

Definitions as used in this ordinance.

Section 2507 (f) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

3. Plywood. Where plywood is used for covering the exterior of outside walls, or as a sheathing, it shall be of the exterior type not less than three-eighths inch (3/8") thick. Joints shall occur over framing members not less than two inches (2") thick (nominal) unless wood or plywood sheathing is used, or joints are lapped horizontally or otherwise made waterproof to the satisfaction of the Building Official.

SECTION 15.

Section 2509 (c) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

EXCEPTION: Bridging and blocking of joists less than 12 inches in depth shall not be required for Group I occupancies.

SECTION 16.

Section 2517 (a) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

Foundation Ventilation. The space between the bottom of floor joists and the ground of any building (except such space as is occupied by a basement or celler) shall be provided with a sufficient number of ventilating openings through foundation walls or exterior walls to insure ample ventilation, and such openings shall be covered with a corrosion-resistant

wire mesh not greater than one-half ( $\frac{1}{2}$ " ) nor less than one-fourth ( $\frac{1}{4}$ " ) in any dimension. The minimum total area ventilation openings shall be proportioned on the basis of two square feet (2 sq. ft.) for each twenty-five linear feet (25 lin. ft.) or major fraction thereof of exterior wall. One such ventilating opening shall be within three feet (3') of each corner of said building.

Minimum clearance between bottom of floor joist or bottom of floors without joists and the ground beneath shall be eighteen inches (18"). Minimum clearance under girders shall be twelve inches (12").

#### SECTION 18.

Section 2901 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add:

(e) Not less than 1 inch (1") of air space shall be provided between the veneer siding and the wall.

#### SECTION 19.

Section 2806 (b) of the Uniform Building Code is amended by adding to "EXCEPTIONS:"

4. Upon submission of satisfactory structural analysis of all contributing factors, including but not limited to safe bearing value of soil, stability of soil, and earth pressure on foundation, the Building Official may waive the requirements for continuous spread footings for Group I occupancies.

#### SECTION 20.

Section 2806 (e) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

Foundation Plates or Sills. Foundation plates or sills shall be bolted to the foundation or foundation wall with not less than one-half inch ( $\frac{1}{2}$ " ) bolts embedded at least seven inches (7") into the masonry or concrete and spaced not more than eight feet (8') apart.

#### SECTION 21.

Paragraph 3 of Section 3202 of the Uniform Building Code of the International Conference of Building Officials, 1964

Edition, Volume 1, is amended to read as follows:

Plywood roof sheathing shall be of exterior type.

SECTION 22.

Section 3206 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add:

Roof drain lines shall be connected to tight-joint pipe which must extend at least 20 feet from any building foundation wall before it may be joined to drain outfall lines other than roof drain lines.

SECTION 23.

Section 4501 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add:

No provisions of this code shall be construed to permit the location, erection, construction or projection of advertising signs beyond the property line of the building site.

SECTION 24.

Section 7014 (a) of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to add:

(1) GENERAL

All foundations and footings below grade shall be designed and constructed so as to be adequately protected at all points against penetration of moisture. Normal precautions against water or dampness will require the measures contained herein.

In those locations where the foundation is subjected to a high water table, or where surface or ground water drainage will present a problem, additional precautions may be required.

(2) FOUNDATION DRAINS

Foundation or footing drains connected to a positive outfall shall be provided around foundations and footings. Tile shall be installed below area to be protected. Clay or concrete drain tile shall comply with ASTM C-4 or ASTM C-412, or tile may be asbestos-cement or bituminized fiber pipe.

Drain tile shall be installed having a minimum slope to outfall of 1/2 percent (approx. 1 inch in 20 feet). Tops of joints in drain tile shall be protected with strips of building paper. Drain tile shall be covered with 6 to 8 inches of coarse gravel or crushed rock or blast-furnace slag.

Foundation drains may be omitted, when authorized by the building inspector, in locations where well drained soil exists or where ground or surface water will not present a problem.

#### SECTION 25.

The owner or builder applying for a permit required by this ordinance shall furnish with the application plans and specifications as required by ORS 671.025, and showing the dimensions of the property and the location of the building or structure to be covered by the permit; and such plan shall also show the location or proposed location of any well or other domestic water source, if other than a public water supply, and the location or proposed location of any pit toilet or septic tank and leaching lines. Other information as requested on the application or by Building Official shall be furnished in full.

#### SECTION 26.

- A. Septic tanks and sewage disposal systems must have the approval of the Yamhill County Health Department before backfilling; provided, however, in all cases inspection must be made as soon as practicable but not more than three judicial days after the applicant has notified the County Sanitarian that construction is ready for inspection.
- B. No person shall occupy any new residence until facilities for sewage disposal equal to the minimum standards of the regulations of the Oregon State Board of Health have been installed and approved by the Health Department.

#### SECTION 27.

If the Building Official discovers any person, firm, or corporation doing or causing to be done any of the acts prohibited by this ordinance, he shall notify the violator to

cease such act or acts, and such violator shall pay for such permit twice the amount of the fee otherwise required.

SECTION 28.

