

ORDINANCE NO. 150873

An Ordinance amending Title 27, Heating and Ventilating Regulations of the Code of the City of Portland, in order to update and revise the following chapters and sections and establish certain fees: Chapter 27.01, Section 27.01.030 Scope; Chapter 27.02, Section 27.02.010(b) Right of Entry; Chapter 27.02, Section 27.02.030 Board of Appeals; Chapter 27.03, Section 27.03.020 Permits; Section 27.03.030 Validity and Length of Permit, and 27.03.030(d) Investigation Fees: Work Without a Permit, and deleting and rewording 27.03.040 Permit Fees; Chapter 27.05, Section 27.05.021 Capacity.

The City of Portland ordains:

Section 1. The Council finds:

1. That ORS 456.775, as amended in 1979, states clearly that no municipality may enact any ordinance, rule or regulation providing for different requirements than set forth in the state specialty codes, that it is a benefit to the community at large to have uniformity within the State of Oregon regarding construction regulations, that the State of Oregon has adopted the 1979 edition of the Uniform Mechanical Code as amended, effective July 1, 1980, that certain chapters and sections of Title 27, Heating and Ventilating Regulations of the Code of the City of Portland, are in conflict with the Uniform Mechanical Code, that therefore it is appropriate and in the city's best interest that Section 27.01.030 Scope, should be amended to adopt the 1979 edition, Uniform Mechanical Code as amended by the State of Oregon, hereafter referred to as the State Mechanical Code.

2. That Section 27.02.010(b) Right of Entry, be amended to be consistent with the State Mechanical Code and thus in line with current case law.
3. That Section 27.02.030 Board of Appeals, be amended to be consistent with the State Mechanical Code regarding experience and educational background required for appeal board members and regarding final authority in technical matters.
4. That Section 27.02.039 Board of Appeals, be amended to eliminate the requirement for an annual report to Council inasmuch as the City legislative liaison office has established, as a matter of expediency, direct communications with the City's bureaus.
5. That Section 27.03.020 Permits, be amended by creating authority to require plans for fire resistive and one hour construction inasmuch as fire dampers are required in these types of construction, and without plans, the safety and fire resistive integrity of these buildings cannot be effectively enforced.
6. That Section 27.03.030 Validity and Length of Permit, be amended to make Title 27 consistent with the State Mechanical Code, allowing 180 days in lieu of 60 days before a permit expires if work has not commenced and allowing 180 days in lieu of 120 days before a permit expires if the work is suspended or abandoned.
7. That Section 27.03.030(d) Penalty Fee, be amended to be consistent with the State Mechanical Code by eliminating the penalty fee and in its place provide an investigation fee which requires first that the building official make an investigation where work was started without a permit and a fee charged for this investigation.
8. That Section 27.03.040 Permit Fees, be deleted and worded as follows for the sake of clarity in which to better serve the public by dividing the fee schedule into residential and commercial applications and to create authority for special inspectors consistent with the building, electrical and plumbing codes.
9. That Section 27.05.021 Capacity, be amended by changing the minimum design temperature from 70° to 68° for dwelling units and guest rooms, by changing the design temperatures for winter and summer, heating and cooling, by specifying the degree days for the City of Portland.

NOW, THEREFORE, the Council directs:

- a. That Title 27, Heating and Ventilating Regulations, of the Code of the City of Portland, is hereby amended and shall hereafter read as follows:

Chapter 27.01  
TITLE AND SCOPE

Sections:

27.01.010 Title (No Change)

27.01.020 Purpose (No Change)

27.01.030 Scope. The provision of the Uniform Mechanical Code, 1979 Edition, including the appendix, promulgated and published by the International Conference of Building Officials, as amended by the State of Oregon Department of Commerce, Building Codes Division, and the office of the State Fire Marshal, and known as the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, hereafter referred to as the State Mechanical Code, three copies of which are on file in the office of the City Auditor, hereby are adopted by reference and such provisions shall apply within the city, except as to matters specifically covered by the provisions set forth in this title, and in all cases where specific provisions of this title apply such provisions shall control notwithstanding any contrary provisions of said Uniform Mechanical Code.

EXCEPTION: Uniform Mechanical Code Standard No. 5-1 Tank, Piping and Valves for Oil Burning Appliances, is deleted from this title. They are regulated by the Fire Marshal's Office, under Title 31 adopted by Ordinance No. 130672.

EXCEPTION: Boilers and pressure vessels are regulated by the State of Oregon Boiler and Pressure Vessel law adopted under ORS 480.510 to 480.615 and OAR 814-25-003 through 814-25-100.

Unless specifically provided for in other chapters of this code, 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 recommendations of the National Fire Protection Association (Hereinafter referred to as N.F.P.A.) as set forth in its National Fire Codes, current edition shall apply.

For the purposes above stated, three sets of the N.F.P.A. National Fire Codes, current Edition, are filed with the city auditor and kept available for public reference.

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

The sections of this title are numbered to correspond with State Mechanical Specialty Code section.  
(Example: 27.010.30 deals with scope, as does U.M.C. 103)

27.01.040 Existing Equipment (No Change)

27.01.050 Alternate Materials and Methods of Construction  
(No Change)

#### Chapter 27.02

#### ORGANIZATION AND ENFORCEMENT

##### Sections:

27.02.010 General (No Change)

27.02.010(a) Appointees (No Change)

27.02.010(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official or his 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 his 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, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the building official or his 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 his authorized representative for the purpose of inspection and examination pursuant to this code.

