

CHAPTER 24.10 - ADMINISTRATION AND ENFORCEMENT

a. Title 24, Section 24.10.040, Codes, is amended as follows:

24.10.040 Codes.

- A.** Structural Specialty Code. The provisions of the State of Oregon Structural Specialty Code ~~2014~~2019 Edition, as published by the International Code Council and known as the International Building Code ~~2012~~2018 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon and excluding all of Chapter 1, except for Section 101.2 (“Scoping”), are hereby adopted by reference. The provisions of Chapter 1 of the Oregon Structural Specialty Code, as adopted and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, effective July 1, 2014, except for Section 101.2 (“Scoping”), are hereby adopted by reference. The Structural Specialty Code is on file in the Development Services Center of the City of Portland.
- B. – C.** No changes.
- D.** Residential eCode. The provisions of the State of Oregon, Residential Specialty Code, 2017 Edition including Chapter 1 thereof, as adopted effective October 1, 2017 and published by the International Code Council, and known as the International Residential Code, 2015 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon, is hereby adopted by reference. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.
- E.** 2019 Oregon Zero Energy Efficiency SpecialtyReady Commercial Code. The provisions of the ~~State of 2019~~ Oregon Zero Energy Efficiency SpecialtyCommercial Code ~~2014 Edition~~, as published by the International Code Council, consisting of Chapter 13 of the Oregon Structural Specialty Code, 2019 Edition, ANSI/ASHRAE/IES Standard 90.1 – 2016, and known as the International Energy Conservation Code, 2009~~2018~~ Edition, as and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The 2019 Oregon Zero Energy Efficiency SpecialtyReady Commercial Code is on file in the Development Services Center of the City of Portland.

b. Section 24.10.060, Enforcement, is amended as follows:

24.10.060 Enforcement.

- A.** All permitted work shall be subject to inspection by the Director, and certain work shall have continuous inspection by special inspectors as specified in Section 24.20.

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Approval as a result of an inspection will not be construed to be an approval of a violation of the provisions of this Title or of any other laws or regulations of the City. Inspections presuming to give authority to violate or cancel the provisions of this Title or of any other laws or regulations of the City shall not be valid. The Director shall have the authority to make or require all inspections necessary to ascertain compliance with this Title and any other laws enforced by the Director.

B. The Director, upon notification from the permit holder or ~~his~~the permit holder's agent, shall either approve of those portions of the construction requiring inspection or shall notify the permit holder, or the permit holder's agent, in writing, wherein the same fails to comply with the provisions of this Title.

C.-E. No changes.

F. In the event the property owner, permit holder or the owner's agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the Director may gain compliance by any of the remedies outlined in Chapter 3.30 of the Code of the City of Portland and is authorized to institute any appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Title or of the order or direction made pursuant thereto.

c. Section 24.10.070, Application for Permits, is amended as follows:

24.10.070 Application for Permits.

A. No changes.

B. Plans and specifications.

1. Plans, engineering diagrams, and other data shall be submitted in three sets with each application, and shall comply with the requirements of Chapter 1 of the Structural Specialty Code and this Title. If a structural design is required, computations, stress diagrams, computer data, and such additional data as required by the Director, sufficient to show the correctness of the plans and compliance with the structural provisions of this Title shall be submitted. The above data shall include a brief summary of all basic assumptions, design methods, structural systems, loading, lateral bracing systems, and a table of contents of the computations. Computer calculations submitted as substantiation of the design shall include a copy of the program users manual for each program, definition, sketches, index of data runs, and properly identified input and output listings. For other than nationally recognized programs, the correctness of the program shall be substantiated in a manner acceptable to the Director. When required by the Director, or when required under ORS 672 (State Engineering Law) or ORS 671 (State Architectural Law), plans shall be prepared and certified by an architect or registered professional engineer licensed to practice in the State of Oregon.

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2. Examination of documents. The Director will examine or cause to be examined plans and specifications and will ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this Title and other laws and regulations of the City.

C.-E. No changes.

F. Issuance of permits. Except as otherwise provided in this Title, issuance of permits shall be in accordance with Chapter 1 of the 2014 Structural Specialty Code and the provisions of this Title, provided that plans for all commercial buildings and any off-street parking area where the parking of three or more cars is to be established shall be approved by the City Engineer and the City Traffic Engineer before a building permit may be issued.

1. Action on application. The Director will issue a permit if the Director is satisfied that the proposed work conforms to the requirements of this Title and other laws and regulations of the City.
2. Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or of any other laws or regulations of the City. Permits presuming to give authority to violate or cancel the provisions of this Title or other laws or regulations of the City shall not be valid. The Director is authorized to prevent occupancy or use of a structure where in violation of this Title or any other laws or regulations of the City.
3. Suspension or revocation. The Director is authorized to suspend or revoke a permit issued under the provisions of this Title wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any provisions of this Title or any other laws or regulations of the City.

