

ORDINANCE NO. 185798

*Adopt certain State of Oregon Specialty Codes and amend corresponding City Code (Ordinance; add Code Section 27.01.035; amend Section 24.10.040 and Chapter 24.90; repeal Chapter 24.95)

The City of Portland Ordains:

Section 1. The City Council Finds:

1. The City serves as the local administrator for the State Building Codes pursuant to ORS 455.150. The State adopted four new specialty codes that the City administers. Therefore, the City must adopt the following new editions of the State Building Codes: the Oregon Energy Efficiency Specialty Code, 2010 Edition; the Oregon Solar Installation Specialty Code, 2010 Edition; the Oregon Manufactured Dwelling Installation Specialty Code, 2010 Edition; and portions of the 2002 Oregon Manufactured Dwelling and Park Specialty Code pertaining to manufactured dwelling parks.
2. The City adopted Chapter 24.90 of the City Code, entitled, "Manufactured Dwelling Installation and Accessory Structures, Manufactured Dwelling Parks, Recreational Parks, Park Trailer Installations and Accessory Structures," before the State adopted the 2002 Oregon Manufactured Dwelling and Park Specialty Code and the 2010 Oregon Manufactured Dwelling Installation Specialty Code. Consequently, Chapter 24.90 needs to be revised to conform to these State specialty codes and the corresponding Oregon Administrative Rules (OAR) and to correct other minor errors.
3. Chapter 24.95 of the City Code, entitled, "Special Design Standards for Five Story Apartment Buildings," is obsolete because the current International Building Code and Oregon Structural Specialty Code now regulate the subject matter of Chapter 24.95. Therefore, Chapter 24.95 should be rescinded to avoid inconsistencies between the City Code and State law.

NOW, THEREFORE, the Council Directs:

- a. Add new Subsection 24.10.040 E. to the Portland City Code, as follows:
 - E. Energy Efficiency Specialty Code. The provisions of the State of Oregon Energy Efficiency Specialty Code 2010 Edition, as published by the International Code Council and known as the International Energy Conservation Code, 2009 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Energy Efficiency Specialty Code is on file in the Development Services Center of the City of Portland.

- b. Add Section 27.01.035 Solar Installation Specialty Code to the Portland City Code, as follows:

The provisions of the State of Oregon Solar Installation Specialty Code 2010 Edition, as published by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Solar Installation Specialty Code is on file in the Development Services Center of the City of Portland.

- c. Amend Chapter 24.90 of the Portland City Code, as follows:

Chapter 24.90 - MANUFACTURED DWELLING INSTALLATION AND ACCESSORY STRUCTURES, MANUFACTURED DWELLING PARKS, RECREATIONAL PARKS, RECREATIONAL PARK TRAILER INSTALLATION AND ACCESSORY STRUCTURES

24.90.010 Purpose is unchanged.

24.90.020 Scope.

Regulation under this Chapter covers all installations or alteration of manufactured dwellings, recreational park trailers and other recreational vehicles, and accessory structures. Regulation under this Chapter covers the development and maintenance of manufactured dwelling parks, and recreational vehicle parks, recreation parks, picnic parks, and organizational camps. ~~This Chapter does not include tourist facility regulation and licensing defined in ORS 446.310 to 446.350 and performed by Multnomah County.~~

24.90.030 Adoption of Codes and Regulatory AuthorityAdoption.

A. Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is hereby adopted by reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center of the City of Portland.

B. Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center of the City of Portland, are hereby adopted by reference:

1. All of Chapter One (Administration), except the following:
 - a. 1-1.4 (Design Loads)
 - b. 1-2.4 (Energy Conservation Equivalents)
 - c. 1-3 (Manufactured Dwellings Sold “As Is”)
 - d. 1-6.7 (Plot Plans Required)
 - e. 1-6.8 (Plot Plans Not Required)
 - f. 1-6.11 (Multiple-family Housing Plans)
 - g. 1-7.12 (Manufactured Dwelling Installation Permits)
 - h. 1-8.6 (Visual Inspections)
 - i. 1-8.7 (Appliance Inspections)
 - j. 1-8.9 (Alteration Inspections)
 - k. 1-8.11 (Quality Assurance Inspections)
 - l. 1-8.13 (Installation Inspections)
 - m. 1-9 (Insignias and Labels)
 - n. 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted
 - o. 1-11 (License Required) –all, except for introductory language and paragraph (h) in 1-11.3 (Electrical) and introductory language and paragraph (i) in 1-11.4 (Plumbing) are adopted
 2. All of Chapter Ten (Manufactured Dwelling Park Construction) and the corresponding tables and figures
 3. Appendix A (Definitions)
 4. Appendix B (Acronyms)
 5. Appendix C (Symbols)
- C.** The City of Portland through the Bureau of Development Services (“Bureau”) adopts regulatory authority for the installation, maintenance and alteration of manufactured dwellings and accessory structures as authorized in ORS 446.250 and 446.253, and OAR 918-500-0055; for the development and maintenance of manufactured dwelling parks as authorized in ORS 446.062 and 446.430 and OAR 918-600-1000010; for the development and maintenance of a recreational vehicle parks, picnic parks or and organizational camps as authorized in ORS 455.170; and for the installation, maintenance and alteration of residential park trailers, other recreational vehicles and accessory structures as authorized in ORS 455.170 and OAR 918-525-0050370. Nothing contained herein provides regulatory authority when delegation of authority is expressly withheld by the State.

