

Chapter 8

BUILDING

BUILDING CODE

8.000 Administration and Enforcement.

(1) The City shall provide for the administration of all plan checking, permit, and inspection programs that have been delegated by the State. The City program is applicable to public building, including state building, as well as private building.

(2) As modified by Sections 8.000 to 8.115. The standards applicable to buildings shall be as listed in Sections 8.055 - 8.085.

[Section 8.000 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.005 Title. These regulations shall be known as the City of West Linn Building Code, may be cited as such and will be referred to herein as "this Code."

[Section 8.005 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.010 Purpose. This Code will establish uniform performance standards providing safeguards for health, safety, welfare, comfort and security of these occupants and users of buildings in the City of West Linn and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.

[Section 8.010 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.015 Scope. This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other

requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall control.

[Section 8.015 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.020 Definitions. For the purpose of the Code, the following definition shall apply:

Building Official is the duly appointed officer or other designated authority charged with the administration and enforcement of this code, and includes the Building Official's duly authorized deputies, officers, and inspectors.

[Section 8.020 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.025 Alternate Materials and Methods.

The provisions of this Code are not intended to prevent the use of any alternate material, design or method of construction not specifically prescribed by this Code, provided such alternate has been approved and its use authorized by the Building Official.

The Building Official may approve any such alternate material, design or method, provided the Building Official specifically finds the proposed material, design or method complies with the provisions of this Code and that is, for the purpose intended, at least the equivalent of that prescribed in this Code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The Building Official shall require that evidence or proof be submitted to

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substantiate any claims that may be made regarding the alternate materials, designs or methods. The details of any approval of any alternate material, design or method shall be recorded and entered in the files of the Agency.

[Section 8.025 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.030 Modifications. When there are practical difficulties in carrying out the provisions of this code, the Building Official may grant modifications provided the Building Official finds the modification is in conformance with the intent and purpose of this Code and that said modification does not lessen any fire-protection requirements nor the structural integrity of the building involved. Any action granting modification shall be recorded in the files of the Code Enforcement Agency.

[Section 8.030 renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.035 Tests. Whenever there is insufficient evidence of compliance with the provisions of this Code or that any material, method or design does not conform to the requirements of this Code, the Building Official may require tests as proof of compliance to be made at no expense to the City of West Linn.

Test methods shall be as specified by this Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall have the sole and exclusive authority to determine appropriate test procedures. All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of similar public records.

[Section 8.035 renamed and amended by Ordinance

No. 1399, adopted August 26, 1996.]

8.040 Powers and Duties of Building Official.

(1) **General.** There is hereby established a Code Enforcement Agency which shall be under the administrative and operational control of the Building Official.

The Building Official is authorized to enforce all the provisions of this Code.

The Building Official shall have the power to render written and oral interpretations of this Code and to adopt and enforce administrative procedures in order to clarify the application of its provisions.

(2) **Deputies.** In accordance with prescribed procedures and with the approval of the City, the Building Official may appoint technical officers and inspectors and other employees to carry out the functions of the code enforcement agency. The Building Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction, so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

(3) **Liability Limitation.** The Building Official charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or employee because of such act or omission performed by the Building Official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the

enforcement of this Code or enforced by the code enforcement agency shall be defended by the City of West Linn until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City of West Linn.

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, nor shall the code enforcement agency or the City of West Linn be held assuming any such liability by reason of the inspections authorized by this Code or any permit or certificates issued under this Code.

(4) **Right of Entry.** When it may be necessary to inspect a building in order to enforce the provisions of this Code, or the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, in violation of this Code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter said building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have the right to seek a search warrant from a judicial officer in order to secure entry.

(5) **Stop Work Orders.** Whenever any work is being done contrary to the provisions of this Code (or other pertinent laws or ordinances implemented through its enforcement), the Building Official may order

the work stopped by giving notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop any and all such work until specifically authorized or released by the Building Official to proceed herewith.

(6) **Authority to Disconnect Utilities in Emergencies.** The Building Official or the Building Official's authorized deputy shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within 24 hours thereafter.

(7) **Authority to Abate Hazardous Equipment.** When the Building Official ascertains that equipment, or any portion thereof, regulated by this Code has become or is hazardous to life, health or property, the Building Official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the equipment after receiving said notice, until authorized to do so by the Building Official.

