

YAMHILL COUNTY
MECHANICAL ORDINANCE
NO. 53, 1974

Yamhill County Department
of Planning & Development
May, 1974

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IN THE BOARD OF COMMISSIONERS 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 Mechanical Code)
of the International Conference) Ordinance No. 53
of Building Officials, 1973 Edition,)
with Appendices A, B and C)

WHEREAS, ORS Chapter 215 provides that the Yamhill County Board of Commissioners may adopt ordinances regulating the location, construction, maintenance, repair and alteration of buildings and other structures, and ordinances establishing standards for space, occupancy, light, ventilation, sanitation, heating, exits and fire protection for all buildings used or intended to be used for human habitation; and

WHEREAS, it appeared to the Board that on the 7th day of May, 1974, after due notice was given according to law, the Yamhill County Planning Commission held a public hearing regarding the enactment of an Ordinance to adopt the Uniform Mechanical Code of the International Conference of Building Officials, 1973 Edition, with Appendices A, B and C, with certain amendments, for Yamhill County, and on that date recommended to the Board the adoption of said Ordinance for Yamhill County; and

WHEREAS, on the 29th day of May, 1974, after due notice was given according to law, a public hearing on this matter was held by the Yamhill County Board of Commissioners; and

WHEREAS, the Board has now determined that such Ordinance is necessary and proper for the protection of the public health, safety, welfare, morals, and best interests of the people of Yamhill County; and

WHEREAS, after the termination of the said public hearing before the

Yamhill County Board of Commissioners, and at the regular session of the Board on the 29th day of May, 1974, a motion was duly made and regularly passed to adopt said Ordinance for Yamhill County; now, therefore,

IT IS HEREBY ORDAINED:

SECTION 1. TITLE.

This Ordinance may be cited for all purposes as the Yamhill County Mechanical Ordinance, No. 53, 1974.

SECTION 2. APPLICATION.

(1) The Uniform Mechanical Code of the International Conference of Building Officials, 1973 Edition, with Appendices A, B and C, hereinafter referred to as the 1973 Code, a copy of which is attached hereto and marked "Exhibit A - Ordinance No. 53," and made a part hereof, and all amendments and exceptions thereto prescribed by the Building Codes Division and Fire Marshal of the Oregon State Department of Commerce, hereinafter referred to as the 1973 Code - Oregon Amendments, a copy of which is attached hereto and marked "Exhibit B - Ordinance No. 53," and made a part hereof, and all other amendments and exceptions set forth in Section 6, are hereby enacted for the area of Yamhill County outside of incorporated cities, hereinafter referred to as the regulated area, and shall apply to all work in respect to any building, structure or mobile home located in said regulated area, with the exception noted in Section 4.

(2) Where the requirements or conditions imposed by a provision of this Ordinance or the 1973 Code differ from the requirements or conditions imposed by a provision of another law, ordinance, or order having application in Yamhill County, the provision which is the more restrictive shall govern.

SECTION 3. BASIC PROVISIONS.

Within the regulated area, and in respect to any work as herein defined, where:

(1) a building or structure is built, this Ordinance applies to any work in respect to the design and construction of such building or structure;

(2) the whole or part of a building, structure or mobile home is moved, either into or from the regulated area or from one property to another within the regulated area, this Ordinance applies to any work in respect to such building, structure or mobile home or part thereof moved and to any remaining part affected by the change;

(3) the whole or part of a building, structure or mobile home is demolished, this Ordinance applies to any work in respect to such demolition and to any remaining part affected by the change;

(4) a building, structure or mobile home is altered, this Ordinance applies to any work in respect to such alteration, and to all parts of the building, structure or mobile home affected by the change;

(5) repairs are made to a building, structure or mobile home, this Ordinance applies to any work in respect to such repair;

(6) the class of occupancy of a building or structure or part thereof is changed, this Ordinance applies to any work in respect to all parts of the building or structure affected by the change.

SECTION 4. EXCEPTIONS.

