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YAMHILL COUNTY, OREGON

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WANDA CATT  
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YAMHILL COUNTY  
BUILDING, MECHANICAL, AND  
PLUMBING ORDINANCE  
NO. 173, 1978

Yamhill County Department  
of Planning & Development

July, 1978

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

(Sitting for the Transaction of County Business)

An Ordinance providing for the	)	
Adoption and Local Administration	)	
of a Building, Mechanical	)	<u>YAMHILL COUNTY BUILDING, MECHANICAL,</u>
and Plumbing Code, establish-	)	<u>AND</u>
ing an Appeals Procedure,	)	<u>PLUMBING ORDINANCE NO. 173</u>
Setting Fees, and Enforcement	)	
Procedures	)	

WHEREAS, on the \_\_\_\_\_ day of July, 1978, after due notice was given according to law, a public hearing by the Yamhill County Board of Commissioners on the enactment of an ordinance to adopt the Uniform Building, Mechanical and Plumbing Codes of the International Conference of Building Officials, 1976 Editions with certain amendments described herein; 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 \_\_\_\_\_ day of July, 1978, a motion was duly made and regularly passed to adopt said ordinance for Yamhill County; NOW, THEREFORE,

IT IS HEREBY ORDAINED:

SECTION I

Title

This Ordinance may be cited for all purposes as the Yamhill County Building, Mechanical, and Plumbing Ordinance, No. 173, 1978.

SECTION II

Application

1. The following, by this reference, shall be made a part of this Ordinance as authorized by ORS Chapters 446.185, 447.020(2), ORS 460.085, ORS 460.360, 479.730(1) and ORS 480.535, and shall by this reference have the same force and effect as though all of the same were fully written or inserted herein, and are hereby enacted for the area of Yamhill County outside of incorporated cities, hereinafter referred to as the regulated area, with the exceptions noted in Section IV:

a. The Uniform Building Code of the International Conference of Building Officials, 1976 Edition, with Appendix as amended by the Department of Commerce of the State of Oregon, Building Codes Division, and the Office of the State Fire Marshal and known in Oregon as the "Oregon State Structural Specialty Code and Fire and Life Safety Code," 1976 Edition; and

b. The Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, 1976 Edition and Appendices; and

c. The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with Appendices A through I, and Standards, 1976 Edition.

2. Where the requirements or conditions imposed by a provision of this Ordinance 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

more restrictive shall govern.

SECTION III

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 IV

##### 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, Mobile Homes Division;

2. Any building or structure

a. which is solely used or intended solely for use as an agricultural building;

b. which is not located on agricultural property but 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

c. which is an advertising or identification sign, and such sign, exclusive of supports, has a total area not exceeding twenty-four (24) square feet.

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

SECTION V

Setbacks

Notwithstanding any other provisions of this Ordinance to the contrary, no part of any building or structure shall be located within sixty (60) feet of the centerline of any State highway or fifty (50) feet of the centerline of any other road, or within twenty (20) feet of the right-of-way line of any road.

SECTION VI

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 1976 Code, except that:

1. BUILDING INSPECTOR or OFFICIAL shall mean the Yamhill County Building Inspector or his regularly authorized deputy;
2. CHIEF OF THE FIRE DEPARTMENT shall mean the head of the rural fire protection district having jurisdiction or his regularly authorized deputy;

3. CITY shall mean the area of Yamhill County outside of incorporated cities, hereinbefore referred to as the "regulated area;"

4. 1976 CODE shall mean the Uniform Building Code of the International Conference of Building Officials, 1976 Edition with Appendix and all amendments thereto.

5. 1976 CODE - OREGON AMENDMENTS shall mean the amendments and exceptions to the 1976 Code prescribed by the Building Codes Division and Fire Marshal of the Oregon State Department of Commerce;

6. HEALTH OFFICER shall mean the Yamhill County Health Officer, or his regularly authorized deputy;

7. LOT shall mean any unit of land created by a subdivision or partitioning of land pursuant to any Yamhill County subdivision ordinance, or any other unit of land of record in the office of the Yamhill County Assessor created prior to the adoption of any Yamhill County subdivision ordinance;

8. 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;

9. ROAD shall mean any public or private access road, street, highway, easement, or way platted, recorded, or shown on any official map, whether or not such road is actually constructed;

10. SIGN shall mean a surface or space, whether continuous or not, which attracts the attention of, or conveys a message to, any person by means of letters, numbers, figures, or other symbols, devices, or representations;

11. SITE shall mean any parcel or area of land having an area sufficient to satisfy the provisions of any Yamhill County zoning ordinance or interim zoning ordinance;

12. WORK shall mean the construction, demolition, alteration, repair, moving, or change in the class of occupancy of any building or structure, and shall include the installation, construction, alteration or repair of any subsurface sewage-disposal system, and the placement and use of a mobile home as a living unit elsewhere than in an approved mobile home park as defined in ORS Chapter 446.

