

AFFIDAVIT OF POSTING

ORDINANCE #116

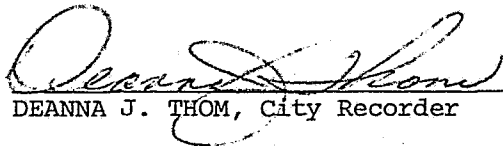
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

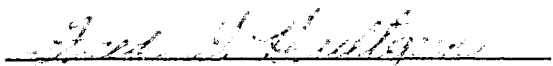
On the 17th day of January, 1979 I caused to be posted copies of the attached Ordinance #116, Pertaining to the Construction, Alteration, Repair and Moving of Building within the City of Wilsonville; Providing for Permits and Fees therefor; Providing for Penalties for Violations Thereof; Repealing Ordinances No. 28 and 40, in the following four public and conspicuous places of the City, to wit:

Wilsonville Post Office
Wilsonville City Hall
Lowrie's Food Market
Kopper Kitchen

The Ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 22nd day of January, 1979.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 6 day of February, 1979.


NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: May 11, 1981

ORDINANCE NO. 116

AN ORDINANCE PERTAINING TO THE CONSTRUCTION, ALTERATION, REPAIR AND MOVING OF BUILDING WITHIN THE CITY OF WILSONVILLE; PROVIDING FOR PERMITS AND FEES THEREFOR; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCES NO. 28 AND 40; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: ADOPTION OF UNIFORM BUILDING CODE.

(A) The 1976 Edition of the Uniform Building Code as published by the International Conference of Building Officials as amended by the 1976 Edition of the State of Oregon Structural Specialty Code, Fire and Life Safety Code, Mechanical Specialty Code, Mechanical Fire and Life Safety Code, and Plumbing Code, and as so amended and supplemented and adopted by the State of Oregon, pursuant to ORS 456.750 to 456.885 and designated as the "State Building Code," is adopted and incorporated except as otherwise set forth herein by reference to the same legal force and effect as if the same was set forth herein in full pursuant to authority of ORS 221.330, which by this reference is likewise made a part hereof. This ordinance shall be known and may be referred to as "THE CITY OF WILSONVILLE BUILDING CODE".

(B) Chapter 70, Excavation and Grading, Sections 7001 through 7015 being supplemental to the 1976 Edition of the Uniform Building Code as above-referenced, is adopted and incorporated herein as part of the City of Wilsonville Building Code to the same legal force and effect as if set forth herein in full pursuant to authority of ORS 221.330.

(C) Not less than three copies of each of the foregoing shall be kept and maintained on file in the office of the City Recorder for use and examination by the public pursuant to ORS 221.330.

(D) Chapter 15, Appendix, adopted by reference. Sections 1507 through 1513, inclusive, of Chapter 15 of the Appendix to the 1976 Edition of the Uniform Building Code, as published by the International Conference of Building Officials, with respect to Type M-3 farm buildings, are adopted and incorporated herein by reference to the same legal force and effect as if set forth herein in full pursuant to authority of ORS 221.330, which by this reference is also made a part hereof.

Not less than three copies of Chapter 15 of the Appendix shall be kept and maintained on file in the office of the City Recorder for use and examination by the public pursuant to ORS 221.330.

Section 2: VIOLATIONS AND PENALTIES. The violations prohibited and penalties prescribed by Section 205 of Chapter 2 of the 1976 Edition of the Uniform Building Code, as published by the International Conference of Building Officials, shall be deemed violations and penalties under this City of Wilsonville Building Code except for any other or different penalties as prescribed in the following Section 6(C) and Section 12 of this ordinance. Said Section 205 provides as follows:

Section 205. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any provisions of this Code. This violation shall be a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 180 days, or by both such fine and imprisonment.

Section 3: BUILDING PERMIT FEES. Building Permit Fees shall be charged and collected by the City according to the schedule of fees in the following Section 10 of this ordinance except that:

(A) No fees shall be exacted for work undertaken by the City of Wilsonville, by the State of Oregon, its subdivisions or agencies; by the Federal Government, its subdivisions or agencies; by Washington County, by Clackamas County, or by any school district, if the work be done by such governmental units' own employees.

