

TITLE 25 - PLUMBING REGULATIONS

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CHAPTER 25.01 - TITLE AND SCOPE

Sections:

- 25.01.010 Title.
25.01.020 Scope-Oregon State Plumbing Specialty Code.

25.01.010 Title.

This Title shall be known as the “Plumbing Regulations,” may be so cited and pleaded and will be referred to herein as “this Title.”

25.01.020 Scope - Oregon Plumbing Specialty Code.

(Amended by Ordinance Nos. 162694, 164949, 168183, 169905, 174891, 179125, 182370, 185545, 186932 and 188781, effective January 24, 2018.) This Title shall apply to all plumbing done within the City, except sewer facilities installed by the City Engineer through contract or by City work force in any public place or right-of-way for the disposal of sanitary or storm drainage and water supply facilities installed by the Water Engineer through contract or City work force in any public place or right-of-way for supplying the water service.

The provisions of the Uniform Plumbing Code, 2015 edition, including the appendix and installation standards, published by the International Association of Plumbing and Mechanical Officials, as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, and known as the 2017 Edition of the Oregon Plumbing Specialty Code, are hereby adopted by reference. The Plumbing Specialty Code is on file in the Development Services Center of the City of Portland.

25.01.025 Specialty Solar Code.

(Repealed by Ordinance No. 168183, effective November 1, 1994.)

25.01.030 Residential Code.

(Repealed by Ordinance No. 182370, effective November 26, 2008.)

CHAPTER 25.02 - DEFINITIONS

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25.02.100	Sewer Contractor.
25.02.110	Structure.

25.02.010 Administrative Authority.

(Repealed by Ordinance No. 178578, effective September 1, 2004.)

25.02.020 Approved.

(Amended by Ordinance No. 176955, effective October 9, 2002.) Approved means approved by the City of Portland, Bureau of Development Services, Plumbing Section.

25.02.030 Building.

Building is any structure used or intended for supporting or sheltering any use or occupancy.

25.02.040 Building Wrecker.

Building wrecker means any person, firm, or corporation registered by the State of Oregon, but not listed under this Title as a plumbing contractor, or sewer contractor, but who is deemed capable of sealing sewer openings inside of the property line.

25.02.050 Bureau of Development Services.

(Amended by Ordinance No. 176955, effective October 9, 2002.) Bureau of Development Services means the Bureau of Development Services of the City of Portland, which may be represented by any employee duly authorized to make inspection of plumbing installations.

25.02.055 Director.

(Added by Ordinance No. 178578, effective September 1, 2004.) Director shall mean the Director of the Bureau of Development Services or a duly authorized representative of the Director.

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25.02.060 Journeyman Plumber.

Journeyman plumber means any person who possesses a current State of Oregon plumber's competency license, and is employed to do plumbing by a State registered plumbing contractor.

25.02.070 Maintenance Person.

Maintenance person means any person who is in the regular employment of a building owner, and who is capable of making limited repairs to the plumbing system, but who shall be limited to repairing valves or faucets, or cleaning of waste lines.

25.02.080 Plumbing Contractor.

Plumbing contractor means any person who engages in the business in the City of furnishing labor and materials or labor only in the placing, installation, or construction of piping systems, fixtures, fittings, or other plumbing devices in any building or elsewhere for the conducting of water or sewage, or storm water, or for making repairs, alterations, or renovating of plumbing, sewage, and drainage systems either by contract, subcontract, day work, or otherwise; but the same does not apply to any person who works at the trade of plumbing as a journeyman plumber if such person is employed by a State registered and bonded plumbing contractor.

25.02.090 Plumbing Inspector.

(Amended by Ordinance Nos. 170576 and 176955, effective October 9, 2002.) Plumbing Inspector means the Plumbing Inspection Supervisor, or a duly authorized inspector of the Plumbing Division of the Bureau of Development Services charged with the enforcement of this Title.

