

BUILDING CODE

80.110 ADOPTION OF BUILDING CODE; ENFORCING AGENCY.

(1) The following documents, copies of which are on file in the Polk County Community Development Department, are hereby adopted as the Building Code for the unincorporated areas of Polk County, Oregon:

- (a) State of Oregon Current Edition Structural Specialty Code; and
- (b) State of Oregon Current Edition Mechanical Specialty Code, with the exception that Polk County shall collect the fees specified in the most current Polk County Fee Resolution rather than those specified in Table No. 3-A and that all references to Table No. 3-A shall be treated as references to the most current Polk County Fee Resolution; and
- (c) State of Oregon Current Edition Plumbing Specialty Code; and
- (d) State of Oregon Current Edition Residential Specialty Code; and Electrical Specialty Code 918-305;
- (e) Current Edition of the National Electrical Code published by the National Fire Protection Association, with the Oregon Amendments;
- (f) State of Oregon Current Edition Manufactured Dwelling and Park Specialty Code;
- (g) State of Oregon Current Edition Solar Installation Specialty Code;
- (h) State of Oregon Current Edition Energy Efficiency Specialty Code;
- (i) State of Oregon Recreational Vehicle Administrative Rules, Chapter 918, Division 525, 530, 535, and 540 of January 1994; and
- (j) State of Oregon Recreational Parks and Organizational Camps Administrative Rules, Chapter 918, Division 918-650 of 1993;
- (k) State of Oregon Manufactured Dwelling Parks Administrative Rules, Chapter 918, Division 600.

(2) The Department of Community Development shall enforce this Chapter. [Ord. 122, Sec. 1, amended by Ord. 89-4, Sec. 1; Ord. 90-4, Sec. 1; Ord. 91-14, Sec. 1; Ord. 92-30, Sec. 1; Ord. 94-4, Sec. 2.; Ord. 94-8, Sec. 2.; Ord. 98-10, Sec. 1. Ord. 11-08, Sec.1.]

80.120 DEFINITIONS FOR BUILDING CODE.

Whenever appropriate in applying the provisions of the Building Code, the following definitions apply:

- (1) "Appointing authority" shall apply to the Board of Commissioners for Polk County, Oregon.
- (2) "Building department" shall apply to the Department of Community Development.
- (3) "Building official" shall apply to the official, or his or her duly authorized agent(s), designated as such by the Board of Commissioners.
- (4) "City" shall apply to the unincorporated areas of Polk County, Oregon.
- (5) "City Recorder" shall apply to the County Clerk.
- (6) "City Treasury" shall apply to the County Treasury.
- (7) "Farm labor camp" shall apply to a shelter or temporary housing for farm migrant or seasonal workers, that is furnished without charge to the occupants.
- (8) "Fire chief" shall apply to the chief of a volunteer fire department or a rural fire protection district, whichever has jurisdiction over the area involved, or to his regularly appointed deputy.
- (9) "Mayor" shall apply to the Board of Commissioners.
- (10) "Mobile Home" shall apply to a vehicular portable structure built to the specifications and standards of the United States of America Standards for Mobile Homes (USASA 119.1, 1969) on a chassis and designed to be used without a permanent foundation as a dwelling when connected to indicated utility facilities. These units shall bear an insignia of compliance only when for sale, lease, or rent as per applicable state statute and/or administrative rule. [Ord. 94-8, Sec. 2.]
- (11) "Manufactured Home" shall apply to a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction and was constructed after June 15, 1976 and bears an approved H.U.D. insignia of compliance.
- (12) "Recreational Vehicle" means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set up mode. [Ord. 94-8, Sec. 2.]

(13) "Street" shall apply to streets as defined in the Building Code, and to public roads of Polk County, Oregon. [Ord. 122, Sec. 2; amended by Ord. 89-4, Sec. 2; amended by Ord. 94-8, Sec. 2.]

80.130 GENERAL PROVISIONS AND REQUIREMENTS.

(1) The Fire Marshal Laws, as contained in ORS Chapters 378, 407, 443, 476, 478, 479, and 480; The Oregon Drinking Water Quality Act as defined in ORS 448.127 and regulations of the State Health Division, governing water supply; regulations of the Department of Environmental Quality, governing subsurface disposal of sewage; and the laws pertaining to electrical wiring and equipment as contained in ORS Chapters 479, 651, and 694 are incorporated in and made a part of this Chapter.

(2) Plans for waste disposal facilities must have the approval of the Department of Community Development before a permit is issued and the installed facilities must be inspected and approved before back filling. No structure shall be occupied until the facilities for water supply and sewage disposal equal to the minimum standards of the State Health Division and the Department of Environmental Quality have been installed and are approved by the Department of Community Development.