24.90.040 Definitions.

For the purposes of this Chapter definitions contained in Chapter 24.15 shall apply in conjunction with definitions found in ORS 446.003, ORS 455.010, OAR 918-500-0005, OAR 918-525-0005, OAR 918-600-0005 and OAR 918-650-0005. Definitions in ORS or OAR shall take precedence over other conflicting definitions.

24.90.050 Administration and Enforcement.

This Chapter shall be administered and enforced in conformance with applicable provisions of the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code adopted by reference in Subsection 24.90.030 B. of this Chapter, and the Oregon Administrative Rules contained in Chapter 918 Division 500, 505, 510, 515, 520, 525, 530, 600 and 650.

~~Applicable regulatory provisions contained in the Oregon Administrative Rules are indexed in the Policy and Procedure Manual. The index and applicable Oregon Administrative Rules are on file at the Bureau of Development Services. Reproductions will be provided upon request for the fee described in 24.10.115.~~

24.90.060 Special Regulation is unchanged.**24.90.070 Permit Application.**

Permits are required for the ~~development establishment, construction,~~ enlargement, alteration or removal of manufactured dwelling parks, ~~or recreational parks, and organizational camps.~~ Permit applications, plans and specifications and permit issuance shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

- A. All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.
- B. All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120.
When the Director determines special installation or construction requires design by a registered engineer or architect, such design

shall be submitted in triplicate and approved by the Bureau prior to commencement or continuance of installation or construction.

24.90.080 Violations.

~~When any construction or installation under this Chapter is found not to comply with the regulations or standards set forth in this Chapter, the Director may issue a correction notice. When reinspection is called for and noncompliance continues the Director may assess a reinspection fee. When construction or installation under this Chapter is commenced without a permit the Director shall require a special investigation and assess an investigation fee. Reinspection or special investigation fees must be paid prior to resuming work or occupying the dwelling.~~

~~The Director may issue to the violator and post on the premises, a stop work order when work under this chapter is being performed contrary to regulations of this Chapter. When a stop work is issued and posted, work shall not resume until authorized by Director.~~

~~The Director may determine the construction or installation unsafe and proceed with actions contained in 24.10.060 (e) (f).~~

Any person who violates any provision of this Chapter and/or any codes adopted herein shall be subject to the penalties as prescribed by law.

24.90.090 Appeals.

~~Any person, firm or corporation may request a ruling from the Administrator of the State Building Codes Division prior to submitting a permit application under this Chapter or after withdrawing a previously submitted application. Any ruling or order initiated by the Director shall remain in full force until or unless a ruling by the Division reverses the Director's ruling.~~

Any person, firm or corporation aggrieved by a decision of the Bureau under this Chapter may request an administrative appeal and pay the appeal fee. An internal administrative appeal committee consisting of persons appointed by the Director who are especially qualified to provide expert opinions in matters of this Chapter under appeal, shall act in an advisory capacity to the Director. Committee review shall culminate in a finding by the Director. Further appeal may be made without fee to the appropriate Board of Appeals described in Sections 24.10.080, 25.07, 26.4203.070 and 27.02.030. Within 30 days of the final appeal finding by the Board of Appeals, an appellant who continues to be aggrieved may submit a continuance of the appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690~~State Manufactured Structures and Parks Advisory Board.~~

- d. Repeal all of Chapter 24.95 of the Portland City Code.

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Section 2. The Council declares that an emergency exists because the City Code has not adopted the State of Oregon Energy Efficiency Specialty Code that took effect on July 1, 2010, the Oregon Solar Installation Specialty Code that took effect on October 1, 2010, the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code that took effect on April 1, 2010, and the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code relating to manufactured dwelling parks that took effect on April 1, 2002; therefore, this ordinance shall be in full force and effect from and after its passage by Council.

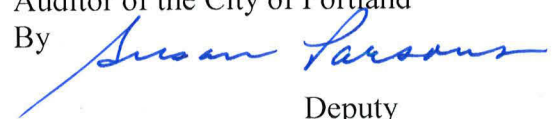
Passed by the Council:

DEC 12 2012

Commissioner Dan Saltzman
Prepared by: Nancy B. Thorington, BDS
Date Prepared: December 12, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By

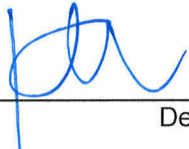





Deputy

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Agenda No. **185798**
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Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Saltzman	CLERK USE: DATE FILED <u>DEC 07 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman 	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Paul L. Scarlett Bureau Head: Director, Bureau of Development Services 	
Prepared by: Leanne Torgerson Date Prepared: 11/29/12	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date 12/12/12	
City Attorney Approval 	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	—	
4. Leonard	✓	
Adams	✓	