(B) No permit will be required for work involving less than \$500 valuation where no structural changes are made.

(C) Fees for the issuance of permits for circuses, animal shows, wild west shows or similar exhibitions held in tents shall be \$100.00.

Section 4: PLAN-CHECKING FEES. Group R and M of the State Code occupancies involving repeated use of the same or similar building plans covering residential units as part of the one development, the fee for plan-checking services with respect to the second and successive permits shall be computed at the rate of \$10.00 per permit.

Section 5: USE OR OCCUPANCY--MAINTENANCE OF NON-OCCUPANCY SIGNS. Section 306 of the Uniform Building Code, 1976 Edition, is amended to read as follows:

"Section 306(a). Use or Occupancy. No building or structure in Groups A to R and no single or multiple family residential structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof, including said residential structure, shall be made until the Building Official has issued a certificate of occupancy as provided herein.

Section 306 (a-1). The builder of each occupancy unit shall keep and maintain, in a conspicuous place at the front main entrance to each occupancy unit at all times after the permanent entrance doors thereof are installed until a unit occupancy permit has been issued by the City Building Official, a sign in form prescribed by the Building Official, notifying interested persons that such unit may not be occupied until an occupancy permit has been issued by the Building Official.

Section 306(b) Change in Use. Changes in the character or use of a building shall not be made except as specified in Section 502 of this Code.

Section 306(c) Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of this Code, the Building Official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this Code for group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official."

Section 6: CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

(A) 1976 Edition of Uniform Code for the Abatement of the Dangerous Buildings as published by the International Conference of Building Officials is adopted by reference to the same legal force and effect as if set forth herein in full pursuant to authority of ORS 221.330, which by this reference is made a part hereof, and the said code shall be known as "The City of Wilsonville Uniform Code for the Abatement of Dangerous Buildings" and may be cited as such.

(B) Not less than three copies of the 1976 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials, shall be kept and maintained on file in the office of the city recorder for use and examination by the public pursuant to ORS 221.330.

(C) Any person found guilty of violating any of the provisions of this Section with respect to compliance with ORS Sections 479.510 to 479.850, or the rules promulgated thereunder, shall be subject to the penalties as set forth in and provided by ORS Section 479.990.

Section 7: PLUMBING CODE.

(A) ORS Sections 447.010 to 447.140, now in effect or as may hereafter be amended, and the regulations now prescribed by the Department of Commerce or as may hereafter be amended by the Department of Commerce, pursuant to law, with respect to the regulations of plumbing facilities within the city, are adopted as the "Plumbing Code of the City of Wilsonville" and shall have the same force and effect as though herein recited in full, and three copies of said regulations shall be maintained at all times in the office of the city recorder and one copy in the office of the building official.

(B) Journeyman plumber and plumbing business requirements. The laws of the State of Oregon as set forth in ORS Chapter 693, or as may hereafter be amended, and the regulations of the Department of Commerce as promulgated thereunder with respect to the definition and qualification of "Journeyman plumber" and "Registration

to conduct a plumbing business", and all other requirements of competency and qualifications as in ORS Chapter 693 set forth, are adopted as the definitions and required qualifications of anyone conducting plumbing work within the city as a journeyman plumber or conducting a plumbing business within the City.

(C) Definitions. In addition to the definitions set forth in ORS Section 447.010, the following are prescribed:

1. "Alterations" means to change or modify, to remove or add to.
2. "Application" means a form to be filled out with pertinent data when applying for a permit.
3. "Building sewer" means the extension from the building drain to the property line or right-of-way line for connection with the public sewer service connection, a septic tank, a cesspool or other point of disposal.
4. "Plumbing inspector" means building official, for the city of Wilsonville or his authorized representative.
5. "Duplex" means a building or structure used to house two individual single family residence units.
6. "Existing" means that part of a plumbing installation which was in existence prior to an alteration and which is not required to be replaced by the alteration.
7. "Exterior" means the surface area surrounding the outside of a building or structure.
8. "Governmental agency" means the federal government, all agencies of the state government, political subdivisions of the state government and all municipal corporations or districts established under law.
9. "Inspection" means careful investigation, critical examination, or official examination and review of the plumbing installation at the site of the installation.
10. "Plumbing fixture" means any receptacle, appliance or device used or intended to be used as a part of or in connection with a plumbing installation and which receives water supplied from a public or private water system, and discharges waste.
11. "Plumbing permit" means a document granting permission to install plumbing.
12. "Private sewer line" means that portion of the sewer line extending from the property line to the building.
13. "Service lateral" means that portion of a sewer line extending from a public sewer or a combined point of disposal to the property line.

