

ORDINANCE NO. 3978

**AN ORDINANCE RELATING TO THE BUILDING CODE,
AMENDING BEAVERTON CODE SECTIONS 8.02.015 TO 8.02.100,
8.02.110, 8.02.115, 8.02.130 AND 8.05.020,
AND DECLARING AN EMERGENCY.**

WHEREAS, the State of Oregon has adopted a new version of a building code for implementation statewide, and the City Council desires that building and specialty codes enforced within the City be consistent with those adopted by the State, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code 8.02.015 is amended to read:

“8.02.015 State Codes. The following State Specialty Codes are adopted as part of the Beaverton Code except as otherwise provided in this ordinance:

A. State of Oregon Structural Specialty Code, as adopted by ORS 455.010 through 455.895, OAR 918-460-010 through OAR 918-460-015 (“Structural Specialty Code”);

B. State of Oregon Mechanical Specialty Code, as adopted by ORS 455.020, OAR 918-440-010 through OAR 918-440-040 including Appendix B, Chapter 14 of the Uniform Mechanical Code by the International Conference of Building Officials, 1994 Edition, for Hazardous Process Piping (“Mechanical Specialty Code”);

C. State of Oregon Plumbing Specialty Code, as adopted by ORS 447.020(2), OAR 918-750-010 (“Plumbing Specialty Code”);

D. State of Oregon Electrical Specialty Code, as adopted by ORS 479.525, OAR 918-305-0100 and delegated to the City by ORS 455.153 (“Electrical Specialty Code”);

E. State of Oregon One and Two Family Dwelling Specialty Code, as adopted by ORS 455.610, OAR 918-480-000 through OAR 918-480-010 (“One and Two Family Specialty Code”);

F. Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, by the International Conference of Building Officials (“Dangerous Buildings Code”);

G. State of Oregon Regulations for mobile or manufactured dwelling parks, temporary parks, manufactured dwelling installation support and tie down requirements, and park or camp requirements as adopted by OAR 918-500-000 through OAR 918-500-050, OAR 918-520-001 through OAR 918-520-002, OAR 918-650-000 through OAR 918-650-085.”

Section 2. Beaverton Code 8.02.020 is amended to read:

“8.02.020 City Building Code Administration. The City shall provide a program of Building Code administration including plan checking, permit issuing and inspection for structural, mechanical, plumbing and electrical work, and administration of the Dangerous Buildings Code. The Building Official is authorized to adopt rules of procedure for such administration that include, among other things, the authority to stop work and disallow occupancy or use of any building or service equipment in violation of this ordinance; the authority to refund all or part of building permit application fees as to applications that are withdrawn and permits that have lapsed; and, the authority to dispose of permit applications and supporting documents, and to declare permits to have expired, at a point in time after applications are received and after permits have issued.”

Section 3. Beaverton Code 8.02.025 is amended to read:

“8.02.025 Agricultural Buildings. Appendix 3, Division II of the State Building Code shall apply to all agricultural buildings and related activities within the City as authorized by ORS 455.315.”

Section 4. Beaverton Code 8.02.030 is amended to read:

“8.02.030 Board of Construction Appeals. For application in this City, section 105 of the Structural Specialty Code and section 110 of the Mechanical Specialty Code and Section R-107 of the One and Two family Dwelling Specialty Code are replaced with the following:

‘The Board of Construction Appeals provided for in BC 2.03.030 - .042 shall determine the suitability of alternate materials and methods of construction and provide for reasonable interpretations of the provisions and standards applicable to the Building Code and related activities.’

The Board of Construction Appeals shall have no authority to interpret the administrative rules authorized by this ordinance nor to waive requirements of any Code.”

Section 5. Beaverton Code 8.02.040 is amended to read:

“8.02.040 Fees. Section 107 of the Structural Specialty Code, Section 115 of the Mechanical Specialty Code, Section R-110.2 of the One and Two family Dwelling Specialty Code, ORS 447.095 as to the Plumbing Code and ORS 479.845 as to the Electrical Safety Law are revised to provide that the amount of fees for inspections and plan review for structural, mechanical, plumbing, electrical and demolition work and for appeals, shall be set by council resolution.”