Repeal. Yamhill County Planning Ordinance No. 2 and Yamhill County Zoning Ordinance No. 17 shall be and hereby are repealed; provided, however, that violations of either of these ordinances, and all amendments thereto, shall remain violations to the extent that the matters in violation do not conform to the provisions of this ordinance.

SECTION 29.

Appeals. Section 204 of the Uniform Building Code of the International Conference of Building Officials, 1964 Edition, Volume 1, is amended to read as follows:

A. Appeal from Building Official ruling under provisions of Uniform Building Code.

- (1) Application for Appeal: The owner of a building or structure or any other person may appeal from a decision of the Building Official under the Uniform Building Code covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, to the Board of Appeals. Application for appeal may be made when it is claimed that:  
The true intent of the Uniform Building Code has been incorrectly interpreted; the provisions of the Uniform Building Code do not fully apply; or an equally good or better form of construction can be used.
- (2) Membership of Board of Appeals: The Board of Appeals shall consist of five members appointed by the County Court, one member to be appointed for five years, one for four years, one for three years, one for two years, and one for one year, and thereafter each new member to serve for five years or until his successor has been appointed. Where any member is appointed to fill a vacancy occurring during the term of a member, the successor term shall run until the expiration of the term of the member he succeeds.

- (3) Qualifications of Board Members: If any such persons are available in the county, each member shall be a licensed professional engineer or architect or a building contractor or superintendent of building construction, or other persons qualified by experience and training to pass on matters pertaining to building construction, and at no time shall there be more than two members from the same profession or business; and at least one member shall, if possible, be an architect and one member shall be a licensed structural or civil engineer.
- (4) Procedures of the Board. All hearings shall be public, and the appellant, his representatives, the Building Official, and any other person whose interests may be effected by the matter on appeal, shall be given an opportunity to be heard. The Board shall affirm, modify or reverse the decision of the Building Official by a concurring vote of three members. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the County Court such new legislation as is consistent with the purpose of this ordinance.
- (5) A. Appeal to the County Court: Any person aggrieved by a decision of the Board of Appeals shall have the right of appeal therefrom to the County Court. Such appeal shall be made within 30 days from the date of the decision of the Board of Appeals, and in the case of an appeal by the Building Official the original appellant shall be notified within two (2) judicial days from the date of the decision that the Building Official intends to appeal the decision.
- B. Appeal from the issuance or denial of a building permit:
- (1) Any person aggrieved by the issuance or denial of a permit under the provisions of this ordinance, for any reason other than those set forth in subsection A of this section, may appeal such issuance or denial to the County Court.
- (a) Such appeal must be taken within ten days after the issuance or denial of such permit.
- (b) Such permit shall be deemed to have been denied on the date written notification of such action has been mailed by the Building Official to the applicant, by depositing written notice, postage prepaid thereon,

in the U. S. mails, notification directed to applicant's address as shown in the application.

- (c) Such permit shall be deemed to have been denied on the date written notification of such action is given to the applicant by depositing such notification in the U. S. mails, postage prepaid thereon, directed to the applicant's address as shown in the application, or the permit shall be deemed to have been denied if the application therefor has not been finally acted upon by the Building Official on or before the 15th day following the date of the filing of the application with said Building Official, whichever date is the earlier.
- (2) Manner of Taking Appeal: Appeal to the County Court under this section of this Ordinance shall be taken by filing with said court a written request for hearing and determination on such issuance or denial, and setting forth the number officially designated on the application denied or permit issued, as the case may be.
- (3) Time of Hearing: Not later than 10 days after the taking of appeal pursuant to this section, the Court shall hear the appeal in public session, provided, however, that the time for such hearing may be extended for not more than 10 additional days when such court unanimously determines that such extension is necessary for a fair and thorough hearing of such appeal. At the hearing the County Court shall consider evidence presented by the appellant, together with any reports, comments or information with respect thereto from any public office or official theretofore considered, and any other evidence desired for consideration by the County Court and presented at such hearing. Legal rules of evidence need not apply, but all evidence given orally shall be reduced to writing in summary form, and all documentary evidence shall be considered public.
- (4) Determination of Appeal: Not later than 10 days after the hearing provided for in this section, the court shall make a final determination on the issuance or denial appealed from, by order entered in the court records. Such determination shall be limited to a finding as to whether or not the issuance or denial appealed from was proper.

- (5) Action on Determination: If the County Court determines that the issuance or denial appealed from was not proper, the Building Official shall immediately grant or revoke the permit, as the case may be, in accordance with the determination of said court.

SECTION 30.

Validity. The Yamhill County Court hereby declares that should any section, paragraph, sentence or word of this ordinance, or of the code adopted by these ordinances, be declared for any reason to be invalid, it is the intent of the Yamhill County Court that it would have passed all other portions of these ordinances independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 31.

This ordinance shall be in force from and after the 8<sup>th</sup> day of May, 1968.

DATED this 10 day of May, 1968.

YAMHILL COUNTY COURT

C. N. Teegarden  
County Judge

Maris Majoris  
County Commissioner

R. A. School  
County Commissioner

ATTEST:

JACK BEELER  
County Clerk

By Dorothy Pearson  
Deputy