#### SECTION VII

##### 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 such building or structure from full responsibility for carrying out all work in accordance with the requirements of this Ordinance.

## SECTION VIII

Prohibitions

1. No person shall commence or continue any work in respect to any building, structure or mobile home without first obtaining a permit from the Building Inspector.

2. No person shall commence or continue any work in respect to any subsurface sewage-disposal system without first obtaining a permit from the Health Officer.

3. The written approval of the Building Inspector shall be obtained before:

- a. the placing or pouring of any concrete;
- b. a foundation below land surface is backfilled or covered;
- c. the structural framework of a building or structure is covered or concealed.

4. The written approval of the Health Officer shall be obtained before the backfilling of any subsurface sewage-disposal system.

5. In respect to any work undertaken in violation of the provisions of sub sections (3) or (4) of this Section, the Building Inspector or Health Officer, as the case may be, may at any time require that such work, in whole or in part, be exposed for inspection.

6. No person shall occupy any new building or mobile home until sewage-disposal facilities meeting the minimum standards of the regulations of the State Department of Environmental Quality or of any Yamhill County sewage-disposal ordinance have been installed and approved by the Health Officer.

#### SECTION IX

##### 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:
  - a. the proposed work, as set forth in the application, or the proposed use of the building or structure when completed, does not comply with the provisions of any Yamhill County zoning ordinance;
  - b. the owner or applicant, in relation to the proposed lot or site, has not complied with any County ordinance controlling the subdivision, platting, partitioning, or other division of land;

- c. the proposed work, as set forth in the application, or the proposed building or structure when completed, would be in violation of any County official map ordinance;
- d. a subsurface sewage-disposal system will be required and the proposed site does not meet the requirements or conditions therefor imposed by a provision of State law or regulation of the State Department of Environmental Quality, or of any Yamhill County sewage-disposal ordinance. Where a subsurface sewage-disposal system will be required and the proposed site meets the requirements or conditions therefor imposed by a provision of the aforesaid laws, regulations or ordinances, the Building Inspector shall not issue a permit until a septic tank permit has first been issued by the Health Officer;
- e. the proposed site is located, all or in part, within any area determined by the Yamhill County Board of Commissioners to necessitate special building requirements as a result of potential floods, surface water, or potentially hazardous geologic or soil conditions, and designated either "Yamhill County Special Permit Area," or "Flood Hazard District," or "Flood Plain Zone" in any County ordinance, and the special permit

required by such ordinance has not been obtained by the applicant. All special building requirements included in any such special permit shall be incorporated into the permit issued to the applicant under this Ordinance;

- f. in the opinion of the Building Inspector, the results of the tests referred to in Section XI of this Ordinance are not satisfactory.
3. The schedule of fees to be charged for the issuance of a permit and for plan checking under this Ordinance is as provided in Section 303 of the 1976 Code, except as follows:
- a. for the construction, alteration, or repair of agricultural buildings or structures as specified in Section IV(2) of this Ordinance . . . . . No fee
  - b. for moving or demolishing buildings or structures . . . . . No fee
  - c. for re-roofing an existing building or structure . . . . . No fee
  - d. for the placement and use of a mobile home as a living unit elsewhere than in an approved mobile home park:
 

\$25.00	single wide
15.00	each additional width
5.00	awning
15.00	plumbing
.60	State surcharge

- e. for a general site evaluation of an unsubdivided tract of land to identify the location and number of acceptable building sites where individual sub-surface sewage disposal systems would be feasible: \$1.00 per acre or \$25.00 per approved site, whichever is greater, with a minimum fee of \$25.00.
- f. for the review and completion of a Federal Housing Administration or Veterans Administration questionnaire with respect to a dwelling to be sold, including a site inspection of a water supply and sewage disposal system. . . . . \$15.00
- g. for a domestic water test . . . . . \$ 5.00

4. The schedule of fees to be charged for the issuance of a plumbing permit under this Ordinance is as follows:

- a. Single-family residence unit group fixture fees:
  - (1) for each single-family residence for the first bathroom, kitchen sink, hot water heater, water service, building sewer, and laundry facilities: \$25.
  - (2) for each single-family residence unit of a duplex for the first bathroom, kitchen sink, hot water heater, water service, building sewer, and laundry facilities in each unit: \$25.
  - (3) for each additional bathroom or portion thereof in a single-family residence unit: \$10.