(3) Building permits or mobile home location permits shall not be issued if the parcel of land on which the building is to be erected, or the use of the buildings or land, would be in violation of the Polk County Subdivision or Zoning Ordinances.

(4) Mobile homes or manufactured homes shall not be located on a site until a permit to locate a mobile home or manufactured home is obtained. [Ord. 122, Sec. 4; amended by Ord. 89-4, Sec. 3.]

(5) Recreational Vehicles shall not be used for permanent occupancy and are limited to placement or use in accordance with the Polk County Zoning Ordinance and the current adopted recreational vehicle parks. "Park Model" recreational vehicles may be sited only in approved spaces designed for their use in approved recreational vehicle parks. Their siting, set up, and utility connections thereto shall be in accordance with current County code governing their installation and shall require permits be issued prior to their installation. [Ord. 89-4, Sec. 4; amended by Ord. 94-8, Sec. 2.]

80.133 STORMWATER REQUIREMENTS

The following requirements apply to construction activities that result in a land disturbance of greater than or equal to one acre and construction activity disturbing less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more:

(1) Building permits shall not be issued until all construction stormwater permits required by the Oregon Department of Environmental Quality have been obtained.

(2) At the time of submittal of an application for a development permit(s) for a new development or redevelopment project within the City of Salem urban growth boundary and Polk County, but outside city limits, an applicant shall submit a Post-Construction Runoff Plan to the Community Development Department. A Post-Construction Runoff Plan shall incorporate design elements or principles which address the objectives set forth below as subdivisions (a), (b) and (c) of this subsection. The design elements utilized by a developer may, but are not required to, include those provided on the list below. Although design elements are set forth as if they address only one objective, in many cases they address multiple objectives. The design elements of the Post-Construction Runoff Plan may be used to address multiple objectives.

- (a) Development shall be designed to maximize permeable areas. Design elements that may be used to achieve this objective include the following:
 - (i) Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off-site flows;
 - (ii) Divert and catch runoff through the use of swales, berms, green strip filters, gravel beds and french drains;
 - (iii) Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground;

- (b) Development shall be designed to minimize the amount of runoff directed to impermeable areas and/or maximize stormwater storage for reuse. Design elements that may be used to achieve this objective include the following:
 - (i) Install rain gutters and orient them towards permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off-site;
 - (ii) Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property;
 - (iii) Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal;
 - (iv) Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse;

- (v) Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas;
- (c) All parking lots shall have the capability to contain one inch of precipitation in a twenty-four hour period. All Post-Construction Runoff Plans created for projects that include parking lot construction shall employ one or multiple design elements to ensure that this requirement is achieved. Design elements that may be used to achieve this requirement include the following:
 - (i) Use green strip filters, bioswales, and porous pavement to capture and percolate runoff where possible;
 - (ii) Use oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants which are likely to accumulate on parking lots;
 - (iii) Direct runoff toward permeable areas;

(3) The County's evaluation of each Post-Construction Runoff Plan will ascertain how well the proposed plan meets the combined objectives set forth in subsection 2 above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

80.135 ELECTRICAL CODE ENFORCEMENT.

The following procedures shall apply to Polk County's enforcement of ORS 479.510 to 479.945 and of the electrical codes adopted in PCZO 80.110:
[Ord. 94-4, Sec. 4.]

(1) Interpretations of the applicable electrical code shall be made by the electrical inspector for Polk County. If there is more than one electrical inspector, the final determination shall be made by the Senior Inspector. Formal interpretations shall be made in writing.

(2) When a conflict in code interpretation between electrical inspectors occurs, or between the inspector and the public, the resolution shall be by appeal to the Chief Electrical Inspector, State of Oregon, in accordance with ORS 479.853(2).

(3) The requirements for electrical plan review shall be as outlined in O.A.R. 918-311-0010 to OAR 918-311-0050.

(4) It shall be unlawful for any person, company, or other entity to perform any electrical work as outlined in Article 90-2 (a) of the National Electrical Code without first obtaining a permit or label from Polk County. Failure to obtain the proper permit or label shall result in an investigation fee being charged prior to issuance of the permit. The investigation fee shall be equal

to the cost of the permit fee or \$100, whichever is the greater. Permit fees shall be those fees approved by the State of Oregon and that appear on the Polk County Electrical Permit Application Form.

(5) Permit numbers may be obtained over the phone by voice or fax. The permit holder then has 10 working days to submit a completed and signed copy of the permit application and appropriate permit fee to the county, or the permit shall become void.