(1) Except as provided in subsection (2) of this Section, this Ordinance does not apply to any mobile home which conforms to the health and safety requirements of the Oregon State Department of Commerce;

(2) Any mobile home referred to in subsection (1) of this Section shall comply with the provisions of Section 8 (Prohibitions) and Section 9 (Permits) of this Ordinance. Additions to any mobile home shall comply with all provisions of this Ordinance.

SECTION 5. DEFINITIONS.

For the purposes of this Ordinance, all words, terms, and expressions contained herein shall be interpreted in accordance with the definitions set out in the 1973 Code, and further provided that:

(1) BUILDING INSPECTOR or OFFICIAL shall mean the Yamhill County Building Inspector, or his regularly authorized deputy;

(2) 1973 CODE shall mean the Uniform Mechanical Code of the International Conference of Building Officials, 1973 Edition, with Appendices A, B and C, and all amendments thereto set forth in Section 6 of this Ordinance;

(3) 1973 CODE - OREGON AMENDMENTS shall mean the amendments and exceptions to the 1973 Code prescribed by the Building Codes Division and Fire Marshal of the Oregon State Department of Commerce;

(4) MOBILE HOME shall mean a structure designed for dwelling purposes, manufactured as a unit, and intended to be occupied in a place other than that of its manufacture;

(5) WORK shall mean the construction, installation, alteration, repair, relocation, replacement or removal of, or addition to, any heating, ventilating, cooling or refrigeration systems or equipment, incinerators, or other miscellaneous heat-producing appliances in any building or structure.

SECTION 6. AMENDMENTS TO THE 1973 CODE.

(1) Where the requirements or conditions imposed by a provision of this Ordinance differ from the requirements or conditions imposed by the 1973 Code or any amendments thereto, the provision which is the more restrictive shall govern.

(2) Without restricting the generality of the foregoing, the 1973 Code is amended as follows:

(a) Section 201(a), by deleting the last sentence.

(b) Section 2212 is amended to read:

"All pipe used for the installation, extension, alteration or repair of any gas piping shall be standard weight wrought iron or steel (neither galvanized pipe nor galvanized fittings shall be permitted), yellow brass (containing not more than 75 percent copper), or internally tinned or equivalently treated copper of iron pipe size."

(c) Section 2213 of Appendix B is amended by adding thereto an additional subsection, which shall read as follows:

"(1) Piping through Foundation Walls. Underground gas piping, when installed below grade through the outer foundation or basement wall of a building shall be either encased in an approved sleeve or given equivalent protection against corrosion. The piping or sleeve shall be sealed at the foundation or basement wall to prevent entry of gas or water."

SECTION 7. RESPONSIBILITY OF OWNER.

Neither the granting of a permit, nor the approval of the drawings and specifications, nor inspections made by the Building Inspector shall in any way relieve the owner of any building or structure or the installer or repairman of any systems or equipment from full responsibility for carrying out all work in accordance with the requirements of this Ordinance.

SECTION 8. PROHIBITIONS.

(1) No person shall commence or continue any work without first obtaining a permit from the Building Inspector.

(2) The written approval of the Building Inspector shall be obtained before any work is covered or concealed.

(3) In respect to any work undertaken in violation of the provisions of subsection (2) of this Section, the Building Inspector may at any time require that such work, in whole or in part, be exposed for inspection.

SECTION 9. PERMITS.

(1) The Building Inspector shall issue a permit where:

(a) an application for a permit has been made in accordance with the provisions of this Section, and

(b) the proposed work set out in the application conforms to this Ordinance and all other laws, ordinances, or orders having application in Yamhill County,

(2) The Building Inspector shall not issue a permit where the proposed work, in respect to any building, structure or mobile home, would constitute a violation of any of the provisions of Section 10(2) of the Yamhill County Building Ordinance, No. 52, 1974.

(3) The Building Inspector may issue a permit to a person who certifies on his application that the work covered by the permit will be performed by him or his immediate family at a single-family dwelling occupied by him as his permanent residence; however, if it appears to the Building Inspector that the work will not be performed by a qualified person, taking into account the character, complexity and potential hazards of the work, and the knowledge and experience of the person who will perform it, he may require that all or any portion of the work which, in his judgment, such person is not qualified to perform be excluded from the permit and a separate permit therefor be obtained by a qualified person.

