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YAMHILL COUNTY, OREGON  
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COUNTY CLERK  
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90-671

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	)	
Local Administration of	)	
Building, Mechanical,	)	
Plumbing, Electrical and Other	)	ORDINANCE 514
Structural Codes,	)	
Repealing Ordinance 446 and	)	
Declaring an Emergency	)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on September 12, 1990, Commissioners David E. Bishop, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, Building, Mechanical, Plumbing, Electrical, and other structural codes are periodically updated and revised and the revised editions adopted by the Oregon Building Codes Agency (OBCA); and

WHEREAS, a new Uniform Plumbing Code based on the 1988 edition was adopted by the OBCA effective January 1, 1990; and

WHEREAS, A "Uniform Building Code (1988 edition), Structural Specialty Code (1990 edition)" was adopted by the OBCA, effective January 1, 1990; and

WHEREAS, a "Uniform Mechanical Code (1988 edition) Mechanical Specialty Code (1990 edition) was adopted by the OBCA effective January 1, 1990; and

WHEREAS, a "State of Oregon 1990 Edition One and Two Family Dwelling Specialty Code" was adopted by the OBCA effective April 1, 1990; and

WHEREAS, the Board recognizes the authority of the State Building Codes Administrator to establish and maintain structural codes uniformly throughout the state; and

WHEREAS, the Board adopts this ordinance with the intent of clarifying the application of the structural codes listed above within the county, and providing for administration and enforcement of those codes; and

WHEREAS, a properly noticed public hearing was held on this matter on September 12, 1990; and

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

WHEREAS, after the termination of the public hearing before the Board on September 12, 1990, 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 Codes Ordinance, No. 514, 1990.

**SECTION 2.**      **Definitions**

As used in this ordinance, unless the context requires otherwise:

- (1) **BOARD** means the Yamhill County Board of Commissioners.
- (2) **BUILDING OFFICIAL** means the Yamhill County Building Official or the Building Official's authorized deputy.
- (3) **CHIEF OF THE FIRE DEPARTMENT** means the head of the rural fire protection district or fire department having jurisdiction, or the chief's authorized deputy.
- (4) **MOBILE HOME** means a detached structure designed for dwelling purposes, manufactured as a unit, constructed in accordance with state standards, and intended to be occupied, as a dwelling or for other purposes, in a place other than that of its manufacture. "Mobile home" includes a manufactured housing unit, but does not include a travel trailer.
- (5) **PLANNING DIRECTOR** means the Director of the Yamhill County Department of Planning and Development or the director's designee.
- (6) **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.

(7) SITE means the lot(s) or parcel(s) on which construction has taken, or is taking place, or the lot(s) or parcel(s) described in an application for a building permit as the proposed area of construction. If a land use action is required prior to issuance of a building permit, the "site" is the area for which land use authority has been granted.

### SECTION 3. Applicable Codes

(1) The following structural codes, adopted by the Oregon Building Codes Agency, and other provisions authorized by ORS Sections 446.185, 447.020(2), 455.020, 455.010 through 455.990, 460.085, 460.360, 479.730 and 480.535, apply in the unincorporated areas of Yamhill County under ORS 455.040:

(a) The Uniform Building Code of the International Conference of Building Officials, with Appendix, (excluding Chapter 70 thereof) entitled "Uniform Building Code, 1988 Edition, State of Oregon, 1990 Edition Structural Specialty Code" (effective January 1, 1990) and such other codes and amendments which have been adopted by the Building Code Agency 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 entitled "Uniform Mechanical Code, 1988 Edition, State of Oregon, 1990 Edition, Mechanical Specialty Code" (effective January 1, 1990);

(c) The Plumbing Specialty Code of the International Association of Plumbing and Mechanical Officials with Appendices, and updates, entitled "State of Oregon, 1990 Edition, Plumbing Specialty Code" (effective January 1, 1990, based on the 1988 Edition of the Uniform Plumbing Code);

(d) The 1990 National Electrical Code of the National Fire Protection Association, as amended by the State of Oregon;

(e) The Council of American Building Officials One and Two Family Dwelling Code, entitled "State of Oregon 1990 Edition One and Two Family Dwelling Specialty Code" (effective April 1, 1990).

