YAMHILL COUNTY

BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL

ORDINANCE NO. 286

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

November 25, 1981
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 Administration
of a Building, Mechanical, Plumbing
and Electrical Codes, Establishing an Appeals Procedure, Setting Fees and Enforcement Procedures.

YAMHILL COUNTY BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL ORDINANCE NO. 286
REPEALING ORDINANCES 173, 178, 179 and 254.

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

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

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

NOW, THEREFORE,

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

1 -- ORDINANCE NO. 286 (1981)
SECTION I

Title

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

SECTION II

Application

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

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.


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 build-
ing, 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.

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4 -- ORDINANCE NO. 286 (1981)
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 IV
Definitions
For the purposes of this Ordinance all words, terms and expressions contained herein shall be interpreted in accordance with the definitions set out in the 1979 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) 1979 CODE shall mean the Uniform Building Code of the International Conference of Building Officials, 1979 Edition with Appendix and all amendments thereto;

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

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6 -- ORDINANCE NO. 286 (1981)
(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, manufactures 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
subsection 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;

8 -- ORDINANCE NO. 286 (1981)
(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 1979 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 Depart-
ment of Environmental Quality or of any Yamhill County
sewage disposal ordinance have been installed and approved
by the Health Officer.

SECTION VII

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 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
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 Yamhill County Board of Commissioners 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.

12 -- ORDINANCE NO. 286 (1981)
(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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13 -- ORDINANCE NO. 286 (1981)
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 provi-
sions 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 sub-
clause (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, struc-
ture 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
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 who 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 attach-
ing 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

17 -- ORDINANCE NO. 286 (1981)
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. There-
after, each new member shall serve for
five years or until his successor has
been appointed. When any member is
appointed to fill a vacancy occurring
during the term of a member, the
successor's term shall run until the
expiration of the term of the member
he succeeds. The Board of Appeals
shall appoint, from its membership,
a Chairman and a Secretary who shall
keep a written record of all proceedings
of the Board.

(b) Qualifications of Board Members. If
any such persons are available in the
County, each member shall be a licensed
professional engineer or architect or
a building contractor, or superintendent
of building construction, or other person
qualified by experience and training to pass on matters pertaining to building construction and at no time shall there be more than two members from the same profession or business. 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 **1979 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 **1979 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 reason-
able 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 in Section 204 of the **1979 Code**.

(3) **Appeals to the Board of Commissioners.**

(a) Any person aggrieved by the issuance,
denial or revocation of a permit under
the provisions of this Ordinance for
any reason other than those set forth
in clause (c) of subsection (1) of this Section may appeal such issuance, denial or revocation to the Board of Commissioners. Such appeal shall be made within 10 days from the date of issuance, denial or revocation of such permit. 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 determina-
tion 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.
(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.
(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 Commissioners hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance of the 1979 Code or 1979 Code - Oregon Amendments adopted by this Ordinance is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or Code.

SECTION XIV

Repeal

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

SECTION 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, 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:

[Signatures]

Chairman COLIN ARMSTRONG

Commissioner TED LOPUZYNSKI

Commissioner ROBIN J. HAMBLEY

ATTEST:

CHARLES STEIN, County Clerk

by Patricia A. Mullen
PATRICIA A. MULLEN, Deputy