(4) For each mobile home space (as described in § IX, ¶3[4]):

- \$25. Single wide
- 15. Each additional width
- 5. Awning
- 15. Plumbing
- .60 State surcharge

For remodeling or alterations made in existing single-family residence units, the fee shall be based on an individual fixture fee and miscellaneous fee charge. For all other plumbing installations having a sanitary waste or potable water supply, there shall be charged fees as stipulated in the individual fixture fee and miscellaneous fee schedules contained herein.

The fee to a governmental agency shall be determined by the provisions set forth under ORS 190.003 to 190.110, and Sections 303 and 304 of the 1976 Code for the purpose of carrying out the respective responsibility of each agency and the fee shall be \$15 per hour for each hour or any portion thereof.

A five dollar (\$5) reinspection fee shall be charged for inspection of violations found by the Building Inspector after the second inspection.

b. Individual fixture fees:

(1) From 1 - 50 fixtures in the same building,

\$3.00 each plus

- 51 - 100 additional fixtures: \$2.50 each
- 101 - 200 additional fixtures: 2.00 each
- 201 or more additional fixtures: 1.50 each

(2) For each building sewer from the building: \$10.

(3) For each water service to the building: \$5.

c. A fixture fee shall be charged for each of the following:

(1) Sewage Ejector pump and Sump pump;

(2) Backflow prevention devices and anti-pollution devices;

(3) Any trap or waste not connected to a fixture;

(4) Special waste connections;

(5) Each roof drain opening or downspout drain connection.

5. 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.

6. 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 building or structure.

7. The Building Inspector shall account for all fees paid under this Ordinance for any building permit or mobile home placement permit and shall deposit same in the County General Fund.

8. Every permit is issued upon the condition that:
  - a. construction is to be started within 120 days from the date of issuance of the permit;
  - b. construction is not to be discontinued or suspended for a period of more than 120 days;
  - c. the exterior of any building shall be finished in durable, weather-resistant materials prior to use or occupancy; and
  - d. a certificate of occupancy shall be applied for and issued prior to the use or occupancy of any building or structure as provided in Section 306 of the 1976 Code.
  
9. 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 a plot plan and scale drawings and specifications of the work to be carried out as required by ORS 671.025 and Sections 301, 302 and 303 of the 1976 Code. Notwithstanding the provisions of Section 301 of the 1976 Code, the plot plan shall show and include:

- (1) the legal description, location, and dimensions of the land on which the building, structure or mobile home is, or is to be, located;
- (2) The location of any streamcourses, water bodies, swamps, marshes, or areas of seasonal high water tables, or areas subject to flooding, or any areas of known or suspected geologic hazard or soil limitations, including slides, subsidence, or soil creep, on the land referred to in subclause (1);
- (3) the location and dimensions of the right-of-way of any road abutting the land referred to in subclause (1);
- (4) elevations and grades of any road abutting the land referred to in subclause (1), sufficient to identify any problems of access or drainage;
- (5) the location, dimensions and lowest floor elevation of the building, structure or mobile home in respect to which the proposed work is to be undertaken;
- (6) the proposed use of each room or floor area of the building, structure, or mobile home referred to in subclause (5);

- (7) the location, dimensions and use of all other buildings, structures and mobile homes on the land referred to in subclause (1);
  - (8) the location or proposed location of any well or other domestic water source, if other than a community or municipal water supply;
  - (9) the location or proposed location of any pit privy or septic tank and leaching lines; and
- f. contain any other information required by this Ordinance, the 1976 Code, or the Building Inspector; except, however, that an application to carry out any work in respect to any building or structure referred to in Section IV, (1) (b) of this Ordinance shall not require the information on elevations and grades required under subclauses (4) and (5) of clause (e) of this subsection.

SECTION X

Documents on the Site

The person to whom the permit is issued shall, during construction, keep

1. posted in a conspicuous place on the property in respect of which the permit was issued a copy of the building, mechanical, or plumbing permit or a poster or placard approved by the Building Inspector in lieu thereof; and

2. a copy of the approved drawings and specifications referred to in Section IX(6) (e) on the property in respect of which the permit was issued.