14. "Single family residence unit" means a building or structure or portion thereof which is an enclosed area adapted to living purposes by one or more persons related to one another by blood or marriage.
15. "Special waste lines" means waste lines engineered and installed in such a way as to solve waste problems that would otherwise be present if a connection were made to an ordinary waste line and includes special lines such as an indirect waste or waste piping to receptors, corrosion resistant piping, sand, oil, gas or grease interceptors, condensers or pretreatment facilities.
16. "Water system" means an assemblage of plumbing components, piping and parts, to contain potable water, and provide a system for that portion of the water line connecting to the house service or lateral service.

(D) Permit--Required. It is unlawful for any person, firm or corporation, whether acting as owner, principal, servant, agent or employee, to do or cause to be done, or permit to be done any plumbing work, or installation of any plumbing materials, whether interior or exterior, in connection with waste, sewer or other substance which is to be discharged into the City's sewers or into any private cesspool, septic tank or other disposal facility, without first securing a permit from the office of the building official.

(E) Permit--Application. (1) The building official shall provide a permit fee form prescribed by the City to each applicant for a permit. The form shall require all information necessary to compute the cost of the permit and the exact location of the installation.

(2) A plumbing permit issued to one person or firm is not transferable except to permit any other person, persons or firm which is certificated to perform any plumbing work thereunder.

(3) A plumbing permit shall be issued upon payment of fees and upon receipt of a completed application form bearing an authorized signature. The signature of a licensed plumbing contractor or the contractor's authorized representative is required, except where plumbing work will be limited to property which is owned, leased or operated by the applicant and no work other than by the applicant or applicant's regular employees, will be undertaken.

(F) Permit--Posting required. No plumbing work for which a permit is required shall be commenced in any building or premises within the city until an official permit covering the work as issued by the city is posted in a conspicuous place on the building or premises. No person shall remove or deface such permit until the work authorized by such permit has been approved in writing by the building official or his authorized representative.

(G) Permit--Certificate of competency required. No permit shall be issued to any person to construct, install, alter, repair or change any new or existing plumbing in the city unless such person holds a valid journeyman plumber's certificate of competency issued by the Department of Commerce and shall otherwise be qualified as a journeyman plumber as defined in ORS 693.010; provided, that nothing herein contained shall preclude an owner from doing his own plumbing work in his own building or on his own premises

provided that he shall first obtain a permit as required by this chapter and shall comply with all provisions of the ordinances applicable thereto, the rules and regulations of the Department of Commerce and the State Plumbing Code as promulgated by said department.

(H) No permit shall be issued to any person, firm or organization to conduct a plumbing business in the city unless such person, firm or organization shall have made application to the Department of Commerce and paid a registration fee to engage in the business, furnish labor and material, or labor only, to install, alter or repair plumbing, and any work performed pursuant to the permit shall be performed by journeyman plumber as defined in ORS 693.010.

(I) Inspection and enforcement of Plumbing Code. The building official is designated as plumbing inspector and it shall be his duty to inspect all plumbing in the city and to require that all plumbing installations conform with the provisions of this chapter.

1. Permits Required.

- (a) No person, firm or corporation shall do plumbing work in the City of Wilsonville without first obtaining a plumbing permit and paying the appropriate fees.
- (b) Plumbing permit fees shall be double the prescribed rate if installation is commenced prior to issuance of the permit, except that this provision will not apply to proven emergency installations, in which case a permit shall be obtained within five days of commencing installation.