25.02.095 Rainwater Harvesting System.

(Added by Ordinance No. 178578, effective September 1, 2004.) Rainwater Harvesting System means the cisterns, pipe, fittings, pumps and other appurtenances required for and used to harvest and distribute rainwater.

25.02.100 Sewer Contractor.

Sewer contractor means any person desiring to perform sewer work on private property by contract or subcontract and who is registered and bonded by the State of Oregon.

25.02.110 Structure.

Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

CHAPTER 25.03 - ADMINISTRATION

Sections:

- 25.03.010 Enforcement.
- 25.03.020 Chief Plumbing Inspector's Duties.
- 25.03.030 Inspector's Right of Entry.

25.03.010 Enforcement.

(Amended by Ordinance Nos. 176955 and 178578, effective September 1, 2004.) The Director of the Bureau of Development Services shall enforce all the provisions of this Title.

25.03.020 Chief Plumbing Inspector's Duties.

(Amended by Ordinance No. 170576, effective November 1, 1996.) The Plumbing Inspection Supervisor shall enforce the provisions of the Plumbing Regulations.

25.03.030 Inspector's Right of Entry.

(Amended by Ordinance No. 188647, effective November 17, 2017.) Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or the Building Official's authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official or the Building Official's authorized representative 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 this Code. If such building or premises are occupied, proper credentials shall be presented with a request for entry. If such building or premises are unoccupied, a reasonable effort to locate the owner or other persons having charge or control of the building or premises shall be made to request entry. If such entry is refused, the Building Official or the Building Official's authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building Official or the Building Official's authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official or the Building Official's authorized representative for the purpose of inspection and examination pursuant to this Code.

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CHAPTER 25.04 - ADMINISTRATIVE REGULATORY PROVISIONS

Sections:

- 25.04.010 Conformity Required.
- 25.04.015 Stop Work Orders.
- 25.04.020 Renewals and Repairs.
- 25.04.030 Plumbing Work To Be Regulated.
- 25.04.040 Minor Plumbing Labels.
- 25.04.050 Owner May Perform Plumbing Work.
- 25.04.060 Plumbing Work To Be Performed by Owner, Journeyman Plumber, or Indentured Apprentice.
- 25.04.070 Certificate of Final Inspection.
- 25.04.080 Advertising or Display Signs.
- 25.04.090 Mechanical Devices.

25.04.010 Conformity Required.

(Amended by Ordinance Nos. 178578 and 187432, effective December 4, 2015.) Every plumbing system, rainwater harvesting system, water supply system, and sewage and drainage system coming within the jurisdiction of the City of Portland and covered by this Title and the Oregon Plumbing Specialty Code shall be installed, constructed, altered, renovated, repaired, and maintained in a manner which shall meet the requirements of this Title and the Oregon Plumbing Specialty Code. No pipes or piping or parts of any plumbing system shall be cut into, disturbed, or moved unless it is done in conformity with the provisions of this Title and the Oregon Plumbing Specialty Code. No person shall place in use, or maintain a plumbing, rainwater harvesting system, water, sewage, or drainage system which has been installed, constructed, altered, renovated, or repaired in violation of the provisions of this Title or the Oregon Plumbing Specialty Code. Any portion of such an installation, construction, alteration, renovation, or repair made in violation of this Title or the Oregon Plumbing Specialty Code shall be immediately removed and corrected to comply with provisions of this Title and upon notice from the Plumbing Inspector.

25.04.015 Stop Work Orders.

(Replaced by Ordinance No. 187432, effective December 4, 2015.) When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

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25.04.020 Renewals and Repairs.

Every existing plumbing and drainage system in any building shall be maintained in a sanitary condition. When any such system becomes defective or unsanitary in whole or in part such portion as is proved defective and unsanitary shall be made in a manner to meet the requirements and provisions of this Title and the Oregon Plumbing Specialty Code.