When equipment (or an installation) is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is used or maintained in violation of this Code

and in violation of a notice issued pursuant to the provisions of this section, the Building Official may institute such action as he/she deems necessary to prevent, restrain, correct or abate said use or maintenance.

(8) **Connection after Order to Disconnect.** No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this Code which has been disconnected or ordered disconnected or discontinued by the Building Official until the Building Official specifically authorized the reconnection and/or use of such equipment.

(9) **Maintenance.** All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the Building Official may cause a structure to be reinspected.

(10) **Occupancy Violations.** Whenever any building, structure or equipment therein regulated by this Code is used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the Building Official in his notice and make the structure, or portion thereof, comply with the requirements of this Code.

[Section 8.040 amended by Ordinance No. 1382, adopted October 23, 1995; renamed and amended by Ordinance No. 1399, adopted August 26, 1996.]

8.045 Appeals.

(1) **Board of Appeals.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City of West Linn. The Building Official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the board be empowered to waive requirements imposed by this Code.

(2) **Appeal Procedure.** Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the Building Official with regard to the Building Code may be appealed to the Board of Appeals in conformance with procedures provided herein.

[Section 8.045 amended by Ordinance No. 1399, adopted August 26, 1996.]

8.050 Plans and Permits.

(1) **Issuance.** The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other West Linn departments to verify compliance with any

applicable laws under their jurisdiction. If the Building Official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that the fees have been paid, the Building Official shall issue a permit therefor to the applicant.

When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

(2) **Retention of Plans.** One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, with said set being kept at the site of the building or work at all times during which the work authorized thereby is in progress.

(3) **Validity of Permit.** The issuance or granting of a permit or approval of plans, specifications and computations

shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Code or of any other ordinances of the City of West Linn.

(4) **Expiration of Plan Reviews.**

Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(5) **Permit Expiration, Extension and Reinstatement.** Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized is not commenced within the time limitations set forth in this section.

Every permit issued by the Building Official shall expire by limitation and become null and void if the building or work authorized by

such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the Building Official to indicate the intent to start and complete the project. The Building Official may require the permittee to document these activities.

Every permit issued by the Building Official shall expire by limitation and become null and void 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

EXCEPTION: At the time of permit issuance, the Building Official may approve a period exceeding 24 months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days or written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once.

When a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

(a) The Building Code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit.

(b) No changes have been made or will be made in the original plans and specifications for such work.

(c) The original permit expired less than one year from the request to reinstate.

The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

(6) Work Without a Permit/ Investigation Fees. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

(7) Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

(8) Suspension/Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in

error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the City Code.

(9) **Inspections.** It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the Building Official. The permit holder shall not proceed with construction activity until authorized to do so by the Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

[Section 8.050 repealed by Ordinance No. 1382, adopted October 23, 1995; amended by Ordinance No. 1399, adopted August 26, 1996.]

BUILDING CODE STANDARDS

8.055 Structural Code.

(1) Enforcement of State Code.

The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, including the following optional provisions, is adopted and enforced as part of this Code:

(A) Appendix Chapter G Flood-Resistant Construction.

(B) Appendix Chapter J Grading.

(C) Appendix Chapter K Fire-Extinguishing Systems.

[Section 8.055 added by Ordinance No. 1399, adopted August 26, 1996; amended by Ordinance No. 1481, adopted January 9, 2002. Section 8.055(3) Excavation and Grading/Erosion Control is repealed by Ordinance No. 1481, adopted January 9, 2002; Section 8.055 amended by Ordinance No. 1530 adopted January 30, 2006.]

8.060 Mechanical Code.

(1) Enforcement of State Code.

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, is adopted and enforced as part of this Code.

[Section 8.060 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.060 amended by Ordinance No. 1530 adopted January 30, 2006.]

8.065 Plumbing Code.

(1) Enforcement of State Code.

The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, is adopted and enforced as part of this Code.

[Section 8.065 added by Ordinance No. 1399, adopted August 26, 1996; Section 8.065 amended by Ordinance No. 1530 adopted January 30, 2006.]

8.070 Oregon Residential Specialty Code.

(1) Enforcement of State Code.