2. Purpose of Permit.

The issuance of a plumbing permit is necessary to facilitate inspections and to defray the cost of inspections. The permit shall not be construed to be an approval of any deviations of any of the provisions of the statutes or of this code. The issuance of a permit shall not prevent the building official from thereafter requiring the correction of errors in sums due for the permit, in installations or in requiring the work to be done only by those authorized by law.

3. Notice Required for Inspections.

No plumbing installation shall be covered or concealed without first obtaining the approval of the building official.

(J) The building official shall have at least forty-eight hours, excluding Saturdays, Sundays and holidays, after notification that the work is ready for inspection, in which to make the following inspections.

1. New Construction or Remodeling.

- (a) A rough-in inspection prior to placement of any concrete, cover or backfill, or prior to

placement of subflooring if frame construction, must be requested by the permittee.

- (b) A cover inspection when all plumbing rough-in is in place prior to being covered.
 - (c) A final inspection just prior to the building or remodeling area being occupied.
2. Replacement of fixtures (no new construction or remodeling connection therewith).
 3. A final inspection of the plumbing fixtures as installed.
 4. Other Inspections. In addition to inspections required to be obtained by the permittee as specified above, the building official may require other plumbing inspections to ascertain compliance with the provisions of statutes or rules.

Section 8: CORRECTION NOTICE FOR VIOLATIONS. All deviations from the requirements of the state statutes or regulations or of this ordinance shall be specified in writing by the Building Official. A copy shall be posted at the site of the construction work and a copy mailed or delivered to the builder or permittee or his agent at the address shown on any permit. The building official may provide information as to the meaning or application of this ordinance and rules, but shall not design or lay out work for contractors, owners or users. Refusal, failure or neglect to cease violations or correct deviations from the minimum standards specified in the notice within ten days of posting of notice of violation shall be considered a separate violation for each day of violation thereafter.

Section 9: ENFORCEMENT.

(A) Right of Entry. Whenever necessary to make inspection to enforce any of the provisions of this ordinance or regulations hereunder or whenever the building official has reasonable cause to believe that in any building or upon any premises any construction work has been done or any electrical or plumbing work is being installed or which has been installed after the effective date of this chapter, in violation hereof, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by statute or rules; provided, that if such building or premises is occupied, he shall first present proper credentials and request entry, and if such building or premises is unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official shall have recourse by law to secure entry. No owner or occupant or any other person having charge, care, custody, supervision or control of any building or premises shall fail or neglect after proper request is made as herein provided, to properly permit entry therein or thereon by the building official for the purpose of inspection and examination pursuant to statute and this chapter.

(B) Stop Orders. Whenever any work is being done or installation is being made contrary to the provisions of this ordinance and regulations promulgated hereunder, the building official may order the work or installation stopped by notice in writing served on any person engaged in causing such work to be done or installation to be made, or by posting a copy thereof at the site of the work or installation and thereafter no person shall proceed with the work or installation until authorized to proceed by the building official.

Section 10. SCHEDULE OF FEES.

(A) Single Family Residence Unit Group Fixture Fees:

For each single family residence for the first bathroom, kitchen sink, hot water heater, water service, building sewer and laundry facilities. \$25.00

For each single family residence unit of a duplex for the first bathroom, kitchen sink, hot water heater, water service, building sewer and laundry facilities in each unit. 25.00

For each additional bathroom or portion thereof in a single family residence unit 10.00

For remodeling or alterations made in existing single family residence units, the fee shall be based on an individual fixture fee and miscellaneous fee charge.

For all other plumbing installations having a sanitary waste or potable water supply, there shall be charged fees as stipulated in the individual fixture fee and miscellaneous fee schedules contained herein:

(B) Individual Fixture Fees

From one to fifty fixtures in the same building. \$3.00 each fixture

Each additional fixture above fifty to and including one hundred fixtures in the same building. 2.50 each fixture

Each additional fixture above one hundred to and including two hundred fixtures in the same building. 2.50 each fixture

For each additional fixture above two hundred in the same building 1.50 each fixture

For each building sewer from
the building 10.00

For each water service to the
building 5.00

A fixture fee shall be charged for each of the following:

- Sewage ejector pump and sump pump.
- Backflow prevention devices and anti-pollution devices.
- Any trap or waste not connected to a fixture.
- Special waste connections.
- Each roof drain opening or downspout drain connection.