25.04.030 Plumbing Work To Be Regulated.

(Amended by Ordinance No. 168183, effective November 1, 1994.) All plumbing work in or about buildings or on private property shall be performed under the direction of a plumbing contractor except:

- A. Plumbing work performed by an owner;
- B. Minor repair work performed by a maintenance man;
- C. Sewer work performed by a sewer contractor.

25.04.040 Minor Plumbing Labels.

(Added by Ordinance No. 170811; amended by Ordinance Nos. 170929, 178578, 179125 and 187432, effective December 4, 2015.)

- A. General. ORS 455.155 gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0060. The Bureau, in accordance with OAR 918-100-0060, shall conduct inspections and issue necessary correction notices for minor plumbing labels issued pursuant to the statewide minor labels program.

25.04.050 Owner May Perform Plumbing Work.

(Amended by Ordinance Nos. 170576 and 188647, effective November 17, 2017.) The Plumbing Inspector has authority to issue a permit for work regulated by this Title to a bona fide owner of a single-family residential structure. In issuance of the permit, the Plumbing Inspector shall consider where:

- A. The owner has demonstrated a thorough knowledge of the work to be performed;
- B. The owner will perform the work.
- C. The single-family residential structure is occupied by the owner for dwelling purposes and is not being constructed or remodeled for resale or rent.
- D. Such other factors as will aid the Plumbing Inspector may condition the issuance of the permit upon such conditions and factors as the Plumbing Inspector deems appropriate including, but not limited to, requiring an owner to post a bond to assure

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prompt and safe completion in compliance with the provision of the permit and this Title. Said bond shall be in form approved by the City Attorney and shall provide for completion or correction of the work from the proceeds of the bond.

Whenever an owner receives this privilege, the word “owner” shall be substituted for the word “plumber” on the plumbing permit application and permit.

25.04.060 Plumbing Work To Be Performed by Owner, Journeyman Plumber, or Indentured Apprentice.

(Amended by Ordinance Nos. 168183 and 176955, effective October 9, 2002.) All plumbing work shall be performed either by an owner or by a journeyman plumber holding a valid certificate of competency from the State of Oregon, or a registered and indentured apprentice. All journeyman plumbers while engaged in plumbing work shall carry with them their Oregon State Certificate of Competency. All apprentice plumbers shall carry with them their apprentice registration cards and shall produce same at the request of the Plumbing Inspector of the Portland Bureau of Development Services. It shall be the duty of the Plumbing Inspector of the Bureau of Development Services to require the journeyman plumber and apprentice plumber to show their registration card.

In the event anyone is performing plumbing work in violation of the above regulations, a report relative to such person shall be sent by the Bureau of Development Services Plumbing Section to the Oregon State Building Codes Division, Plumbing Division.

25.04.070 Certificate of Final Inspection.

(Amended by Ordinance No. 168183, effective November 1, 1994.) Upon completion of the work covered by the plumbing permit, the person engaged to do such work shall notify the Plumbing Inspector of such completion. As soon as possible after the receipt of such notice, final inspection shall be made by the Plumbing Inspector. If corrections are required, the permittee shall be notified in writing, setting forth the nature of the violation or violations. If a person, plumbing contractor, or sewer contractor is delinquent for more than 10 days in making corrections to plumbing after having been notified by the Plumbing Inspector, further permits to such person, plumbing contractor, or sewer contractor may be refused until the corrections have been made; and if the job is started in violation of this Section, the penalties imposed by this Title shall be enforced. If it is found that the work complies in all respects with the requirements of this Title, a certificate in writing to that effect shall be issued on demand by the Plumbing Inspector. No plumbing system shall be placed in service until its formal approval as evidenced by the certificate of final inspection shall have been made. Provision shall be made to have access to the building and water turned on to all fixtures so that one inspection will cover all the work under plumbing permit.