(6) In addition to any other authority and power granted to the building official under the specialty codes adopted by this ordinance, except where inconsistent with other provisions of the law, the building official or electrical inspector may enforce the provisions of the specialty codes against any person regardless of whether a permit, certificate, license, or other indicia of authority has been issued. The building official or electrical inspector may investigate, order corrective action, and issue an order to stop all or any work under the applicable specialty code including orders to cease and desist. This authority shall also extend to manufactured structures and parks. If the building official or electrical inspector finds that an electrical installation or product fails to comply with minimum safety standards, he or she may disconnect or order the disconnection of service thereto. If the building official or electrical inspector finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, he or she may cut or disconnect any wire necessary to remove such hazard. For the purpose of discharging any duty imposed by this ordinance, the building official or electrical inspector may enter, during reasonable hours, any building, enclosure, or upon any premises where an electrical installation has been made or where electrical equipment or products may be located. No person shall obstruct or interfere with the building official or electrical inspector in the performance of any of his or her duties or the exercise of any authority conferred under this section. This section does not authorize entry when such entry would be unconstitutional.

(7) Building and electrical inspections made by Polk County are for the benefit of the general public, not for the benefit of the person whose property is being inspected. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects in the construction of the building or the electrical wiring or fixtures in the building, nor shall Polk County be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. Approval of electrical installations or other fixtures does not warrant that they are safe under any and all circumstances, for any and all uses.

(8) Electrical permits shall not be issued, nor inspections performed, nor approval given for electrical installations on, in, or for new or existing constructions that are in violation of the Oregon Structural Specialty Code, the Oregon Mechanical Specialty Code, The Oregon Plumbing Specialty Code, The Oregon One and Two Family Code, or other applicable State, County or City statutes, administrative rules or local ordinances that are currently adopted. Approval may, however, be given by the Building Official in conjunction with the Chief Electrical Inspector to allow emergency corrections to electrical installations without the issuance of permits.

80.140 TEMPORARY STRUCTURES.

Buildings of a temporary nature may be permitted, if conditions of business warrant such construction. A special permit shall be granted, which shall be limited to 90 days with renewal of 90 days. The fee for the permit shall be prescribed by the Board of Commissioners. [Ord. 122, Sec. 4; amended by Ord. 89-4, Sec. 4]

80.160 CODE INTERPRETATION. [Ord. 94-4, Sec. 6.]

(1) When in the opinion of the Building Official a design document is required by the One and Two Family Dwelling Specialty Code, in order to assure that minimum code requirements will be met, the engineering standards to be utilized shall be the standards specified in the current adopted Oregon Structural Specialty Code, unless demonstrated otherwise, to the satisfaction of the Building Official, in accordance with the provisions of Section R-106 of the current adopted One and Two Family Code.

(2) When in the opinion of the Building Official alternate materials and systems, in accordance with Section R-104.11 of the One and Two Family Code, are appropriate or necessary to provide for methods of construction not specified in the One and Two Family Code, said alternate construction shall be governed by the parameter of the current adopted Oregon Structural Specialty Code.

(3) The administrative provisions of the Oregon Structural Specialty Code, the Oregon Mechanical Specialty Code, and the Oregon Plumbing Specialty Code shall apply to the administration and enforcement of the One and Two Family Code, except where they are in contradiction to said code. [Ord. 94-20]

(4) Where there is conflict found between the One and Two Family Code and the Oregon Structural Specialty Code, the One and Two Family Code shall govern.

80.195 PENALTIES FOR VIOLATION AS SET FORTH IN OREGON STATE STRUCTURAL SPECIALTY CODE AND FIRE AND LIFE SAFETY CODE, SECTION 205:

(1) A person shall not:

- (a) Violate or procure, aid or abet any other person to engage in any final order concerning the application of a provision of the State Building Code in a particular case made by the Director, an advisory board, a state administrative officer or any local appeals board, building official, or inspector.
- (b) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label, or other formal authorization is required by any specialty code or other regulation without first having obtained such permit, certificate, label, or other formal authorization.

(2) Violation of subsection (1) of this section is a Class B misdemeanor. In the case of a continuing violation, every day's continuance of the violation is a separate offense. [Ord. 122, Sec. 7]

80.215 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.220 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.225 [Ord. 154, Sec. 1; repealed by Ord. 89-4, Sec. 6]

80.230 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.235 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.240 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.245 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.250 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.255 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.260 BUILDING VALUATION DATA.

The valuation of building construction for building permit purposes shall be the total value of all construction for all classes of work as specified by Table 1-A of the State of Oregon SSC. The application for a building permit shall include an accurate estimate of the construction cost or the actual contract cost. [Ord. 146]

80.270 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.275 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.280 [Ord. 146; repealed by Ord. 89-4, Sec. 6]

80.290 FEES.

The Board of Commissioners by resolution shall prescribe fees for services not otherwise prescribed by State law or by this Chapter. [Ord. 89-4, Sec. 5]