#### SECTION XI

##### 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 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 XI(4).

## SECTION XII

Appeals

## 1. Appeals to the Board of Appeals.

a. Membership of Board of Appeals: a Board of Appeals, consisting of five members who are qualified by experience and training shall be appointed by the Board of Commissioners to hear and decide appeals as provided hereunder, one member to be appointed for five years; one member to be appointed for four years; one member to be appointed for three years; one member to be appointed for two years; and one member to be appointed for one year. Thereafter, each new member shall serve for five years or until his successor has been appointed. When any member is appointed to fill a vacancy occurring during the term of a member, the successor's term shall run until the expiration of the term of the member he succeeds. The Board of Appeals shall appoint from its membership a Chairman and a Secretary who shall keep a written record of all proceedings of the Board.

b. 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 person 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 a licensed architect and one member shall be a licensed structural or civil engineer.

- c. Application for Appeal: The owner of a building or structure or any other person may appeal to the Board of Appeals a decision of the Building Inspector under the 1976 Code covering the manner of construction or materials to be used in the construction, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of the 1976 Code has been incorrectly interpreted, the provisions of said Code do not fully apply, or an equally good or better form of construction can be used.
- d. Procedures of the Board: All hearings shall be public, and the appellant, his representatives, the Building Inspector, and any other person whose interests may be affected 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 Inspector by a concurring vote of three (3) 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 Inspector, with a duplicate copy to the appellant.

2. Appeals to State Advisory Boards.

Any person aggrieved by a decision of the Board of Appeals shall have the right of appeal therefrom to the appropriate State Advisory Board as provided in Section 204 of the 1976 Code.

3. Appeals to the Board of Commissioners.

- a. Any person aggrieved by the issuance, denial, or revocation of a permit under the provisions of this Ordinance for any reason other than those set forth in clause (c) of subsection (1) of this Section, may appeal such issuance, denial, or revocation to the Board of Commissioners. Such appeal shall be made within 10 days from the date of issuance, denial, or revocation of such permit. A fifty dollar (\$50) filing fee will be charged for appeal. Such permit shall be deemed to have been issued, denied, or revoked on the date written notification of such action has been delivered by hand or mailed by the Building Inspector to the applicant at the address as shown in the application.

- b. Appeals under this subsection shall be taken by filing with the Board a written request for hearing and determination on such issuance, denial, or revocation, setting forth the number of the application or permit subject to appeal.
- c. Within 10 days from the date of taking an appeal pursuant to this subsection, the Board 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 the Board unanimously determines that such extension is necessary for a fair and thorough hearing of such appeal. At the hearing the Board shall consider evidence presented by the appellant, together with any reports, comments, or information with respect thereto from any public office or official theretofore consulted, and any other evidence desired for consideration by the Board 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.
- d. Within 10 days from the date of the hearing provided for in this subsection, the Board shall make a final determination on the issuance, denial, or revocation appealed from, by order entered in the Board records. Such determination shall be limited to a finding as to

whether or not the issuance, denial or revocation appealed from was proper.

- e. If the Board determines that the issuance, denial, or revocation appealed from was not proper, the Building Inspector shall immediately grant or revoke the permit, as the case may be, in accordance with the determination of the Board.

### SECTION XIII

#### 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) for each day of violation where the offense is a continuing offense, but such fine shall not exceed one thousand dollars (\$1,000);
  - b. A fine of not more than five hundred dollars (\$500) where the offense is not a continuing offense.

## SECTION XIV

Validity

The Yamhill County Board of Commissioners hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance or of the 1976 Code or 1976 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 Code.

## SECTION XV

Repeal

Yamhill County Ordinances No. 52, No. 53, and No. 54 (May, 1974) shall be and are hereby repealed; provided, however, that violations of those 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 XVI

This Ordinance being necessary for the health, safety, and welfare of the people of Yamhill County, and the Board of Commissioners

having declared an emergency to exist, it shall be effective upon the approval hereof.

Dated at McMinnville, Yamhill County, State of Oregon, this 19<sup>th</sup> day of July, 1978.

YAMHILL COUNTY BOARD OF COMMISSIONERS

John P. Macaulay  
Chairman John P. Macaulay

Colin Armstrong  
Commissioner Colin Armstrong

Ted Lopuszynski  
Commissioner Ted Lopuszynski

Attest: WANDA CATT  
County Clerk  
by Patricia Mullen  
Deputy