Section 6. Beaverton Code 8.02.050 is amended to read:

“8.02.050 Amendments to Structural Specialty Code Section 106.4.1 Permit Issuance. Section 106.4.1 of the Structural Specialty Code is amended by adding a new paragraph to read as follows:

*****”

Section 7. Beaverton Code 8.02.060 is amended to read:

“8.02.060 Amendment to Mechanical Specialty Code Section 114.1 Permit Issuance. Section 114.1 of the Mechanical Specialty Code is amended by adding a new paragraph to read as follows:

*****”

Section 8. Beaverton Code 8.02.110 is amended to read:

“8.02.110 Fire Extinguishing Systems. Appendix Chapter 9 of the Oregon Structural Specialty Code is hereby adopted and shall be in force and effect as part of the Beaverton Code.

Section 9. Beaverton Code 8.02.115 is amended to read:

“8.02.115 Unsafe Buildings. The Code referred to in section 102 of the Oregon Structural Specialty Code is the Dangerous Buildings Code adopted by this Ordinance.”

Section 10. Beaverton Code Section 8.05.020 is amended to read:

“8.05.020 Application. The provisions of this ordinance shall apply to all special pools and swimming pools, except swimming facilities regulated under ORS 448.005 - .100 and Appendix D of the State of Oregon One and Two Family Dwelling Specialty Code and Section 106.2 of the State of Oregon Structural Specialty Code.”

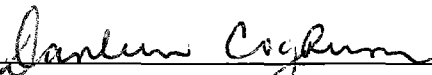
Section 11. Emergency Clause. The Council finds that immediate adoption of building and specialty codes consistent with those in force elsewhere in the state is necessary to the public's safety and welfare. The Council declares an emergency to exist, and this Ordinance shall take effect immediately on its passage.

First reading this ~~17th~~ day of March, 1997.

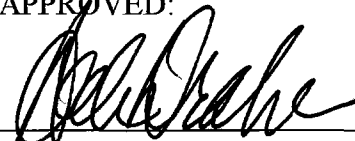
Passed by the Council this ~~31st~~ day of March, 1997.

Approved by the Mayor this ~~31st~~ day of MARCH, 1997.

ATTEST:


DARLEEN COGBURN, City Recorder

APPROVED:


ROB DRAKE, Mayor

Administrative Rules - City of Beaverton Building Department

SECTION 101 TITLE, PURPOSE AND SCOPE

101.1 Authority. These administrative rules are adopted under authority of City of Beaverton Ordinance ____ and shall apply to all applications for building permits received on after the effective date of that Ordinance and as to all work performed on buildings and building service equipment subject to the Codes adopted by that Ordinance on and after that effective date.

101.2 Purpose. The purpose of this code is to establish uniform performance standards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.

SECTION 102 APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT.

102.1 General. Buildings and service equipment subject to additions, alterations or repairs shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

102.2 Additions, Alterations or Repairs.

A. Additions, alterations or repairs to a building or service equipment do not require that the existing building or equipment comply with all requirements of current technical codes if the addition, alteration or repair conforms to that required for a new building or service equipment; provided further, that the addition, alteration or repair:

(1) Shall not cause the existing building or service equipment to violate the provisions of the technical codes, nor cause the existing building or service equipment to become structurally unsafe or overloaded, or exceed rated capacity, or not allow for adequate egress in compliance with the Building Code or obstruct existing exits, or create a fire hazard, reduce required fire resistance, create a health hazard or otherwise create conditions dangerous to human life; and

(2) If involving a change in use or occupancy, not cause the building to exceed the height, number of stories and area permitted for new buildings; and,

(3) Shall not cause an existing building not in compliance with the current Building Code to be more hazardous to fire or life safety or sanitation than before the addition or alteration.

B. Alteration of existing structural elements, or addition of new structural elements not required by the Building Code in effect at the time of original construction and intended to increase the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

(1) The capacity of existing structural elements required to resist forces is not reduced, and

(2) Lateral loading to required existing structural elements is not increased beyond capacity; and

(3) New or relocated non-structural elements are detailed and connected to existing or new structural elements as required by these regulations, and

(4) The alteration or addition does not create an unsafe condition as described in Section 102.2A, above.

