

Exhibit E

Title 25 Plumbing Regulations

(Title replaced by Ordinance _____, effective January 1, 2025.)

Chapter 25.01 Title and Scope

25.01.010 Title.

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

25.01.020 Scope - Oregon Plumbing Specialty Code.

This Title applies 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, 2023 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 2023 Edition of the Oregon Plumbing Specialty Code, are adopted by this reference. The Plumbing Specialty Code is on file in the Development Services Center.

25.02.020 Approved.

Approved means, except as otherwise indicated, approved by the City Administrator.

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 Portland Permitting & Development.

Portland Permitting & Development means Portland Permitting & Development of the City, which may be represented by any employee duly authorized to make inspection of plumbing installations.

25.02.055 Director.

Director means the Director of Portland Permitting & Development or a duly authorized representative of the Director.

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 is 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.

Plumbing Inspector means the Plumbing Inspection Supervisor, or a duly authorized inspector of the Plumbing Division of Portland Permitting & Development.

25.02.095 Rainwater Harvesting System.

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

25.03.010 Enforcement.

The City Administrator enforces all the provisions of this Title except to the extent the Building Code, as that term is defined in Portland City Code Subsection 24.10.075 A.1., empowers and requires the Building Official, as that term is defined in Section 24.15.055, to act.

25.03.015 Severability Clause.

If any provision of this Title, or its application to any person or circumstance, is held invalid by any court, the remainder of this Title and its application to other persons and circumstances, other than that which has been held invalid, will not be affected by such invalidity, and to that extent the provisions of this Title are declared to be severable.

25.03.020 Inspector's Right of Entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the City Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation that makes such building or premises unsafe, dangerous, or hazardous, the City Administrator may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City Administrator by this Code. If such building or premises are occupied, proper credentials will 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 will be made to request entry. If such entry is refused, the City Administrator will have recourse to every remedy provided by law to secure entry.

When the City Administrator has 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 may fail or neglect, after proper request is made as provided by this Chapter, to promptly permit entry to it by

the City Administrator for the purpose of inspection and examination pursuant to this Code.

Chapter 25.04 Administrative Regulatory Provisions

25.04.010 Conformity Required.

Every plumbing system, rainwater harvesting system, water supply system, and sewage and drainage system coming within the jurisdiction of the City and covered by this Title and the Oregon Plumbing Specialty Code must be installed, constructed, altered, renovated, repaired, and maintained in a manner that meets the requirements of this Title and the Oregon Plumbing Specialty Code. No pipes or piping or parts of any plumbing system may 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 may place in use, or maintain a plumbing, rainwater harvesting system, water, sewage, or drainage system that 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 must 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.

When it is necessary to obtain compliance with this Title, the City Administrator 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 City Administrator issues a stop work order, activity subject to the order may not be resumed until such time as the City Administrator gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the City Administrator may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of Portland City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the City Administrator and may appeal the determination in accordance with Section 3.30.080.

25.04.020 Renewals and Repairs.

Every existing plumbing and drainage system in any building must 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 must 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.

All plumbing work in or about buildings or on private property must 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.

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. Portland Permitting & Development, in accordance with OAR 918-100-0060, will 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.

The City Administrator may 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 City Administrator will 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 City Administrator may condition the issuance of the permit upon such conditions and factors as the City Administrator deems appropriate including, but not limited to, requiring an owner to post a bond to assure prompt and safe completion in compliance with the provision of the permit and this Title. Said bond must be in form approved by the City Attorney and must provide for completion or correction of the work from the proceeds of the bond.

Whenever an owner receives this privilege, the word "owner" will 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.

All plumbing work must 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 must carry with them their Oregon State Certificate of Competency. All apprentice plumbers must carry with them their apprentice registration cards and must produce them at the request of the Plumbing Inspector. It is the duty of the Plumbing Inspector 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 will be sent by Portland Permitting & Development Plumbing Section to the Oregon Building Codes Division, Plumbing Division.

25.04.070 Certificate of Final Inspection.

Upon completion of the work covered by the plumbing permit, the person engaged to do such work must notify the Plumbing Inspector of such completion. As soon as possible after the receipt of such notice, final inspection will be made by the City Administrator. If corrections are required, the permittee will 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 City Administrator, 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 will 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 may be issued on demand by the City Administrator. No plumbing system may be placed in service until its formal approval as evidenced by the certificate of final inspection has been made. Provision must 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, carry on, or represent and advertise themselves as engaged in or carrying on the business of plumbing contractor, or sewer contractor in Portland, or to use the words "plumbing contractor," "sewer contractor," or "plumber," or "plumbing," or expose a sign containing similar import for such purpose, 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 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 to perform this work. Exception - a homeowner or qualified maintenance man may clean drains or sewers.

