

Title 28 – Floating Structures

- a. Portland City Code Section 28.02.020, Definitions, Subsection CCC., is amended as follows:

28.02.020 - Definitions

CCC. Specialty Codes: ~~The regulations adopted under ORS 447.020(2) (2005), 455.020(2) (2005), 479.730(1) (2005) or 480.535 (2005) commonly referred to as the Oregon Structural Specialty Code (as adopted in City Code Chapter 24.10), Oregon Residential Specialty Code (as adopted in City Code Chapter 24.10), Oregon Mechanical Specialty Code (as adopted in City Code Chapter 27.01), Oregon Plumbing Specialty Code (as adopted in City Code Chapter 25.01), the Oregon Electrical Specialty Code (as adopted in City Code Chapter 26.01) and the Oregon Fire Code (as adopted in City Code Chapter 31.10).~~

- b. Section 28.03.015, River Community Advisory Committee, is amended as follows:

28.03.015 River Community Advisory Committee.

- A. unchanged

- B. Membership.

~~The River Community Advisory Committee shall consist of six members each appointed by the Mayor. The members shall be appointed by the Commissioner in Charge of the Bureau of Development Services and confirmed approved by the City Council.~~ The members shall be selected to provide representation of those persons with knowledge or expertise on the unique construction conditions or the nautical history and traditions associated with floating structures. Members shall include representatives from any of the following categories: floating home resident, marina operator, floating structures contractor, floating structures design professional, yacht club member, and on the water business owner.

- C. Appointments and Terms.

~~Appointment to the River Community Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the River Community Advisory Committee shall 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 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 consecutively.~~

- D. Meetings, Officers, and Subcommittees.

1. The River Community Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. ~~Five~~Four members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the River Community Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.
 2. unchanged
 3. unchanged
- E. Attendance.
Members of the River Community Advisory Committee are expected to attend each meeting of the committee. The ~~Mayor~~Commissioner in Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent (50%) of the meetings in any year.
- F. unchanged
- c. Section 28.03.020, Permits and Inspections, Subsection A.9., is added and Subsection C.7. is amended as follows:

28.03.020 Permits and Inspections.

- A. Permits and inspections shall be required for the following:

9. A certificate of compliance is required for floating structures moved from one moorage to another moorage within the City. No certificate of compliance is required for moving a floating structure from one slip to another within the same moorage.

- C. Permits and inspections are not required for the following:

7. Relocation of boathouses or tender houses within a moorage ~~or between separate moorages within the City~~ as long as the unit moved is in good repair. The distance between units relocated within a moorage shall not be: less than the distance between units that pre-existed prior to the move if that distance is less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection; or less than 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection if the pre-existing distances are greater than or equal to 6 feet between the nearest exterior walls and 4 feet between the nearest roof, deck, balcony or other architectural projection. The distance between units when the relocation is to another moorage within the City shall either comply with the separation distance required by Section 28.05.010 B.4. or shall be the separation distance as determined acceptable by consultation with the Harbor Master in compliance with Section 28.05.010 B.4.

EXCEPTION: Electrical permits are required for the connection of a relocated boathouse or tender house structure to electrical service at the new location.

The owner/operator of the moorage shall provide an updated moorage map as required by Section 28.05.010 reflecting the new location of the relocated boathouse and the distance between the boathouse and adjacent structures and shall send a notice of the relocation, including separation distances after the relocation, to the Director.

- d. Add Section 28.03.035, Bureau of Development Services Administrative Appeal Board, as follows:

28.03.035 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 this Title and the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Building Code");
 2. review requests for modifications to the strict application of the Building 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 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 this Title or the Building Code was not correctly interpreted or applied;

2. grant a modification to the application of this Title or the Building Code where special individual reasons make application of the strict letter of this Title or the Building Code impractical, the modification is in compliance with the intent and purpose of this Title or the Building Code, and such modification does not lessen health, life and fire safety or structural requirements of the floating 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 this Title or 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, and safety. The Administrative Appeal Board may not waive the requirements of this Title or 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.

C. Reconsideration of Final Decisions and Appeals to the Floating Structure 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 Floating Structure Code Board of Appeal in accordance with Section 28.03.040 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 Floating Structure Code Board of Appeal. The Building 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 Floating Structure 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.

e. Section 28.03.040, Appeals, is hereby replaced as follows:

28.03.040 Appeals.

A. Appointment of Floating Structures Code Board of Appeal. In order to hear appeals of final decisions of the Building Official made under Section 28.03.035, there has been created a Floating Structures Code Board of Appeal, consisting of

four members and three alternates appointed by the Mayor and approved by the City Council.

