

86-495

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 )  
Adoption and Local Adminis- )  
tration of a Building, )  
Mechanical, Plumbing and ) ORDINANCE NO. 436  
Electrical Code, Establishing )  
An Appeals Procedure, Setting )  
Fees and Enforcement Procedures)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 8th day of October, 1986, sat for the transaction of county business in special session, Commissioners Donald D. Porter, David E. Bishop and Ted Lopuszynski being present.

WHEREAS, on the 17th day of September, 1986, after due notice was given according to law, a public hearing was held by the Board on the enactment of an ordinance to adopt the Uniform Building, Mechanical, Plumbing, and Electrical Codes with certain amendments described herein, said hearing being continued to various dates, concluding on the 8th day of October, 1986; and

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

WHEREAS, after the termination of said public hearing before the Board on October 8, 1986, a motion was duly made and regularly passed to adopt said ordinance for Yamhill County; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION I

TITLE

This ordinance may be cited for all purposes as the Yamhill County Building, Mechanical, Plumbing, and Electrical Ordinance, No. 436, 1986.

## SECTION II

### Application

The following, by this reference, shall be made a part of this ordinance as authorized by ORS Sections 446.185, 447.020(2), 456.730-.885, 456.915-.950, 460.085, 460.360, 479.730(1) and 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, 1985 Edition, with Appendix, (excluding Chapter 70 thereof) as the same has been adopted by the Department of Commerce, State of Oregon, Building Codes Division, and the offices of the State Fire Marshall, and known in Oregon as the "State of Oregon 1986 Edition Structural Specialty Code and Fire and Life Safety Regulations," 1986 Edition; and such other codes and amendments which may be adopted by the State Building Code Division 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, 1985 Edition and Appendices.

- (c) The Oregon State Plumbing Specialty Code of the International Association of Plumbing and Mechanical Officials with Appendices, 1980 Edition with updates.
- (d) The National Electrical Code of the National Fire Protection Association, 1984 Edition.
- (e) The Council of American Building Officials One and Two Family Dwelling Code, 1983 Edition, as the same has been adopted by the Department of Commerce, State of Oregon, Building Codes Division, and known in Oregon as the "State of Oregon 1986 Edition One and Two Family Dwelling Specialty Code," 1986 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 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, 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 repairs;

(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:

- (a) any mobile home which conforms to the health and safety requirements of the Oregon State Department of Commerce, Mobile Homes Division.

- (b) any building or structure which is solely used, or intended solely for use, as an agricultural building;
- (c) any building or structure 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
- (d) any structure which is an advertising or identification sign and such sign, exclusive of supports, has a total area not exceeding 24 square feet.

(2) Any building, mobile home or structure referred to in subsection (1) of this section shall comply with the provisions of Section VII (Prohibitions) and Section VIII (Permits) of this ordinance. Additions to any mobile home shall comply with all provisions of this ordinance.

## SECTION V

### Definitions

For the purpose of this ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the definitions set out in the 1985 Code except that:

(1) BUILDING OFFICIAL shall mean the Yamhill County Building Official 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) 1985 CODE shall mean the Uniform Building Code of the International Conference of Building Officials, 1985 Edition with Appendix and all amendments thereto;

(5) 1985 CODE -- OREGON AMENDMENTS shall mean the amendments and exceptions to the 1985 Code prescribed by the Building Codes Division and Fire Marshall of the Oregon State Department of Commerce, and known in Oregon as the "Oregon State Structural Specialty Code and Fire and Life Safety Code," 1985 Edition.

(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 or partitioning ordinance, or any other unit of land of record in the office of the Yamhill County Assessor created prior to the adoption of any applicable Yamhill County subdivision or partitioning 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 of 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 VI

### Responsibility of Owner

Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made by the building official 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 VII

### 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 official.

(2) No person shall commence or continue any work with respect to any subsurface sewage disposal system without first obtaining a permit from the health officer.

(3) The written approval of the building official shall be obtained before:

- (a) the placing or pouring of any concrete;
- (b) a foundation below land surface is back-filled or covered;
- (c) the structural framework of a building or structure is covered or concealed;
- (d) the undertaking of any act prior to which an inspection is required by Section 305(e) of the 1985 Code.

(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 subsections (3) or (4) of this section, the building official 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 or 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 VIII

### Permits

- (1) The building official 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 official 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 or 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 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," 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 official, the results of the tests referred to in Section X of this ordinance are not satisfactory.

(3) The schedule of fees to be charged for services pursuant to this ordinance, including but not limited to permits, plan checking and appeals, shall be set from time to time by the Board pursuant to order of said Board.

(4) If the building official 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 in an amount twice the sum of the fees otherwise levied.

(5) The estimated value of the work shall be determined by the building official and shall be based upon the declared cost of materials and labor for each permit for each building or structure.

(6) The building official 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.

(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 308 of the 1985 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 specifications of the work to be carried out as required by ORS 671.025 and Sections 302 and 303 of the 1985 Code. Notwithstanding the provisions of Section 302 of the 1985 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 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 1985 Code or the building official. 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 of elevations and grades required under subclauses (iv) and (v) of clause (e) of this subsection.

## SECTION IX

### 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, Plumbing or Electrical Permit or a poster or placard approved by the building official in lieu thereof; and

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

## SECTION X

### Powers of the Building Official

(1) The building official is charged with the administration and enforcement of this ordinance.

(2) The building official 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 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 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) Qualification 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 super-

intendent 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. 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 official under the 1985 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 1985 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 official 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 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 an additional duplicate copy to be sent to the Administrator of the Building Codes Division of the Department of Commerce of the State of Oregon.

(2) Appeals to State Advisory Boards. Any person aggrieved by a decision of the Board of Appeals shall have a right of appeal therefrom to the appropriate State Advisory Board as provided by law.

(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. 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 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 record. Such determination shall be limited to a finding as to whether 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 official shall immediately grant or revoke the permit 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 (\$100) Dollars for each day of violation where the offense is a continuing offense, but such fine shall not exceed One Thousand (\$1,000) Dollars;

(b) A fine of not more than Five Hundred (\$500) Dollars where the offense is not a continuing offense.

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

#### SECTION XIII

##### Validity

The Yamhill County Board of Commisisoners hereby declares that if any section, subsection, sentence, clause, or phrase of this ordinance or the 1985 Code, or 1985 Code - Oregon Amendements 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 XIV

##### Repeal

Yamhill County Ordinance No. 286 shall be and is hereby repealed; provided, however, that violations of Ordinance 286 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 XV

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, shall be effective upon passage hereof.

DATED at McMinnville, Oregon this 8th day of October, 1986.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES S. BOARD OF  
County

Donald D. Porter  
Chairman DONALD D. PORTER

BY: Ed Plasey  
Deputy ED. PLASEY

David E. Bishop  
Commissioner DAVID E. BISHOP

APPROVED AND TO FORM BY:

John N. Gray, Jr.  
JOHN N. GRAY, JR.  
Yamhill County Counsel

Ted Lepczynski  
Commissioner TED LEPZYNSKI