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YAMHILL COUNTY, OREGON
Nov 30 3 11 PM '81
CHARLES STERN
COUNTY CLERK
DEPUTY

YAMHILL COUNTY

BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL

ORDINANCE NO. 286

(Repealing Ordinances 173, 178, 179 and 254.)

November 25, 1981

1 IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

2 FOR THE COUNTY OF YAMHILL

3 SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

4 An Ordinance Providing for) YAMHILL COUNTY BUILDING,
Adoption and Local Administration) MECHANICAL, PLUMBING AND
5. of a Building, Mechanical, Plumb-) ELECTRICAL ORDINANCE
ing and Electrical Code, Estab-) NO. 286
6 lishing an Appeals Procedure,) REPEALING ORDINANCES
Setting Fees and Enforcement) 173, 178, 179 and 254.
7 Procedures.)

8 WHEREAS, on the 25th day of November , 1981,
9 after due notice was given according to law, a public hearing was
10 held by the Yamhill County Board of Commissioners on the
11 enactment of an ordinance to adopt the Uniform Building,
12 Mechanical, Plumbing and Electrical Codes with certain amend-
13 ments described herein; and

14 WHEREAS, the Board of Commissioners has now
15 determined that such ordinance is necessary and proper for
16 the protection of the public health, welfare, morals
17 and best interests of the people of Yamhill County; and

18 WHEREAS, after the termination of the said public
19 hearing before the Yamhill County Board of Commissioners and
20 at the special session of the Board of Commissioners on the
21 25th day of November , 1981, a motion was duly made and
22 regularly passed to adopt said Ordinance for Yamhill County;

23 NOW, THEREFORE,

24 IT IS HEREBY ORDAINED BY THE YAMHILL COUNTY
25 BOARD OF COMMISSIONERS AS FOLLOWS:

26 ////

1 -- ORDINANCE NO. 286 (1981)

DARYL S. GARRETTSON
Yamhill County Counsel
OSBA #76141
Room 103, County Courthouse
5th & Evans Streets
McMinnville, Oregon 97128
(503) 472-9371, ext. 229

1 SECTION I

2 Title

3 This Ordinance may be cited for all purposes
4 as the Yamhill County Building, Mechanical, Plumbing and
5 Electrical Ordinance, No. 286, 1981.

6
7 SECTION II

8 Application

9 The following, by this reference, shall be made
10 a part of this Ordinance as authorized by ORS Chapters
11 446.185, 447.020(2), ORS 460.085, ORS 460.360, 479.730(1)
12 and ORS 480.535 and shall, by this reference, have the
13 same force and effect as though all of the same were fully
14 written or inserted herein and are hereby enacted for the
15 area of Yamhill County outside of incorporated cities,
16 hereinafter referred to as "the regulated area," with the
17 exceptions noted in Section IV:

- 18 (a) The Uniform Building Code of the International
19 Conference of Building Officials, 1979 Edition,
20 with Appendix, including Chapter 70 thereof
21 as the same has been adopted by the Depart-
22 ment of Commerce, State of Oregon, Building
23 Codes Division, and the offices of the State
24 Fire Marshall, and known in Oregon as the
25 "Oregon State Structural Specialty Code
26 and Fire and Life Safety Code," 1979 Edition;

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and such other codes and amendments which may be adopted by the State Building Code Divison of the Department of Commerce of the State of Oregon.

(b) The Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, 1979 Edition and Appendices with 1980 and 1981 updates.

(c) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with Appendices A through I, and Standards, 1980 Edition with 1981 updates.

(d) The National Electrical Code of the National Fire Protection Association, 1981 Edition.

Where the requirements or conditions imposed by a provision of this Ordinance differ with 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 III

Basic Provisions

Within the regulated area, and in respect to any

1 work as herein defined, where:

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

5 (2) the whole or part of a building, structure or
6 mobile home is moved either into or from the regulated area,
7 this Ordinance applies to any work in respect to such build-
8 ing, structure or mobile home or part thereof moved, and to
9 any remaining part affected by the change;

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

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

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

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

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1 provisions of Section VII (Prohibitions) and Section VIII
2 (Permits) of this Ordinance. Additions to any mobile home
3 shall comply with all provisions of this Ordinance.
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5 SECTION V

6 Definitions

7 For the purposes of this Ordinance all words,
8 terms and expressions contained herein shall be interpreted
9 in accordance with the definitions set out in the 1979 Code
10 except that:

11 (1) BUILDING OFFICIAL shall mean the Yamhill
12 County Building Official or his regularly authorized deputy;

13 (2) CHIEF OF THE FIRE DEPARTMENT shall mean the
14 head of the rural fire protection district having juris-
15 diction or his regularly authorized deputy;

16 (3) CITY shall mean the area of Yamhill County
17 outside of incorporated cities, hereinbefore referred to as
18 the "regulated area;"

19 (4) 1979 CODE shall mean the Uniform Building
20 Code of the International Conference of Building Officials,
21 1979 Edition with Appendix and all amendments thereto;

22 (5) 1979 CODE -- OREGON AMENDMENTS shall mean the
23 amendments and exceptions to the 1979 Code prescribed by the
24 Building Codes Divison and Fire Marshal of the Oregon State
25 Department of Commerce; ////

26 ////

1 (6) HEALTH OFFICER shall mean the Yamhill County
2 Health Officer or his regularly authorized deputy;

3 (7) LOT shall mean any unit of land created by a
4 subdivision or partitioning of land pursuant to any Yamhill
5 County subdivision or partitioning ordinance, or any other
6 unit of land of record in the office of the Yamhill County
7 Assessor created prior to the adoption of any applicable
8 Yamhill County subdivision or partitioning ordinance;

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

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

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

20 (11) SITE shall mean any parcel or area of land
21 having an area sufficient to satisfy the provisions of any
22 Yamhill County zoning ordinance or interim zoning ordinance;

23 (12) WORK shall mean the construction, demolition,
24 alteration, repair, moving or change in the class of
25 occupancy of any building or structure and shall include
26 the installation, construction, alteration or repair of any

1 subsurface sewage disposal system and the placement and use
2 of a mobile home as a living unit elsewhere than in an
3 approved mobile home park as defined in ORS Chapter 446.

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5 SECTION VI

6 Responsibility of Owner

7 Neither the granting of a permit nor the approval
8 of the drawings and specifications nor inspections made by
9 the Building Official shall in any way relieve the owner
10 of such building or structure from full responsibility for
11 carrying out all work in accordance with the requirements
12 of this Ordinance.

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14 SECTION VII

15 Prohibitions

16 (1) No person shall commence or continue any work
17 in respect to any building, structure or mobile home without
18 first obtaining a permit from the Building Official.

19 (2) No person shall commence or continue any
20 work with respect to any subsurface sewage disposal system
21 without first obtaining a permit from the Health Officer.

22 (3) The written approval of the Building Official
23 shall be obtained before:

- 24 (a) the placing or pouring of any concrete;
25 (b) a foundation below land surface is
26 back-filled or covered;

1 (c) the structural framework of a building
2 or structure is covered or concealed;
3 (d) the undertaking of any act prior to
4 which an inspection is required by
5 Section 305(e) of the 1979 Code.

6 (4) The written approval of the Health Officer
7 shall be obtained before the backfilling of any subsurface
8 sewage disposal system.

9 (5) In respect to any work undertaken in violation
10 of the provisions of subsections (3) or (4) of this Section,
11 the Building Official or Health Officer, as the case may be,
12 may at any time require that such work, in whole or in part,
13 be exposed for inspection.

14 (6) No person shall occupy any new building or
15 mobile home until sewage disposal facilities meeting the
16 minimum standards or the regulations of the State Depart-
17 ment of Environmental Quality or of any Yamhill County
18 sewage disposal ordinance have been installed and approved
19 by the Health Officer.

21 SECTION VIII

22 Permits

23 (1) The Building Official shall issue a permit
24 where:
25 (a) an application for a permit has been
26 made in accordance with the provisions

1 of this Section; and

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

6 (2) The Building Official shall not issue a permit

7 where:

8 (a) the proposed work, as set forth in the
9 application or the proposed use of the
10 building or structure when completed does
11 not comply with the provisions of any
12 Yamhill County zoning ordinance;

13 (b) the owner or applicant, in relation to
14 the proposed lot or site, has not complied
15 with any County ordinance controlling the
16 subdivision, platting, partitioning or
17 other division of land;

18 (c) the proposed work, as set forth in the
19 application or the proposed building or
20 structure when completed, would be in
21 violation of any County official map
22 or ordinance;

23 (d) a subsurface sewage disposal system
24 will be required and the proposed
25 site does not meet the requirements or
26 conditions therefor imposed by a

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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 Official shall not issue a permit until a Septic Tank Permit has first been issued by the Health Officer;

(e) the proposed site 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," "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

1 special building requirements included
2 in any such Special Permit shall be
3 incorporated into the Permit issued
4 to the applicant under this Ordinance;

5 (f) in the opinion of the Building Official,
6 the results of the tests referred to
7 in Section X of this Ordinance are not
8 satisfactory.