1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Building Code and the construction and maintenance of floating structures and moorage facilities. One member will be from the Building Code Board of Appeal as constituted by City Code Section 24.10.080, one member and one alternate must be an architect or engineer knowledgeable in the design of floating structures, one member and one alternate must be knowledgeable in the construction, maintenance and repair of floating structures, and one member and one alternate must be from one of the following interest groups: a for-profit moorage representative; a non-profit moorage representative; a yacht club representative; or a floating home resident.
2. Floating Structures Code Board of Appeal appointments shall be for 3-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director 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 Floating Structures Code Board of Appeal shall comply with the State ethics laws applicable to public officials.
5. Members of the Floating Structures Code Board of Appeal shall serve in a voluntary capacity and without pay.

B. Appeals to the Floating Structures Code Board of Appeal. The Floating Structures 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 this Title or the Building Code. The Floating 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 45 days after an interested party submits a written appeal to the Floating Structures Code Board of Appeal. A panel of at least three Floating Structures Code Board of Appeal members will hear each appeal, one of whom must be a member of the Building Code Board of Appeal. The Board may, by a majority vote, affirm, annul, or modify the decision. In the event of a tie vote, the appeal shall be considered denied.

C. Powers and Limitations of Authority of the Floating Structures Code Board

of Appeal. The Floating Structures Code Board of Appeal may provide reasonable interpretations of the requirements of this Title and the applicable Building 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 this Title or the Building Code;
2. special individual reasons make application of the strict letter of this Title or the Building Code impractical, the modification is in compliance with the intent and purpose of this Title or the Building Code, and such modification does not lessen health, life and fire safety or structural requirements of the floating structure; or
3. any alternative material, design or method of construction and equipment complies with the intent of this Title and the Building Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Title or the Building Code in quality, strength, effectiveness, fire resistance, durability, and safety. The Floating Structures Code Board of Appeal may not waive the requirements of this Title or the applicable Building Code.

Any person aggrieved by a final decision of the Floating Structures 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.

f. Section 28.05.010, Floating Structures, Subsection B., is hereby amended as follows:

28.05.010 Floating Structures.

B. Separation required between floating existing structures.

1. The separation existing on January 1, 2008 between one floating structure and another may be maintained provided such separation is:
 - a. Documented on the moorage map that is maintained by the owner/operator of the moorage facility; and
 - b. Provided that the Harbor Master determines that such spacing does not pose a high fire or life safety risk. A copy of the updated moorage map shall be provided to the Harbor Master, ~~by not later than January 1, 2008~~ which shows the conditions and uses in place as of January 1, 2008. The Director shall refer to this map in determining whether an existing structure is grandfathered under Title 28.

g. Section 28.05.020, Moorages, Subsection B., is hereby amended as follows:

28.05.020 Moorages.

B. Regulations pertaining to repairs to moorages and marinas.

3. Walks and walkways and their supporting structure: The following repairs of existing walks and walkways are allowed within any 12 month period without permit or inspection:

a. Replacement of no more than 50 percent of the decking, stringers and floatation logs or other floatation material with like or better materials in a like manner. Substantiating data may be required to determine compliance with this Section

b. Repair or replacement of less than ~~fifty percent (50%)~~ 50 percent of the concrete portions of an individual concrete float with like or better materials in a like manner. Substantiating data may be required to determine compliance with this Section.

h. Section 28.06.020, Materials and Installations, Subsections A. and C., are hereby amended as follows:

28.06.020 Materials and Installations.

A. Structural materials. Structural members and connectors within 18 inches of the water, except logs used for floatation, steel stringers and steel piling, shall be fabricated of materials with natural resistance to decay or be coated or treated such that the materials will resist deterioration due to their proximity to the water. In general: framing lumber within 18 inches of the water and decking material which is exposed to the weather shall be pressure treated with an approved preservative. Framing connectors, anchoring chain, shackles and shackle pins or other anchoring devices shall be hot-dipped galvanized or non-corrosive metal except for the pins that connect stringers to the floatation logs. Plywood shall have exterior type adhesive; exposed plywood shall be exterior grade. Structural members may consist of composite materials if such materials are approved by the Director.

C. Energy Efficiency. The exterior building envelope of the floating structure including exterior walls, floors, roofs, doors, windows, and skylights as well as the mechanical, electrical, and plumbing systems for the structure shall comply with the energy efficiency requirements of the State of Oregon Building Code, as defined in Oregon Revised Statutes Section 455.010 Residential Specialty Code (2005) or the State of Oregon Structural Specialty Code (2004) as applicable based on the occupancy of the building. Thermal insulation which may be subject to moisture,

such as main floor underfloor insulation, shall be of a type approved for damp locations.