G.-K. No changes.

- d. A new Section 24.10.072, Other Structures and Construction Activities, is added as follows:

24.10.072 Other Structures and Construction Activities.

A. Regulated structures and construction activities. The provisions of this Title apply to the following structures and construction activities regardless of when a permit was applied for or approved:

1. Fire safety during construction.
2. Protection of adjoining properties.
3. Temporary use of streets, alleys and public property.

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4. Encroachment into the right-of-way.
 5. Mechanical equipment not specifically regulated in the Oregon Structural Specialty Code or Oregon Residential Specialty Code.
 6. Retaining walls, unless exempt pursuant to Subsection 24.10.072 B.
 7. Fences, unless exempt pursuant to Subsection 24.10.072 B.
 8. Tanks that are located exterior to and not attached to or supported by a building.
 9. Cell phone, radio, television, and other telecommunication and broadcast towers that are not attached to or supported by a building.
 10. Flagpoles that are not attached to or supported by a building.
 11. Signs not attached to or supported by a building.
 12. Ground-mounted photovoltaic arrays.
 13. Fixed piers or wharves with no superstructure.
 14. Equipment shelters not intended for human occupancy with a building area of 250 square feet or less, designated as Risk Category I or II.
 15. Transitional housing accommodations, as defined in ORS 446.265, as amended by House Bill 2916 (2019).
- B. Exempt structures. Exemption from the requirements of this Title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Title or any other laws or regulations of the City. The following structures are exempt from the provisions of this Title:**
1. Fences, except for required barriers around swimming pools, fences not over 7 feet (2134 mm) high and typical field fencing not over 8 feet (2438 mm) high when constructed of woven wire or chain link.
 2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
 3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
 4. Swings and other playground equipment.
 5. Ground mounted flagpoles, antennae, and similar structures that do not

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exceed 25 feet in height.

- e. Section 24.10.075, Bureau of Development Services Administrative Appeal Board, is amended as follows:

24.10.075 Bureau of Development Services Administrative Appeal Board.

A. No changes.

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 the Building Code or this Title or who wants to request a modification to the strict interpretation of the Building Code or consideration of an alternative material, design or method of construction or equipment 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 Building 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 Building Code was not correctly interpreted or applied;
2. grant a modification to the application of the Building Code where special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure;
or
3. approve an alternative material, design or method of construction and equipment if the Administrative Appeal Board finds that any such alternative complies with the intent of the Building Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Administrative Appeal Board may not waive the requirements of the Building 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; and
4. grant requirements that are in addition to this Title or other laws or regulations of the City as part of an appeal.

C. – D. No changes.

CHAPTER 24.50 - FLOOD HAZARD AREAS

f. Section 24.50.060, Provisions for Flood Hazard Reduction, is amended as follows:

24.50.060 Provisions for Flood Hazard Reduction.

In all flood hazard areas defined in Section 24.50.050, the following provisions are required:

A. – E. No changes.

F. Flood hazard areas.

1. – 6. No changes.

7. Construction materials and methods. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be ~~designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding~~ protected to or above the flood protection elevation.

8. – 11. No changes.

G. No changes.

CHAPTER 27.01 - TITLE AND SCOPE

g. Title 27, Section 27.01.030, Scope, is amended as follows:

27.01.030 Scope.

A. Mechanical Specialty Code. The provisions of the State of Oregon Mechanical Specialty Code, ~~2014~~2019 Edition including Chapter 1 thereof, as published by the International Code Council as the International Mechanical Code, ~~2012~~2018 Edition along with the International Fuel Gas Code, 2012 Edition, and as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Mechanical Specialty Code is on file in the Development Services Center of the City of Portland.

Unless specifically provided for in other Chapters of this Title, where requirements of this Title do not provide for or are not fully detailed with regard to processes, methods, specifications, equipment testing and maintenance standards of design performance and installation, and other pertinent criteria, applicable standards and

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recommendations of the National Fire Protection Association (hereinafter referred to as NFPA) as set forth in its National Fire Codes, shall apply.

In the following Chapters references may have been made to equipment not governed by this Title, in which case other Code or Codes shall apply.

~~**B.** Residential Code. The provisions of the State of Oregon, Residential Specialty Code, 2014 Edition, as published by the International Code Council, as the International Residential Code, 2009 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, is hereby adopted by reference. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.~~

h. Section 27.01.035 Solar Installation Specialty Code is repealed.