Section 11: ADDITIONAL MISCELLANEOUS FEES AND REFUNDS.

- (A) For private sewers connecting to the building sewer and/or pressure sewer, there shall be charged an inspection fee of ten dollars per one hundred feet or any portion thereof.
- (B) For private water systems connected to the building water system, there shall be charged an inspection fee of ten dollars per one hundred feet or any portion thereof.
- (C) For lawn sprinkler systems connected to a potable water system (private or public) shall be charged an inspection fee of ten dollars for the first anti-pollution device and three dollars for each additional.
- (D) The fee to a governmental agency shall be determined by the provisions set forth under ORS 190.003 to 190.110 for the purpose of carrying out the respective responsibility of each agency and the fee shall be fifteen dollars per hour for each hour or any part thereof.
- (E) The fee to any person or governmental agency for specially requested inspections or surveys shall be fifteen dollars per hour for each hour or any portion thereof, with a minimum charge of twenty-five dollars.
- (F) A five dollar reinspection fee shall be charged for inspection of violations found by the building official after the second inspection.
- (G) A ten dollar fee shall be charged for gas line inspections or items not covered by the mechanical cost fee schedule.
- (H) A refund of fees may only be approved by the building official upon written request of the permit holder within sixty days from the date the permit was issued and prior to commencement of any work authorized by the permit. A service charge of ten dollars will be retained by the city.

Section 12: PENALTIES FOR VIOLATIONS AND CIVIL ENFORCEMENT.

(A) Except as otherwise provided in the foregoing Section 6(C), any person violating any provisions of this Ordinance or the Uniform Building Code or specialty codes as identified in

the foregoing Sections 1 and 7 and which are adopted by reference or lawful orders of the Building Official shall be punished upon conviction as for a "Class A" misdemeanor. If any person is convicted of a violation for which a penalty is not provided by this Ordinance such person shall be punished by a fine of not less than \$10.00 or more than \$50.00 or by imprisonment for not more than 30 days; or by both such fine and imprisonment. Each day of any violation constitutes a separate offense.

(B) The Building Official and/or City Council may authorize and direct the City Attorney to institute and prosecute in the name of the City of Wilsonville in the Courts of this State an appropriate suit or action to enjoin violations or threaten violations of this Ordinance or the building or specialty codes which are adopted by this Ordinance or to recover fees chargeable pursuant to this Ordinance. In case of any such civil suit or action the City shall be entitled to recover its costs and disbursements incurred therein and reasonable attorney fees as may be fixed by the Court in such suit or action.

Section 13: ILLEGAL OR UNCONSTITUTIONAL PROVISIONS. If any portion or section of this ordinance is declared illegal or unconstitutional by a competent court of law, the remaining provisions or section of this ordinance shall remain in full force and effect.

Section 14: REPEAL OF PRIOR ORDINANCES. Ordinance No. 28 for the prevention of dangerous buildings and structures, enacted January 10, 1972 and Ordinance No. 40, enacted November 12, 1973 as the "City of Wilsonville Building Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15: EMERGENCY DECLARED AND EFFECTIVE DATE. Inasmuch as this Ordinance is necessary for the immediate preservation of the health, peace and safety of the City of Wilsonville and the inhabitants thereof, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its final passage by the Council and signing by the Mayor.

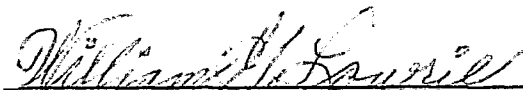
Submitted to the Council and read the first time at a regular meeting of the Council on the 2nd day of January, 1979 and scheduled for second reading at a special meeting of the Council on the 22nd day of January, 1979 at the hour of 8:00 o'clock p.m. at the Council's regular meeting place at the Wilsonville Grade School.


Deanna J. Thom - CITY RECORDER

ENACTED by the Council the 22nd day of January, 1979
by the following vote: YEAS 5. NAYS 0.


Deanna J. Thom - CITY RECORDER

DATED and signed by the Mayor this 23rd day of January, 1979.


William G. Lowrie - MAYOR