9 (3) The schedule of fees to be charged for services
10 pursuant to this Ordinance including, but not limited to,
11 permits, plan checking and appeals, shall be set from time
12 to time by the Yamhill County Board of Commissioners pursuant
13 to Order of said Board.

14 (4) If the Building Official discovers any
15 person undertaking any work in violation of this Ordinance,
16 he shall notify the violator to cease such act or acts and
17 such violator shall pay for such permit in an amount twice
18 the sum of the fees otherwise levied.

19 (5) The estimated value of the work shall be
20 determined by the Building Official and shall be based upon
21 the declared cost of materials and labor for each permit for
22 each building or structure.

23 (6) The Building Official shall account for all
24 fees paid under this Ordinance for any Building Permit or
25 Mobile Home Placement permit and shall deposit same in the
26 County General Fund.

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(7) Every permit is issued upon the condition that:

- (a) construction is to be started within 180 days from the date of issuance of the permit;
- (b) construction is not to be discontinued or suspended for a period of more than 180 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 1979 Code.

(8) An application for a permit shall:

- (a) be made on the form prescribed by the Building Official;
- (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

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specifications of the work to be carried out as required by ORS 671.025 and Sections 301, 302 and 303 of the 1979 Code. Notwithstanding the provisions of Section 301 of the 1979 Code, the plot plan shall show and include:

- (i) the legal description, location and dimensions of the land on which the building, structure or mobile home is, or is to be, located;
- (ii) the location of any stream courses, water bodies, swamps, marshes 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 (i);
- (iii) location and dimensions of the right of way of any road abutting the land referred to in subclause (i);
- (iv) elevations and grades of any road abutting the land referred to in subclause (i) sufficient to identify

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any problems of access or drainage;

(v) the location, dimensions and lowest floor elevations of the building, structure or mobile home with respect to which the proposed work is to be undertaken;

(vi) the proposed use of each room or floor area of the building, structure or mobile home referred to in subclause (v);

(vii) the location, dimensions and use of all other buildings, structures and mobile homes on the land referred to in subclause (i);

(viii) the location or proposed location of any well or other domestic water source, if other than a community or municipal water supply;

(ix) 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 1979 Code or the Building Official. Except, however, that an application to carry out any work in respect to any building or

1 structure referred to in Section IV(1)(b)
2 of this Ordinance shall not require the
3 information of elevations and grades
4 required under subclauses (iv) and (v)
5 of clause (e) of this subsection.
6

7 SECTION IX

8 Documents on the Site

9 The person who whom the Permit is issued shall,
10 during construction, keep

- 11 (1) posted in a conspicuous place on the property
12 in respect of which the Permit was issued,
13 a copy of the Building, Mechanical, Plumbing
14 or Electrical Permit or a poster or placard
15 approved by the Building Official in lieu
16 thereof; and
17 (2) a copy of the approved drawings and speci-
18 fications referred to in Section VIII(6)(e)
19 on the property in respect of which the
20 Permit was issued.
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22 SECTION X

23 Powers of the Building Official

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

26 (2) The Building Official may:

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- (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 Official;
- (c) direct, by written notice or by attaching a placard to premises, the corrections of any condition where, in the opinion of the Building Official, such condition violates the provisions of this Ordinance;
- (d) revoke a permit where there is a violation of the provisions of Section X(4).

SECTION XI
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

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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

1 qualified by experience and training
2 to pass on matters pertaining to
3 building construction and at no time
4 shall there be more than two members
5 from the same profession or business.
6 At least one member shall, if possible,
7 be a licensed architect and one member
8 shall be a licensed structural or civil
9 engineer.