Chapter 25.05 Permits

25.05.010 Required.

Excepting fire systems provided for in Portland City Code Title 31, Fire Regulations, a permit, or minor label as outlined in Section 25.04.040, must 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.

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 Portland must be connected to a City water main or water supply furnished by the City or other State-approved purveyor.

25.05.025 Temporary Permits.

The City Administrator may issue temporary permits for emergency plumbing work or repairs. Temporary permits will only be issued to licensed plumbers. Temporary permits are valid for seven days. When work is done under a temporary permit, the permit application and fees must either be received by Portland Permitting & Development within seven calendar days of the start of work, or, if mailed, be postmarked within seven calendar days of the start of work.

25.05.030 Plumbing Permit Application.

An application for a plumbing permit must be made on an application form furnished by Portland Permitting & Development. The application must 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’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.

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 City Administrator must be filed with the Plumbing Section, Portland Permitting & Development. Plans must be of sufficient clarity to indicate the location, nature and extent of the work proposed.

25.05.050 Life of Permit Limited.

A. Permit applications.

1. Initial permit application. A permit application that is inactive for a period of 180 days will be deemed abandoned. If an abandoned permit application is not reactivated within 180 days of abandonment, the permit application will be void. If a permit application is void, a new permit application is required for the subject work.

2. Extensions. The City Administrator may extend a permit application for up to 180 days, with justifiable cause, as determined in the City Administrator's sole discretion. Extension requests must be in writing and received by Portland Permitting & Development before the scheduled permit abandonment date.

3. Reactivations. The City Administrator may reactivate a permit application that has been abandoned for less than 180 days, with justifiable cause as determined in the City Administrator's sole discretion. Reactivation requests must be in writing and received by Portland Permitting & Development within 180 days after the permit abandoned date. If no activity occurs within 180 days after a permit application is reactivated, the permit application will be deemed abandoned. A permit application may be reactivated only once.

B. Issued Permits.

1. Initial issued permit. If no inspection is approved within 180 days after permit issuance, the permit will expire. If an expired permit is not reactivated within 180

days of expiration, the permit will be void. If a permit is void, a new permit is required for the subject work.

2. Extensions. Each time an inspection is approved, the permit will automatically be extended for 180 days. The City Administrator may also extend a permit for a period of up to 180 days with justifiable cause, as determined in the City Administrator's sole discretion. Extension requests must be in writing and received by Portland Permitting & Development before the scheduled permit expiration date. If no inspection is approved within the extended time period, the permit will expire.

3. Reactivations. The City Administrator may reactivate a permit that has been expired for less than 180 days, provided no changes have been made to the scope of work, and with justifiable cause as determined in the City Administrator's sole discretion. A void permit may be reactivated provided there have been no changes to the scope of work and only the final inspection remains unapproved. Reactivation requests must be in writing and received by Portland Permitting & Development within 180 days after permit expiration. If no inspection is approved within 180 days of reactivation, the permit will expire. A permit may be reactivated only once.

C. Fees. When a new permit is required, a new permit application must be submitted and new fees must be paid based on the current adopted Portland Permitting & Development fee schedule. Portland Permitting & Development will adopt policies for fee refunds or credits of previously submitted permits. Fees for permit extensions and reactivations may also be charged as adopted in the Portland Permitting & Development fee schedule.

25.05.060 Fees.

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.

A. A regular fee will be charged on all work for finishing any plumbing installation for which a permit was secured and when the 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 will 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, Portland Permitting & Development 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 Portland Permitting & Development 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 will not be charged. Payment of such fee, however, will in no way relieve such person of the penalties imposed for violation of this Title.

25.05.080 Revocation.

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 City Administrator may issue a stop work order as set forth in Section 25.04.015 of this Title and all additional plumbing work under the permit must 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 City Administrator may 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 will be 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 City Administrator and may appeal the determination in accordance with Portland City Code Section 3.30.080.

25.05.090 Partial Refund of Fees.

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 may 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 City Administrator or designee.

25.05.100 Reduction of Fees.

The City Administrator may reduce any fee when, under the City Administrator's authorization, another public agency, public utility, or other organization processes the permit, reducing the bureau's cost of issuing the permit.

Chapter 25.06 Registrations

25.06.010 Compliance Agreement.

Any person applying for registration and any owner doing any plumbing work, must, 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.

The City Administrator will 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 must 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.