(f) The Uniform Fire Code, 1988, to the extent that the code is referenced in the above listed codes.

(2) The code editions listed above are those editions in effect on the date of adoption of this ordinance. It is the intent of the county to enforce amendments to these codes and new

editions, simultaneously with their adoption by the Oregon Building Codes Agency. Unless the county adopts provisions allowed under ORS 455.020(4), or other provisions authorized by the State Building Code Administrator under ORS 455.040, new editions of the above listed codes, and amendments to those codes, shall be fully applicable and enforced in Yamhill County as of the date they are adopted by the Oregon Building Codes Agency. 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. Land Use Approval

(1) No person shall be entitled to a building permit unless the person has first obtained land use authority for the use proposed to be conducted on the site. The Building official shall refuse to issue a permit for work on a site if the official has reason to believe that the owner or applicant has not complied with:

(a) A county ordinance controlling the subdivision, platting, partitioning or other division of land;

(b) A county zoning ordinance; or

(c) Any "special permit area" requirements established by the Board of Commissioners with regard to a specifically designated hazard area within the county.

(2) All questions regarding land division or zoning authority that come to the attention of the building official shall be referred to the planning director, for resolution in conformance with applicable ordinances.

#### Section 5. Subsurface Sewage Disposal

(1) No person shall be entitled to a building permit if an on-site subsurface sewage disposal system will be required and the proposed site does not meet the requirements or conditions imposed by the laws, regulations or ordinances governing subsurface sewage disposal. The building official shall not issue any permits for work on a structure requiring sewage disposal unless community sewer service is available at the site or a subsurface sewage disposal permit has been obtained, in advance, from the county sanitarian or the Oregon Department of Environmental Quality.

**Section 6. Access by Fire Protection Equipment**

(1) No person shall be entitled to a building permit unless the structure for which a permit is sought has suitable access for fire protection equipment or otherwise meets fire protection standards.

(2) The building official shall not issue a building permit for residential construction unless the applicant has first submitted a statement from the chief of the fire department that the proposed residence has suitable access for fire protection equipment or otherwise meets fire protection standards. The building official shall make a form for this purpose available for use by the applicant.

**Section 7. Certificates of Occupancy**

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. If no Certificate of Occupancy is required by the code:

(A) Actual occupancy of the structure shall not take place until final inspection; and

(B) The date of actual occupancy shall serve in lieu of the certificate for the purpose of calculating any time period dependent on issuance of a Certificate of Occupancy.

**SECTION 8. Agricultural Buildings**

(1) No person shall construct or place a building intended for agricultural use without first obtaining a permit from the building official. The purpose of the agricultural building permit is to insure compliance with the following zoning requirements:

(a) Setbacks;

(b) Floodplain overlay district;

(c) Willamette River Greenway, scenic river, watershed, or other overlay established pursuant to any Yamhill County zoning ordinance or otherwise established by the Board; and

(d) Any "special permit area" requirements established by the Board of Commissioners with regard to a specifically designated hazard area within the county.

(2) An application for an agricultural building permit shall include a plot plan containing all information specified in

section 9 of this ordinance. The distance of the proposed building from property lines shall be clearly shown on the plot plan. The level of detail of required information shall be to the satisfaction of the building official. Building official review may include post-construction inspection, to insure that the structure is for agricultural use and is located as specified in the permit.

(3) No permit shall be issued for construction of a farm or nonfarm agricultural building unless the fee owner or contract purchaser of the property on which the building will be constructed files with the building official an "Affidavit of Agricultural Use" on a form provided by the building official. The affiant shall attest that the building for which permit is sought will be used solely for agricultural purposes, and that no changes in the use of the structure will occur unless all appropriate permits are obtained in advance.