10 (c) Application for Appeal. The owner of a
11 building or structure or any other
12 person may appeal to the Board of Appeals
13 a decision of the Building Official
14 under the 1979 Code, covering the manner
15 of construction or materials to be used
16 in the construction, alteration or
17 repair of a building or structure.
18 Application for appeal may be made when
19 it is claimed that the true intent of
20 the 1979 Code has been incorrectly
21 interpreted, the provisions of said
22 Code do not fully apply, or an equally
23 good or better form of construction can
24 be used.

25 (d) Procedures of the Board. All hearings
26 shall be public and the appellant, his

1 representatives, the Building Official
2 and any other person whose interests
3 may be affected by the matter on appeal
4 shall be given an opportunity to be
5 heard. The Board shall affirm, modify,
6 or reverse the decision of the Building
7 Official by a concurring vote of three
8 members. The Board shall adopt reason-
9 able rules and regulations for conducting
10 its investigations and shall render all
11 decisions and findings in writing to the
12 Building Official with a duplicate copy
13 to the appellant and an additional
14 duplicate copy to be sent to the
15 Administrator of the Building Codes
16 Division of the Department of Commerce
17 of the State of Oregon.

18 (2) Appeals to State Advisory Boards. Any person
19 aggrieved by a decision of the Board of Appeals shall have a
20 right of appeal therefrom to the appropriate State Advisory
21 Board as provided in Section 204 of the 1979 Code.

22 (3) Appeals to the Board of Commissioners.

23 (a) Any person aggrieved by the issuance,
24 denial or revocation of a permit under
25 the provisions of this Ordinance for
26 any reason other than those set forth

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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. Such permit shall be deemed to have been issued, denied or revoked on the date written notification of such action has been hand delivered or mailed by the Building Official 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

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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 the issuance, denial or revocation appealed from was proper.

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(e) If the Board determines that the issuance, denial or revocation 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 the Board.

SECTION XII

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 and no/100 Dollars (\$100) for each day of violation where the offense is a continuing offense, but such fine shall not exceed One Thousand and no/100 Dollars (\$1,000);

(b) A fine of not more than Five Hundred and no/100 Dollars (\$500) where the offense is not a continuing offense.

1 (4) The penalties provided for in this
2 Ordinance shall not be interpreted so as
3 to preclude Yamhill County from pursuing
4 any additional remedies and seeking any
5. additional damages or penalties that are
6 available under the law.

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8 SECTION XIII

9 Validity

10 The Yamhill County Board of Commissioners hereby
11 declares that if any section, subsection, sentence, clause
12 or phrase of this Ordinance of the 1979 Code or 1979 Code -
13 Oregon Amendments adopted by this Ordinance is, for any
14 reason, held to be invalid by the decision of any court
15 of competent jurisdiction, such decision shall not affect
16 the validity of the remaining portions of this Ordinance
17 or Code.

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19 SECTION XIV

20 Repeal

21 Yamhill County Ordinances No. 173, No. 179 and
22 No. 254 shall be and are hereby repealed; provided, however,
23 that violations of those Ordinances and all amendments
24 thereto shall remain violations to the extent that the
25 matters in violation do not conform to the provisions of
26 this Ordinance.

SECTION NO

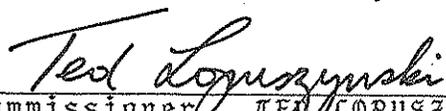
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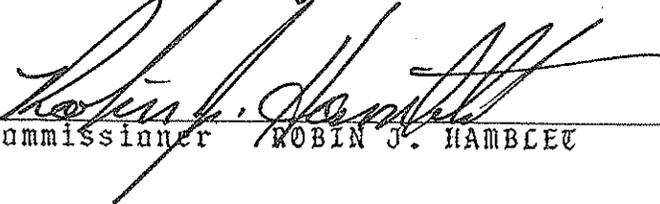
This Ordinance being necessary for the health,
safety and welfare of the people of Yamhill County, and
the Board of Commissioners having declared an emergency to
exist, it shall be effective upon the approval hereof.

DATED at McMinnville, Yamhill County, State of
Oregon this 25th day of November , 1981.

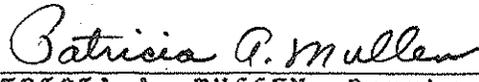
YAMHILL COUNTY BOARD OF COMMISSIONERS:


Chairman COLIN ARMSTRONG


Commissioner TED LOPUSZYNSKI


Commissioner ROBIN J. HAMBLETT

ATTEST:
CHARLES STERN, County Clerk

by 
PATRICIA A. MULLEN, Deputy