25.04.080 Advertising or Display Signs.

It is unlawful for any person to engage in, or carry on, or to represent and advertise himself as engaged in or carrying on the business of plumbing contractor, or sewer contractor in the City of Portland, or to use the words “plumbing contractor,” “sewer contractor,” or “plumber,” or “plumbing,” or expose a sign containing similar import for such purpose,

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implying that the advertiser is so engaged, unless such person has obtained a registration to engage in and carry on a business of plumbing contractor or sewer contractor in the City of Portland.

25.04.090 Mechanical Devices.

It is unlawful for any person, firm, or corporation to use, employ, or permit the insertion of any mechanical device in any sewer, branch sewer, soil drain, or waste line, for the purpose of cleaning or clearing out the same, unless the person, firm, or corporation is listed with the City of Portland to perform this work. Exception - a homeowner or qualified maintenance man may clean drains or sewers.

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CHAPTER 25.05 - PERMITS

Sections:

- 25.05.010 Required.
- 25.05.020 Permit and Report Required To Do Plumbing Work on Water System.
- 25.05.025 Temporary Permits.
- 25.05.030 Plumbing Permit Application.
- 25.05.040 Plumbing Plan Examination.
- 25.05.050 Life of Permit Limited.
- 25.05.060 Fees.
- 25.05.070 Repairs, Replacements, and/or Completions.
- 25.05.080 Revocation.
- 25.05.090 Partial Refund of Fees.
- 25.05.100 Reduction of Fees.

25.05.010 Required.

(Amended by Ordinance Nos. 170576, 170811, 178578 and 187432, effective December 4, 2015.) Excepting fire systems provided for in Title 31, Fire Regulations, a permit, or minor label as outlined in Section 25.04.040, shall be obtained for the installation, construction, alteration, or repair of any plumbing or sewage system, fire hose valve, water supply system, water supply well, rainwater harvesting system, sewage holding tank, fire hose cabinet, or the installing of any device if the device requires either water supply, or waste connection to drainage system or both; for capping of a sewer where a building has been demolished or moved; and for removing plumbing fixtures and sealing openings. All of the above work is covered by the regulations of this Title and the Oregon Plumbing Specialty Code. As used in this Section, the word “repair” does not apply to ordinary repairs to faucets or valves, or to the clearing of obstructions from a fixture, sewer, or waste pipe, if the fixture or device is not disconnected, or if there is no opening of, or cutting into, the sewer or waste pipe or fittings.

25.05.020 Permit and Report Required To Do Plumbing Work on Water System.

(Amended by Ordinance Nos. 168902, 170811 and 187432, effective December 4, 2015.) It is unlawful for any plumber or other person to make connections, installations, replacements, extensions, or repairs to any City water service pipe, or to extend a water pipe from one building to another building, or to connect one service pipe with another service pipe without first obtaining the proper plumbing permit or minor label if applicable, unless making emergency repairs as allowed in Section 25.05.025 – Temporary Permits. Every plumbing system in the City of Portland shall be connected to a City water main or water supply furnished by the City of Portland or other State approved purveyor.

25.05.025 Temporary Permits.

(Added by Ordinance No. 187432, effective December 4, 2015.) The Bureau may issue temporary permits for emergency plumbing work or repairs. Temporary permits will only be issued to licensed plumbers. Temporary permits are valid for 7 days. When work is done under a temporary permit, the permit application and fees must either be received by

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the Bureau within 7 calendar days of the start of work, or, if mailed, be postmarked within 7 calendar days of the start of work.

25.05.030 Plumbing Permit Application.

(Amended by Ordinance Nos. 156924, 168183, 170576 and 176955, effective October 9, 2002.) An application for a plumbing permit shall be made on an application form furnished by the Bureau of Development Services. The application shall denote the name of the contractor who holds a State of Oregon Plumbing Contractor's Registration the State Contractors Certification Board registration and the City of Portland's Contractors Business License number. However, an owner may sign an application for a plumbing permit under the regulation as stated in Section 25.04.050, and any person may sign and obtain a plumbing permit for the plugging of a sewer or for disconnection of a roof drain system on one and two-family dwellings. An application for a permit for dry wells, or soakage trenches for storm water disposal may be taken out by an owner, plumbing contractor, or sewer contractor.

