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YAMHILL COUNTY, OREG.
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INDEXES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

87-317

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, Electri-) ORDINANCE NO. 446
cal and Other Structural Codes,)
Establishing Enforcement and)
Appeals Procedures, Repealing)
Ordinance 436 and Declaring an)
Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 17th day of June, 1987, sat for the transaction of county business in special session, Commissioners David E. Bishop, Ted Lopuszynski and Donald D. Porter being present.

WHEREAS, Building, Mechanical, Plumbing, Electrical, and other structural codes are periodically updated and revised and the revised editions adopted by the Oregon Department of Commerce; and

WHEREAS, a new plumbing code was adopted by the Department of Commerce on January 1, 1987; and

WHEREAS, a properly noticed public hearing was held on June 17, 1987, on a proposal to adopt the plumbing code most recently adopted by the State of Oregon, including new fees for plumbing inspection and to adopt form and style changes to Ordinance 436; and

WHEREAS, the Board has now determined that adoption of such an 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 the public hearing before the Board on June 17, 1987, a motion was duly made and regularly passed to adopt the following ordinance for Yamhill County; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1

Title

This ordinance may be cited for all purposes as the Yamhill County Building, Mechanical, Plumbing, and Electrical Ordinance, No. 446, 1987.

SECTION 2

Definitions

All words, terms and expressions contained in this ordinance shall be interpreted in accordance with the definitions set out in the Uniform Building Code except that:

(1) **BUILDING OFFICIAL** means the Yamhill County Building Official or his regularly authorized deputy;

(2) **CHIEF OF THE FIRE DEPARTMENT** means the head of the rural fire protection district having jurisdiction or his regularly authorized deputy;

(3) **HEALTH OFFICER** means the Yamhill County Health Officer or his regularly authorized deputy;

(4) **LOT** means any unit of land that was created by an authorized subdivision or partitioning of land, or that was created by deed or land sale contract prior to October 3, 1975.

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

(6) **REGULATED AREA** means the area of Yamhill County outside of incorporated cities;

(7) **ROAD** means 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;

(8) **SIGN** means 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;

(9) **SITE** means any parcel or area of land having an area sufficient to satisfy the provisions of any Yamhill County zoning ordinance or interim zoning ordinance;

(10) UNIFORM BUILDING CODE means the Uniform Building Code or amendment to that code by the Department of Commerce as specified in Section 3 of this ordinance.

(11) WORK means 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 3

Codes Adopted

(1) The following structural codes are incorporated into this ordinance by reference. These codes, and other provisions 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 shall have the same force and effect as though their entire text were fully written or inserted into this ordinance:

(a) The Uniform Building Code of the International Conference of Building Officials, with Appendix, (excluding Chapter 70 thereof) as adopted by the Department of Commerce, State of Oregon, Building Codes Division, and known as the "State of Oregon Structural Specialty Code and Fire and Life Safety Regulations," and such other codes and amendments which have been 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, and Appendices;

(c) The Oregon State Plumbing Specialty Code of the International Association of Plumbing and Mechanical Officials with Appendices, and updates;

(d) The National Electrical Code of the National Fire Protection Association;

(e) The Council of American Building Officials One and Two Family Dwelling Code, as adopted by the Department of Commerce, State of Oregon, Building Codes Division, and known as the "State of Oregon One and Two Family Dwelling Specialty Code".

(2) The structural code or code amendment incorporated by reference into this ordinance shall be the code or amendment most recently adopted by a state agency authorized to do so and in effect at the date of adoption of this ordinance. The effective date of the most recently adopted code or amendment shall be as determined under ORS 183.355.

(3) If 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 more restrictive provision shall govern.

SECTION 4

Application

This ordinance applies within the regulated area as follows:

(1) To any work with respect to the design and construction of any building or structure;

(2) To any work with respect to the whole or part of any building, structure, or mobile home moved either into or from the regulated area, including work on any remaining part affected by the change;

(3) To any work with respect to the demolition of the whole or part of a building, structure, or mobile home and to any remaining part affected by the change;

(4) To any work with respect to the alteration of a building, structure, or mobile home and to all parts of the building, structure, or mobile home affected by the change;

(5) To any work with respect to repairs made to a building, structure or mobile home; and

(6) To any work with respect to a change in the class of occupancy of a building or structure, and to all parts of the building or structure affected by the change.

SECTION 5

Exceptions

(1) Except as provided in subsection (2) of this section, this ordinance does not apply to:

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

- (b) any building or structure that is solely used, or intended solely for use, as an agricultural building;
- (c) any building or structure that 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 that is an advertising or identification sign and the 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 7 (Prohibitions) and Section 8 (Permits) of this ordinance. Additions to any mobile home shall comply with all provisions of this ordinance.

SECTION 6

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 a building or structure from full responsibility for carrying out all work in accordance with the requirements of this ordinance.