Chapter 25.07 Appeals

25.07.010 Portland Permitting & Development Administrative Appeal Board.

A. Appointment of Administrative Appeal Board. Portland Permitting & Development Administrative Appeal Board consists of the Building Official and Portland Permitting & Development staff members appointed by the City Administrator. In appointing staff members, the City Administrator 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 Portland Permitting & Development'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 or this Title; 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 Portland Permitting & Development 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 decision being appealed; provided, however, the Plumbing Code in effect at the time the decision was made will 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 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. Portland Permitting & Development will provide final decisions to the appellant by publication of the decision on Portland Permitting & Development's website within 10 calendar days of the hearing, provided Portland Permitting & Development 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. The appeal package may not be altered from the administrative hearing. 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 will 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 Portland Permitting & Development'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 is a Plumbing

Code Board of Appeal, consisting of three members and one alternate 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 must 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 are for three-year terms. Appeal Board members may serve no more than two three-year terms. However, board members may serve a third term if their board has not convened in the board member's first two terms or, unless the City Administrator recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies 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 must comply with the State ethics laws applicable to public officials.
- 5.** Members of the Plumbing Code Appeal Board must 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 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 and Building Official 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. If a board member does not convene during their first two terms, they are automatically rolled into a third term. Board members may opt out of the third term at their discretion.

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 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.

Chapter 25.08 Repair of Private Sewer Systems Involving More than one Property

25.08.010 Purpose.

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.

A. Common private sewer system (also called **party sewer**) means that portion of a building sewer that:

1. Is not owned by the City;
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.

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 Portland Permitting & Development 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 is 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 are 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 is 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 City Administrator 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 is 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.

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.

If the owners using a damaged private sewer system neglect, refuse, or fail to correct the damage after Portland Permitting & Development provides notice pursuant to Portland City Code Section 29.60.050, the City may correct the damage pursuant to Sections 29.60.060, 29.60.070 or 29.60.080 and assess the property or properties using the system pursuant to the procedures in Section 29.70.020. In the case of a common private sewer system, the City will calculate the amount of assessment on the property pursuant to Section 29.70.020. In addition, regarding a private sewer system traversing another property, Portland Permitting & Development will 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 does 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 Section 25.08.060.

Chapter 25.09 Conversion or Abandonment of Nonconforming Sewers

25.09.010 Purpose.

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

25.09.020 Authority of the City Administrator to Regulate by Administrative Rule.

The City Administrator may adopt, amend, repeal and enforce administrative rules and procedures pertaining to nonconforming sewers as provided by Portland City Code 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 Portland City Code Title 22, the City Administrator may abate such nuisances and recover any costs it incurs 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 Portland Permitting & Development in Appeals.

Appeals of BES requirements pertaining to nonconforming sewers will be processed in conjunction with the Portland Permitting & Development Administrative Appeal Board.

Chapter 25.10 Dry Wells and Other Underground Injection Controls

25.10.010 Purpose.

The purpose of this Section is to establish regulatory authority for dry wells and other underground injection controls for stormwater disposal.

25.10.020 Definitions.

The Oregon Department of Environmental Quality (DEQ) classifies dry wells, soakage trenches, and other manufactured chambered systems as underground injection controls, and as such within this section refers to the structures that capture and temporarily retain stormwater runoff, allowing it to infiltrate into the ground.

25.10.030 Construction, Use, and Limitations.

Where authorized by the City Administrator, dry wells or other underground injection controls may be used in compliance with the provisions outlined in this Title and in

accordance with the specifications set forth in corresponding code guides developed by Portland Permitting & Development. In cases where deemed necessary by the City Administrator, soil percolation tests may be required to assess the suitability of the site. The installation of pre-manufactured dry wells or other underground injection controls composed of concrete, High-Density Polyethylene (HDPE), or similar materials must adhere strictly to the manufacturer's instructions. Stormwater infiltration systems may be utilized if installed in strict accordance with the manufacturer's specified installation instructions. Alternative stormwater facility options when designed and stamped by a registered design professional may be considered and approved by the City Administrator. The City Administrator will conduct a thorough examination of, or cause to be examined, the plans and specifications submitted, ensuring compliance with the provisions set forth in this Title and all applicable laws and regulations of the City.

Installation of dry wells and other underground injection controls must meet the requirements of Oregon DEQ.

25.10.040 Abandonment.

When directed by the City Administrator and in compliance with Oregon DEQ rules and regulations, every dry well or other underground injection control that has been abandoned or otherwise discontinued from further use must be promptly and completely filled with approved materials, including but not limited to earth, sand, gravel, concrete, or other suitable material approved by the City.