25.05.040 Plumbing Plan Examination.

(Amended by Ordinance Nos. 158895, 186183, 170576 and 181359, effective November 16, 2007.)

- A. Installations requiring plan review: Plumbing plan review is required for all complex structures as set forth in OAR 918-780-0040 cert ef. 10-1-06. Plan review for all other plumbing systems is optional.
- B. Submittal Requirements: When plan review is either required or requested, prior to the issuance of a building permit, three sets of plumbing plans and specifications providing the information as prescribed by the Director shall be filed with the Plumbing Section, Bureau of Development Services. Plans shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

25.05.050 Life of Permit Limited.

(Replaced by Ordinance No. 174880; amended by Ordinance Nos. 178578 and 188647, effective November 17, 2017.) If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further plumbing work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond the permittee's control. Extension requests shall be in writing and shall be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit

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renewal the permit shall be void. The renewal fee shall be as specified in the Council adopted fee schedule.

25.05.060 Fees.

(Replaced by Ordinance No. 174720, effective August 21, 2000.) All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.

25.05.070 Repairs, Replacements, and/or Completions.

(Amended by Ordinance No. 187432, effective December 4, 2015.)

- A.** A regular fee shall be charged on all work for finishing any plumbing installation for which a permit was secured and which installation was roughed in only. Any such original permit will not cover any person other than the original permittee.
- B.** The fees for alterations, replacements, or repairs shall be the same as for new work.
- C.** If any work on the construction, alteration, repair, replacement, or completion of a plumbing system is commenced without a plumbing permit having first been secured, the Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Oregon Plumbing Specialty Code and this Title, provided that when a person performing the work notifies the Bureau of Development Services before any work is commenced at a given location, and the permit is secured within 24 hours, not including Sundays or holidays, the investigation fee shall not be charged. Payment of such fee, however, shall in no way relieve such person of the penalties imposed for violation of this Title.

25.05.080 Revocation.

(Amended by Ordinance Nos. 176955 and 187432, effective December 4, 2015.) If, upon inspection, it is found that the workmanship or material employed does not in all respects conform to the statements given in the plumbing permit application or does not comply with the provisions of this Title and the Oregon Plumbing Specialty Code, the Bureau will issue a stop work order as set forth in Section 25.04.015 of this Title and all additional plumbing work under the permit will be suspended until permission to deviate from the specific terms of the permit is obtained or until the work already installed is corrected to comply fully with the terms of the permit. If the permittee fails to comply with the requirements outlined in the stop work order, the Bureau of Development Services will cancel the permit, informing the permittee in writing of the action, and posting a notice announcing such revocation at the site of the work. Thereafter it is unlawful for any person to perform any plumbing work upon such premises without first securing a new plumbing permit. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

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25.05.090 Partial Refund of Fees.

(Amended by Ordinance Nos. 162101 and 187432, effective December 4, 2015.) Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within six months of payment or permit issuance, whichever is later. Refunds will be made to the same person or firm who paid the fee within three months of the request. Exceptions to the above requirements may be made by the Director or designee.

25.05.100 Reduction of Fees.

(Added by Ordinance No. 168183, effective November 1, 1994.) The Director may reduce any fee when, under the Director's authorization, another public agency, public utility, or other organization processes the permit thereby reducing the bureau's cost of issuing the permit.

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CHAPTER 25.06 - REGISTRATIONS

Sections:

- 25.06.010 Compliance Agreement.
- 25.06.020 State Registration Number Required.