C. Alterations or repairs to an existing building or structure which are non-structural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations.

D. Minor additions, alterations and repairs to existing service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the Building Official, if they do not cause the existing service equipment to become unsafe, unsanitary, or over-loaded.

102.3 Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the technical codes may be used, maintained or repaired according to the original design if the equipment does not present a hazard to life, health or property.

102.4 Existing Occupancy. Buildings in existence at the time of the adoption of Ordinance ___ may be used or occupied if the use or occupancy conforms to the Building Code in effect at the time of occupancy and provided that continued use is not dangerous to life, health or safety. A change in the use or occupancy of any existing building or structure shall comply with the provisions of the Building Code.

SECTION 103 DEFINITION

For the purpose of these rules the following words and phrases shall mean:

ADDITION is an extension or increase in floor area or height of a building or structure.

ALTER or ALTERATION is a change or modification in construction or building service equipment.

APPROVED, as to materials, types of construction, equipment and systems, means approval by the Building Official based on objective criteria.

BUILDING CODE is the Structural Specialty Code, as adopted by BC 8.02.015(A).

BUILDING, EXISTING is a building erected, or one for which a legal building permit has been issued, prior to the adoption of this code.

BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

DANGEROUS BUILDINGS CODE is that adopted by BC 8.02.015(F).

ELECTRICAL CODE is that adopted by BC 8.02.015(D).

LISTED and **LISTING** are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

MECHANICAL CODE is that adopted by BC 8.02.015(B).

ONE AND TWO FAMILY DWELLING CODE is that adopted by BC 8.02.015(E).

PLUMBING CODE is that adopted by BC 8.02.015(C).

STRUCTURAL OBSERVATION means the visual observation of the structural system, including but not limited to the elements and connections at significant construction stages and the completed structure, for general conformance to the approved plans and specifications. Structural observation is not a substitute for the inspections required by Sections 108 and 1701 of the Building Code.

TECHNICAL CODES refers to those defined in BC 8.02.015 (A through G).

U.B.C. STANDARDS are those published in Volume 3 of the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

VALUATION or **VALUE**, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

SECTION 104 CONFLICTING PROVISIONS

A. In case of conflict between provisions of this code, the technical codes and other codes or laws, the most restrictive shall govern.

B. In case of conflict between provisions of the technical codes, those provisions providing the greater safety to life shall govern.

C. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

D. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern.

E. In case of conflict between specific and general requirements, the specific shall govern.

F. In case of conflict between provisions of these administrative rules and provisions of a technical code adopted within the City, the technical code shall prevail.

G. In case of conflict between these rules and the City Code or state statute, the statutes or the Code, in that order, shall govern.

SECTION 105 ALTERNATE MATERIALS, METHODS OF DESIGN AND METHODS OF CONSTRUCTION

The provisions of the technical codes are not intended to prevent the use of any alternate material, method of design or method of construction not specifically prescribed therein provided that the alternate has been approved and its use authorized by the Building Official. The Building Official may approve an alternate if the proposed design complies with the intent of the technical codes and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Building Official may require a showing of proof to substantiate claims made regarding use of an alternate. The Building Official shall keep a record of the process used to approve an alternate as a City business record.

SECTION 106 MODIFICATIONS

If the Building Official finds that unique circumstances present practical difficulties to implementing specific provisions of the technical codes, the Building Official may grant modifications that conform with the intent and purpose of the technical code and do not lessen health, life safety and fire safety requirements or any degree of structural integrity. The Building Official shall keep the record of any action granting modification(s) as a City business record.

SECTION 107 TESTS

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to code requirements, the Building Official may require tests, by an approved agency, to show compliance at the expense of the permittee. Test methods shall be as specified by the technical codes or by other recognized test standards. If accepted test methods are unavailable the Building Official shall determine the appropriate test. The Building Official shall keep reports of such tests as a City business record.

107.1 Testing of Systems. All plumbing systems shall be tested and approved as required by the Plumbing Code and these rules.

107.2 Observation. Testing of plumbing systems shall be conducted in the presence of the Building Official.

107.3 Water Piping. Each completed section and the entire hot and cold water supply system, it shall be tested and proved watertight to not less than the intended working pressure. Potable water shall be used for such tests. A fifty (50) pound per square inch (344.5 kPa) air pressure may be substituted for the water tests. In either method of test, the piping shall withstand the test without leaking for a period of not less than fifteen (15) continuous minutes.