(4) (a) The schedule of fees to be charged for the issuance of a permit under this Ordinance is as prescribed by Section 304 of the 1973 Code - Oregon Amendments.

(b) If the Building Inspector discovers any person undertaking any work in violation of 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 levied.

(c) The estimated value of the work shall be determined by the Building Inspector and shall be based on the declared cost of materials and labor for each permit for each construction or installation.

The Building Inspector shall account for all fees paid under this Ordinance for any mechanical permit and shall deposit same in the County General Fund.

- (5) Every permit is issued upon the condition that:
 - (a) construction or installation is to be started within six (6) months from the date of issuance of the permit;
 - (b) construction or installation is not to be discontinued or suspended for a period of more than six (6) months.
- (6) An application for a permit shall:
 - (a) be made on the form prescribed by the Building Inspector;
 - (b) be signed by the applicant;
 - (c) be accompanied by the fee prescribed for the work to be undertaken;
 - (d) state the intended use of the building or structure;
 - (e) include copies in duplicate of scale drawings and specifications of the work to be carried out as required by Section 302 of the 1973 Code - Oregon Amendments.
 - (f) contain any other information required by this Ordinance, the 1973 Code, the 1973 Code - Oregon Amendments, or the Building Inspector.

SECTION 10. DOCUMENTS ON THE SITE.

- (1) The person to whom the permit is issued shall, during construction, keep
 - (a) posted in a conspicuous place on the property in respect of which the permit was issued a copy of the mechanical permit or a poster or placard approved by the Building Inspector in lieu thereof; and,
 - (b) a copy of the approved drawings and specifications referred to in Section 9(6)(e) on the property in respect of which the permit was issued.

SECTION 11. POWERS OF THE BUILDING INSPECTOR.

(1) The Building Inspector is charged with the administration and enforcement of this Ordinance.

(2) The Building Inspector may:

- (a) enter any premises at any reasonable time for the purpose of administering this Ordinance;
- (b) direct that tests of materials, devices, or construction methods be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, devices or construction meet the requirements of this Ordinance. The records of such tests shall be kept available for inspection during the construction of the building or structure and for such a period thereafter as required by the Building Inspector;
- (c) direct by written notice, or by attaching a placard to premises, the correction of any condition where, in the opinion of the Building Inspector, such condition violates the provisions of this Ordinance.
- (d) revoke a permit where there is a violation of the provisions of Section 9(5).

SECTION 12. APPEALS.

Any person aggrieved by an official decision or action under this Ordinance shall have the right of appeal therefrom in the manner prescribed by Section 13 of the Yamhill County Building Ordinance, No. 52, 1974.

SECTION 13. PENALTY.

(1) No person shall commence or continue any work in respect to any building, structure or mobile home in violation of the provisions of this Ordinance.

(2) Any violation referred to in subsection (1) of this Section shall be deemed a nuisance.

(3) Any person who violates the provisions of this Ordinance is liable upon conviction to:

(a) a fine of not more than one hundred dollars (\$100.00) for each day of violation where the offense is a continuing offense, but such fine shall not exceed one thousand dollars (\$1,000.00);

(b) a fine of not more than five hundred dollars (\$500.00) where the offense is not a continuing offense.

SECTION 14. VALIDITY.

The Yamhill County Board of Commissioners hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance or of the 1973 Code or 1973 Code - Oregon Amendments adopted by this Ordinance, is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or said Codes.

SECTION 15.

This Ordinance shall be in force and effect from and after the 1st day of July, 1974.

Dated this 29th day of May, 1974.

Yamhill County Board of Commissioners

Walter Wagon
Commissioner

Gene Howard
Commissioner

Orville Bernard
Commissioner

Attest: *Wayne Wickett*
County Clerk

By: *Maxwell H. Stein*
Deputy