25.06.010 Compliance Agreement.

(Amended by Ordinance No. 178578, effective September 1, 2004.) Any person applying for registration and any owner doing any plumbing work, shall, in consideration of the granting of a plumbing permit therefor, agree to comply with all of the codes and ordinances of the City regulating plumbing, water, rainwater harvesting systems, sewers, and rain drain disposal, and with the provisions of the building regulations, housing regulations, health regulations, and the Oregon Plumbing Specialty Code.

25.06.020 State Registration Number Required.

(Amended by Ordinance Nos. 176955 and 188647, effective November 17, 2017.) The Bureau of Development Services shall not issue a plumbing permit to any plumbing contractor, or any sewer contractor, to install, construct, alter, or repair any plumbing or drainage system in the City, as defined and covered in this Title, unless such plumbing contractor or sewer contractor has been registered by the State of Oregon under the provisions of ORS 447.000 and unless the contractor's registration number has been filed with the Plumbing Division having jurisdiction. A journeyman plumber or plumber apprentice shall show a valid Oregon State certificate of competency or registration card on the request of an Inspector of the Plumbing Division, or other authorized person.

25.06.050 Application for Examination.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.060 Appeal from Examining Board.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.070 Supervising Plumbers Registration and Fees.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.080 Registration - Nontransferable.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.090 Supervising Plumbers - Renewal - Re-examination.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.100 Penalties.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.110 Suspension or Revocation of Registration.

(Repealed by Ordinance No. 156924, effective December 26, 1984.)

CHAPTER 25.07 - APPEALS

(Chapter replaced by Ordinance No. 187432,
effective December 4, 2015.)

Sections:

25.07.010 Bureau of Development Services Administrative Appeal Board.
25.07.020 Plumbing Code Board of Appeal.

25.07.010 Bureau of Development Services Administrative Appeal Board.

- A.** Appointment of Administrative Appeal Board. The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal, and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of the State of Oregon Plumbing Specialty Code adopted in this Title ("Plumbing Code");
 2. review requests for modifications to the strict application of the Plumbing Code; and
 3. review requests to use alternative materials, design or methods of construction and equipment.
- B.** Appeals to the Administrative Appeal Board and Final Decisions. Any person aggrieved by a decision of the Bureau related to the application and interpretation of this Title or the Plumbing Code or who wants to request consideration of an alternative material, design or method of construction may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Plumbing Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:
1. grant an appeal if the Administrative Appeal Board finds that the Plumbing Code was not correctly interpreted or applied; or
 2. approve an alternative material, design or method of construction if the Administrative Appeal Board finds that any such alternative complies with the intent of the Plumbing Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Plumbing Code in quality, strength, effectiveness, fire resistance, durability, and safety. The Administrative Appeal Board may not waive the

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requirements of the Plumbing Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.

- C.** Reconsideration of Final Decisions and Appeals to the Plumbing Code Board of Appeal. Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Plumbing Code Board of Appeal in accordance with Section 25.07.010 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Plumbing Code Board of Appeal. The Plumbing Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Plumbing Code Board of Appeal.
- D.** Fees for Appeals. The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

25.07.020 Plumbing Code Board of Appeal.

- A.** Appointment of Plumbing Code Appeal Board. In order to hear appeals of final decisions of the Building Official made under Section 25.07.010, there has been created a Plumbing Code Board of Appeal, consisting of three members appointed by the Mayor and approved by the City Council.
 - 1.** Each member must be qualified by experience and training to make decisions pertaining to the Plumbing Code and matters pertaining to plumbing. At least one member must be a licensed plumbing contractor qualified through experience and training to decide matters concerning the safety of installations and devices regulated by this Title; one member shall be a person engaged in the design of plumbing installations qualified through experience and training to decide matters concerning the safety of installations and devices regulated by this Title; and one member must be qualified through training and experience to make decisions pertaining to the Plumbing Code and matters pertaining to plumbing.
 - 2.** Plumbing Code Board of Appeal appointments shall be for three-year terms. Appeal Board members may serve no more than two complete three-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies

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occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.