SECTION 7

Prohibitions

(1) No person shall commence or continue any work with 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 the Uniform Building 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 8

Permits

- (1) The building official shall issue a permit when:
 - (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 when:
 - (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 a 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 imposed by a provision of the laws, regulations or ordinances governing subsurface sewage disposal. 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 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 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 special permit shall be incorporated into the permit issued to the applicant under this ordinance; or

- (f) in the opinion of the building official, the results of the tests referred to in Section 10 of this ordinance are not satisfactory.

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

(4) If the building official discovers any person undertaking any work in violation of this ordinance, the building official shall notify the violator to cease such act or acts and the violator shall pay for any necessary 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 fees collected in the county general fund.

(7) Every permit under this ordinance 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 Uniform Building 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 Uniform Building Code. Notwithstanding the provisions of Section 302 of the Uniform Building Code, the plot plan shall show and include:
 - (A) the legal description, location and dimensions of the land on which the building, structure or mobile home is, or is to be, located;
 - (B) 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 (A);

- (C) location and dimensions of the right of way of any road abutting the land referred to in subclause (A);
 - (D) elevations and grades of any road abutting the land referred to in subclause (A) sufficient to identify any problems of access or drainage;
 - (E) 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;
 - (F) the proposed use of each room or floor area of the building, structure or mobile home referred to in subclause (E);
 - (G) the location, dimensions and use of all other buildings, structures, and mobile homes on the land referred to in subclause (A);
 - (H) the location or proposed location of any well or other domestic water source, if other than a community or municipal water supply;
 - (I) 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 Uniform Building Code or the building official.
 - (g) An application to carry out any work with respect to any building or structure referred to in Section 4 (1)(b) of this ordinance shall not require the information on elevations and grades required under subclauses (D) and (E) of clause (e) of this subsection.

SECTION 9

Documents on the Site

The person to whom a permit is issued under this ordinance shall, during construction:

- (1) Keep 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) Keep a copy of the approved drawings and specifications referred to in Section 8 (6)(e) on the property in respect of which the permit was issued.

SECTION 10

Powers of the Building Official

- (1) The building official shall administer and enforce 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 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 that, in the opinion of the building official, violates the provisions of this ordinance;
 - (d) revoke or suspend a permit that has been issued in error, or on the basis of incorrect information supplied, or when it has been determined that the building or structure or portion thereof is in violation of any of the provisions of any code listed in section 3 of this ordinance.

SECTION 11

Appeals

(1) Appeals of Building Official decisions to the Board of Appeals shall be as stated in this section:

- (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 under this section. One member shall be appointed for five years, one member for four years, one member for three years, one member for two years, and one member shall 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 available in the county, each member shall be a licensed professional engineer or architect or a building contractor, superintendent of building construction, or other person qualified by experience and training to understand and make decisions concerning building construction. At no time shall there be more than two members from the same profession or business on the board. 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 Uniform Building Code, or other structural code adopted under this ordinance, 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 structural code in question has been incorrectly interpreted, the provisions of the 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 from the Board 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 the permit. The 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 the 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. The time for the hearing may be extended for not more than 10 additional days when the Board unanimously determines that an extension is necessary for a fair and thorough hearing of the appeal. At the hearing the Board shall consider evidence

presented by the appellant, reports, comments, or information related to the case, testimony from any public office or official consulted and any other evidence desired for consideration by the Board and presented at the 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. The Board 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 12

Penalty

(1) No person shall commence or continue any work with 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 if the offense is a continuing offense, but not to exceed a total of One Thousand (\$1,000) Dollars;
- (b) A fine of not more than Five Hundred (\$500) Dollars if the offense is not a continuing offense.

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

SECTION 13

Validity

If any section, subsection, sentence, clause, or phrase of this ordinance or any of the codes 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 14

Repeal

Yamhill County Ordinance No. 436 is repealed. Violations of Ordinance 436 and all amendments to that ordinance shall remain violations to the extent that the matters in violation do not conform to the provisions of this ordinance.

SECTION 15

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.

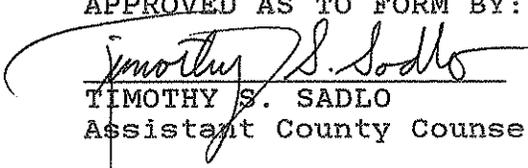
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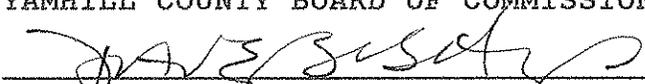
CHARLES STERN
County Clerk

By: 
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:


TIMOTHY S. SADLO
Assistant County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS


Chairman DAVID E. BISHOP


Commissioner TED LOPUSZYNSKI

(not available for signature)
Commissioner DONALD D. PORTER