107.4 Test Waived. A. No test or inspection shall be required of a plumbing system or fixture(s) set up for display only with no connection to a water or drainage system.
B. In cases where it would be impractical to provide water or air tests, or for minor installations and repairs, the Building Official in his/her discretion may make such other form of inspection as deemed advisable to assure the work is performed in accordance with these rules and with the Plumbing Specialty Code.

107.5 Tightness. Joints and connections in the plumbing system shall be gas-tight and watertight for the pressures required by test.

SECTION 201 AUTHORITY

Enforcement of the codes adopted by Ordinance ___ shall be by the Building Official. The terms "administrative authority," "responsible official," "chief inspector," "code enforcement officer," or other similar designation used in these rules or in any of the technical codes, shall mean the City Building Official.

SECTION 202 POWERS AND DUTIES OF BUILDING OFFICIAL

202.1 General. The Building Official may interpret these rules and the technical codes in conformity with their general intent and purpose.

202.2 Deputies. The Building Official may delegate some or all of the duties entrusted to him or her under the City Code and these rules to technical officers and inspectors employed or under contract to the City.

202.3 Right of Entry. When necessary to enforce the provisions of the City Code or these rules and when the Building Official has reasonable cause to believe that there exists a condition in violation of the City Code which presents a risk of bodily injury or property damage, the Building Official may enter private premises at reasonable times to inspect for such violation, provided that

if such building or premises is occupied at the time of entry, the Official or deputy shall first show credentials to the occupant and request entry. If the premises are unoccupied, the Building Official first shall make a reasonable effort to locate the owner or other person in control of the premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by City Code and state law to secure entry.

202.4 Stop Work Orders. The Building Official may order work done in violation of the codes adopted by Ordinance ____ or these rules to stop by notice in writing served on persons engaged in the work. A stop work order shall remain in effect until removed by subsequent order of the Building Official. A person who fails or refuses to obey a Stop Work order commits a violation of City Code.

202.5 Use and Occupancy Violations. The Building Official may order the use or occupancy of a building or structure or building service equipment in violation of City Code to discontinue by written notice served on any person in control of premises where the violation exists. A person who fails or refuses to obey such an order commits a violation of City Code.

SECTION 301 PLANS AND PERMITS

301.1 Issuance.

A. An application for a building permit including plans, specifications, computations and other data included with the application may be reviewed by other City departments and by the Fire Marshall for compliance with other City, state and federal laws. The Building Official shall issue a permit only after receipt of payment of the prescribed application fees and on finding that the work described in an application and the plans, specifications and other data submitted therewith conform to the requirements of the technical codes and these rules. Issuance of a building permit does not signify compliance with other City, state or federal laws reviewed by other City departments or the Fire Marshall, and the Building Official may withhold issuance of a building permit for work known to the Building Official not to comply with other relevant local, state and federal laws. When plans are required as part of an application for a permit, the Building Official shall endorse in writing or stamp the plans and specifications on which the permit relies, "APPROVED." "APPROVED" plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by Ordinance ____ and these rules shall conform to the plans marked "APPROVED."

B. The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the plans and specifications for the entirety have been approved, provided that the applicant submits adequate information and detailed statements complying with all pertinent requirements of the technical codes. The holder of a partial permit may proceed at its own risk without any right to rely on an assumption that the permit for the entire building, structure or equipment will be granted.

301.2 Suspension or Revocation. A permit issued in error or on the basis of incorrect information supplied that would allow building activity in violation of Ordinance ____ or these rules is voidable by the Building Official and the Official may, by written notice, suspend or revoke all or part of any such permit so issued. Suspension or revocation of all or part of a building permit constitutes an order to stop work on the activity authorized by the permit.

301.3 Retention of Plans. The City shall retain one set of approved plans, specifications and computations according to the State Archivist's retention schedule except for one and two family dwelling projects, for which the items submitted shall be retained for a period not less than one year after completion of the work authorized. One set of approved plans, specifications and computations shall be returned to the applicant to be kept on site at all times during which the work on a site under the permit is in progress. A permit application and all items submitted therewith shall constitute a public record under Oregon law. The City will make a good faith attempt to prevent disclosure as a public record of any matters submitted, other than the application itself, that the applicant in writing denotes as a "trade secret."