3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
4. Members of the Plumbing Code Appeal Board shall comply with the State ethics laws applicable to public officials.
5. Members of the Plumbing Code Appeal Board shall serve in a voluntary capacity and without pay.

B. Appeals to the Plumbing Code Board of Appeal. The Plumbing Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of the Plumbing Code. The Plumbing Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 30 days after an interested party submits a written appeal to the Plumbing Code Board of Appeal. A panel of three Plumbing Code Board of Appeal members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

C. Powers and Limitations of Authority of the Plumbing Code Board of Appeal Board. The Plumbing Code Board of Appeal may provide reasonable interpretations of the requirements of the Plumbing Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret the Plumbing Code; or
2. any alternative material, design or method of construction and equipment complies with the intent of the Plumbing Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Plumbing Code in quality, strength, effectiveness, fire resistance, durability, and safety. The Plumbing Code Board of Appeal may not waive the requirements of the Plumbing Code.

Any person aggrieved by a final decision of the Plumbing Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

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CHAPTER 25.08 - REPAIR OF PRIVATE SEWER SYSTEMS INVOLVING MORE THAN ONE PROPERTY

(Chapter added by Ordinance No. 171028, effective
March 26, 1997)

Sections:

- 25.08.010 Purpose.
- 25.08.020 Definitions.
- 25.08.030 Equal Responsibility for Repair and Nuisance Abatement.
- 25.08.040 Private Sewer System Traversing Another Property.
- 25.08.050 Damaged Private Sewer System as Nuisance.
- 25.08.060 Authority of City to Abate Nuisance and Lien Property.
- 25.08.070 Applicability.

25.08.010 Purpose.

(Amended by Ordinance No. 183397, effective January 8, 2010.) The purpose of this Chapter is to establish responsibility for the operation and repair of damaged common private sewers or private sewers that traverse another private property in the absence of any written agreement among or between property owners. It is the goal of the City to have each individual property served by an individual lateral to a public sewer. Nonconforming common private sewers or private sewers that traverse another property and are located in a private easement are exempt from this Section. This Chapter grants the City authority to abate nuisances created by the use of damaged private sewers, without regard to the fault of the property owner, and authorizes the City to recover the costs it incurs in abating these nuisances by assessing liens against properties served by the damaged private sewers. This Chapter allows property owners to seek any legal relief against any person responsible for causing or exacerbating damage to the private sewer.

25.08.020 Definitions.

(Amended by Ordinance No. 185694, effective November 23, 2012.)

- A.** “Common Private Sewer System (also called Party Sewer)” means that portion of a building sewer that:
 - 1.** Is not owned by the City of Portland;
 - 2.** Is used for draining more than one building under different ownership; and
 - 3.** Conveys the discharge to a sewer service lateral, public sewer, private sewage disposal system, or other point of disposal.

Common private sewers are found on private property and in private and public rights-of-way, including easements.

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- B.** “Damaged Private Sewer System.” Damaged Private Sewer System means a private sewer not in compliance with applicable governmental regulations.
- C.** “Owner.” Owner means the person shown on current assessment records in the County Office of Assessment and Taxation as the owner of the title to the real property or the contract purchaser of the real property. Owner also includes a deedholder or contract purchaser whose name does not appear in the latest assessment record, but who presents to the Bureau a copy of a deed or contract of sale showing the date, book, and page of recording.
- D.** “Repair of Private Sewer System.” Repair of a private sewer system means any work, including repairs, reconstruction, and replacement, required to return a damaged private sewer system to compliance with applicable government regulations.

25.08.030 Equal Responsibility for Repair and Nuisance Abatement.

An owner of a building using any damaged section of a common private sewer system shall be responsible equally for all costs of repair with any other owner whose building also uses that section of the damaged common private sewer. In addition, these owners shall be responsible equally for all costs associated with any abatement by the City of any nuisance created by their buildings’ use of that section of the damaged common private sewer and for all penalties for violations of this Code associated with the damaged sewer line.