(4) No electrical, plumbing or mechanical installation shall be made in an agricultural building unless a permit for the installation is first obtained from the building official.

(5) Although plan review and structural permits are not required for construction of an agricultural building, the building official will review and approve plans for agricultural buildings and provide inspection services upon payment of the appropriate fee.

#### Section 9. Plot Plan Requirements

(1) 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 site 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 site;

(C) Location and dimensions of the right-of-way of any road abutting the site;

(D) The proposed use of each room or floor area of the building, structure or mobile home on the site;

(E) The location, dimensions and use of all other buildings, structures, and mobile homes on the site;

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

(G) The location or proposed location of any pit privy or septic tank and leach lines; and

(H) Any other information required by this ordinance, the applicable code, or the building official.

(2) The plot plan of any structure, including an agricultural building, proposed to be placed in an area regulated by the county's floodplain overlay district shall also include the following information:

(A) Elevations and grades of any road abutting the site sufficient to identify any problems of potential flooding, access or drainage;

(B) 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;

(3) An application to carry out any work with respect to an agricultural building shall include a plot plan containing at least that level of information necessary for the building official to make the determinations required by section 4 of this ordinance.

Section 10. Fees

(1) 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. Changes in fees and state surcharges that the Board has no discretion to set under state law or an applicable code, shall become effective upon adoption by the State, subject to incorporation into the county's uniform fee schedule at the Board's earliest convenience.

(2) If the building official discovers a person undertaking work in violation of this ordinance or an applicable code, the building official shall notify the violator to cease the violation and may require that the violator pay for any necessary permit in an amount equal to twice the sum of the fees otherwise levied.

(3) A request by an applicant for refund of fees shall be made to the building official. Fees may only be refunded by order of the Board, after receiving a recommendation from the building official as to whether a refund is justified.

(4) 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.

SECTION 11. Enforcement

This ordinance may be enforced as follows:

- (1) Under provisions of the applicable codes;
- (2) By abatement of the violation as a nuisance. A violation of an applicable code is hereby declared to be a nuisance;
- (3) Under the Yamhill County Citation Ordinance, No. 448. To the extent that greater penalties may be imposed pursuant to Ordinance 448 than under the applicable code(s), the penalties of Ordinance 448 shall apply;
- (4) By any other legal or equitable remedy available including, but not limited to, proceedings to enjoin a violation; or
- (5) By a combination of the above remedies.

SECTION 13. Validity

If any section, subsection, sentence, clause, or phrase of this ordinance or any of the applicable codes 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. 446 is repealed. Violations of Ordinance 446 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. Repeal of ordinance 446 shall not revive ordinances repealed by Ordinance 446.

SECTION 15. Emergency Clause

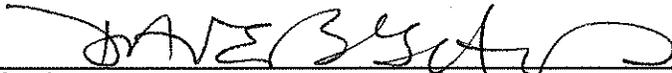
This ordinance being necessary for the health, safety and welfare of the people of Yamhill County, and the Board of Commissioners having declared an emergency to exist, shall be effective upon passage.

DONE at McMinnville, Oregon this 12th day of September, 1990.

ATTEST

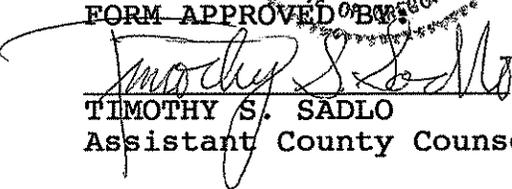
YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

  
Chairman DAVID E. BISHOP

By:   
Deputy ELAINE PEARCEY

  
Commissioner DENNIS L. GOECKS

FORM APPROVED BY  
  
TIMOTHY S. SADLO  
Assistant County Counsel

  
Commissioner TED LOPUSZYNSKI

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