301.4 Expiration.

A. A permit issued under provision of Ordinance ____ shall expire and have no further legal force and effect if the work authorized by the permit is not commenced within 180 days from date of issuance or if the work authorized by such permit is suspended or abandoned for 180 days or longer at any time after the work is commenced. The work may not resume unless a new application is submitted and a new permit is obtained. The fee for a permit to resume work that was suspended or abandoned under an earlier permit shall be one-half the amount otherwise required for a new permit for such work if the plans and specifications for the work are unchanged and if the application is received within one year from the date of suspension or abandonment. The date of suspension or abandonment shall be deemed to run from the date of the last inspection recorded by the Building Official; or where no inspections have been recorded, the date of issuance of the permit; or the date on which the applicant notified the Building Official in writing that the work was suspended or abandoned, whichever is earliest.

B. The Building Official may, on written request of a person holding an unexpired permit, extend the time for which the permit remains valid on a showing satisfactory to the Building Official of reasons beyond the permittee's control for its failure to commence the work within the time allowed. No permit shall be extended for more than 180 days at a time and no permit extended more than twice.

301.5 Expiration of Plan Review. An application for a building permit shall be deemed to expire and be of no further legal effect if the applicant does not obtain the permit within 180 days after the application is approved or within 180 days after the date that the Building Official informs the applicant that the application is incomplete or incorrect, whichever is later. Plans and other data submitted for review may be retrieved by the applicant and if not retrieved may be destroyed by the Building Official. The Building Official may, on written request of a person who has filed an unexpired application, extend the time for which the application remains valid on a

showing satisfactory to the Building Official of reasons beyond the persons' control for its failure to obtain a permit within the time required. No application shall be extended more than twice.

301.6 Penalty Fee for Work without a Permit. Work that is commenced without the permit(s) required by Ordinance ___ or these rules shall stop on order of the Building Official and may not resume without submission of an application and issuance of a permit for such work. The fee for the application shall be twice the fee otherwise required for the application and payment of such fee shall be in addition to and not in lieu of any other remedy available to the City for the commencement of work without the required permit(s).

301.7 Fee Refunds and Waivers. The Building Official may authorize refunding of
(A) Any fee not authorized by City Ordinance or Resolution or these rules;
(B) The fee paid for a permit under which no work is commenced, subject to the limitation of subsection D of this section; and,

(C) The plan review fees, if the application for which the plans are submitted is withdrawn before plan review commences, subject to the limits of subsection D of this section.

No fee shall be refunded except on written request by the applicant received by the Building Official no later than 180 days after payment. Requests for waiver or refunding of all other permit fees shall be made to the City Council.

(D) The City shall retain, for repayment of the costs of administration, 20% of any fee to be refunded or \$100, whichever is less.

301.8 Inspection Requests. The Building Official may order work under a permit to stop for any period of time for which the permit holder fails or refuses to provide City inspectors with access to the site of the work done under the permit and expose the work for inspection. The permit holder at its initiative shall request all necessary and desired inspections and shall provide all equipment deemed necessary by the Building Official for the City to accomplish an inspection. The permit holder shall remove and replace any work or material required for the City to accomplish an inspection and required as the result of an inspection, at the permit holder's expense.

301.9 Re-inspections. A permit holder who requests an inspection of work that is not prepared for inspection, including work requiring correction after a previous inspection, shall pay an inspection fee to compensate the City's costs to respond to the request notwithstanding that the City could not perform the requested (re-)inspection. Re-inspection fees may be assessed when the inspection record card or the permit holder's copy of approved plans is not available on the work site, when access to the work is not available when the City's inspector is on site for a requested inspection, or when the work deviates from the approved plans. The permit holder may request reinspection of the work in writing on a form furnished by the City accompanied by payment of the re-inspection fee in accordance with BC 8.020.040.

These rules have been authorized by the Beaverton City Council as part of Ordinance _____ adopting the Building Code, enacted on March __, 1997.