Exception: When repair or abatement of a damaged common private sewer includes a new sewer connection of an individual property to a public sewer, the owner of that property shall be solely responsible for the cost of the new connection. In addition, the owner of the newly connected property may be responsible for other costs associated with repair and abatement of the damaged common private sewer when the Director determines that it would be fair and equitable to do so.

25.08.040 Private Sewer System Traversing Another Property.

When a damaged private sewer system serving a building on a property:

- A.** traverses another property prior to connecting to a public sewage disposal system, and
- B.** the damage occurs on the traversed property, and
- C.** the owner of the traversed property does not use the damaged section of the private sewer system,

then the owner of the property using the damaged private sewer system shall be fully responsible for the damaged private sewer system and for all costs and penalties assessed by the City for violations of this Code associated with the damaged sewer line.

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25.08.050 Damaged Private Sewer System as Nuisance.

Any damaged private sewer system is deemed a nuisance.

25.08.060 Authority of City to Abate Nuisance and Lien Property.

(Amended by Ordinance No. 180330, effective August 18, 2006.) If the owners using a damaged private sewer system neglect, refuse, or fail to correct the damage after the Bureau provides notice pursuant to Section 29.60.050, the City may correct the damage pursuant to Section 29.60.060, 29.60.070 or 29.60.080 and assess the property or properties using the system pursuant to the procedures in 29.70.020. In the case of a common private sewer system, the City shall calculate the amount of assessment on the property pursuant to 29.70.020. In addition, regarding a private sewer system traversing another property, the Bureau shall notify the owner whose property is traversed by but not connected to the damaged private sewer system that the system has been declared a nuisance. The City may enter that property to abate the nuisance after providing notice.

25.08.070 Applicability.

Section 25.08.030 shall not alter the terms and conditions of any easement of record, or of any other written agreement between or among owners. However, nothing in this section affects or impairs the City's authority under PCC 25.08.060.

**CHAPTER 25.09 - CONVERSION OR
ABANDONMENT OF NONCONFORMING
SEWERS**

(Chapter added by Ordinance No. 185694, effective
November 23, 2012.)

Sections:

- 25.09.010 Purpose.
- 25.09.020 Authority of the Bureau of Environmental Services to Regulate by Administrative Rule.
- 25.09.030 Authority of the Bureau of Environmental Services to Require Information.
- 25.09.040 Damaged Nonconforming Sewer as Nuisance.
- 25.09.050 Equal Responsibility for Repair and Nuisance Abatement.
- 25.09.060 Participation of the Bureau of Development Services in Appeals.

25.09.010 Purpose.

The purpose of this Chapter is to transfer from the Bureau of Development Services to the Bureau of Environmental Services (BES) certain regulatory authority over nonconforming sewers, as that term is defined in Chapter 17.33.

25.09.020 Authority of the Bureau of Environmental Services to Regulate by Administrative Rule.

The Director of BES may adopt, amend, repeal and enforce administrative rules and procedures pertaining to nonconforming sewers as provided by Titles 3, 17 and 22.

25.09.030 Authority of the Bureau of Environmental Services to Require Information.

BES may require owners of properties connected to nonconforming sewers to submit photographic or plumbing records or other evidence as it deems appropriate.

25.09.040 Damaged Nonconforming Sewer as Nuisance.

A damaged nonconforming sewer is deemed a nuisance. Subject to Title 22, BES may abate such nuisances and recover any costs incurred thereby through the assessment of liens against properties served by the nonconforming sewers.

25.09.050 Equal Responsibility for Repair and Nuisance Abatement.

The owner of each property connected to a damaged nonconforming sewer is proportionally liable for all costs of repair of the sewer, all costs associated with any City abatement efforts, and all penalties for violations of this Code.

25.09.060 Participation of the Bureau of Development Services in Appeals.

Appeals of BES requirements pertaining to nonconforming sewers will be processed in conjunction with the Bureau of Development Services Board of Appeal.