## 27.02.020 Violations and Penalties (No Change)

27.02.030 Board of Appeals. (Amended by Ord. No. 145373 passed Mar. 15, effective Apr. 15, 1978.) In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, a board of appeal has been created.

1. Created-Membership-Vacancies. There has been created and established and hereby continued, a board of appeal of this title, consisting of three members, and an alternate for each member, appointed by the mayor. Members, by experience and training, shall be qualified to pass upon the safety of installations and apparatus regulated by this code. Appointments shall be made for a term of three years. No member shall hear or decide a case in which he is directly or indirectly interested. Vacancies occurring on the board of appeal from whatever cause shall be filled by appointment by the mayor, either permanently or temporarily as the case may demand. Any member of the board of appeal may be removed by the mayor for malfeasance in office, incapacity, or neglect of duty.

2. Power of and appeal to board. Any applicant for a heating or ventilating permit whose application has been rejected by the permit division of the bureau of buildings or any person who shall have been ordered by the inspector to incur expense in the alteration, repair, or construction of a heating or ventilating system may, within fifteen days thereafter, appeal from such action by serving upon the bureau of buildings a notice in writing of appeal and the notice or a certified copy thereof shall at once be transmitted to the board of appeal. After notice to such parties as the board may direct, a hearing shall be had, and the board may by a majority vote affirm, annul, or modify the action of the bureau of buildings. The decision of the board shall have full force and effect. A certified copy of the board's decision in each appeal shall be delivered to the appellant and a copy filed for record in the bureau of buildings. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences inconsistent with the general

purposes of this code may result from the literal interpretation and enforcement thereof, the Board of Appeals upon unanimous vote may grant adjustments or variances in a specific case with such conditions and safeguards as it may determine, in harmony with the general purpose, intent and spirit of this code, so that the public safety and welfare shall be secured and substantial justice shall be done. If interpretation of the provisions of this code is required, decisions thereon may be determined by a majority vote of the Board. Materials and methods found equivalent to those called for by the code may be approved by a majority vote of the Board.

3. Fees for appeals. (Amended by Ord. No. 146232 passed Aug. 3, effective Sept. 4, 1978.) Any person appealing from the decision of the bureau of buildings shall attach to the written appeal a certified check for \$30.00 in favor of the city treasurer.

4. Rules to be adopted. The board of appeal from time to time shall adopt such rules for conducting its hearings as the board may deem proper.

5. Report to Board. (Delete)

27.020.031 Powers of the Board of Appeal. Any person aggrieved by the final decision of a municipal appeals board as to the application of any provision of this Code may, within 30 days after the date of the decision, appeal to the Structural Code Advisory Board. The appellant shall submit a fee of \$20, payable to the Director, Oregon State Department of Commerce, with his request for appeal. The final decision of the involved municipality shall be subject to review and final determination by the Structural Code Advisory Board as to technical and scientific determination related to the application of this Title. (ORS 456.850)

#### Chapter 27.03

#### PERMITS AND INSPECTION

#### Sections:

27.03.010 Permits Required (No Change)

27.03.020 Permits

(a) Permit Application (No Change - 1st paragraph)

Electric Heating Applications. The applicant for a permit to install an electrical heating system shall furnish on the application, information covering the following: (1) The total area of the dwelling or apartment;

(2) The ceiling height and area of each room or space regarded as living quarters; (3) The location, as to what floor each room or space is located; (4) The net areas each of exposed walls and exposed openings in each room or space regarded as living quarters; (5) The type and amount of insulation used; (6) The U factors for ceilings, floors, exposed walls, partitions, windows and doors; (7) The amount of wattage required to offset the heat loss for each room as required by Section 27.05.021 of this code; (8) The total heating requirements for the dwelling.

(b) Plans and Specifications. When required by the Building Official for the enforcement of any provisions of this Code for the installation of comfort heating systems, comfort cooling systems, absorption systems, ventilation systems, hoods, and any installation within construction required to be fire resistive or of one hour construction, three sets of plans or specifications shall accompany the permit application and be approved before the issuance of the permit.

(No change balance of section)

27.03.030 Validity and Length of Permit.

(a) Validity (No Change)

(b) Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

(c) Suspension or Revocation (No Change)

(d) Investigation Fees: Work Without a Permit. 1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

27.03.040 Permit Fees. Any person desiring a permit required by this Code, shall at the time of filing an application therefor, pay a fee as required by this Section.

(a) Residential Installations. Single family residences and two family dwellings (R3 occupancy class) and each individual dwelling unit within apartments, condominiums, hotels, motels or dormitories (R1 occupancy class) individually heated and/or air conditioned except those

required to be of fire resistive or of one hour construction.

- (1) For the installation or relocation of each forced-air or gravity-type furnace, including ducts and gas piping attached to such appliance, up to 160,000 B.T.U.'s . . . . . \$15.00  
With air conditioning or heat pump . . . . . \$27.00
- (2) For the installation or relocation of each forced-air or gravity-type furnace, including ducts and gas piping attached to such appliance 160,000 B.T.U.'s and over . . . . . \$20.00  
With air conditioning or heat pump . . . . . \$32.00
- (3) Heat pumps without duct work.  
 Single-family dwelling . . . . . \$15.00  
 Dwelling units in a two-family dwelling, apartment, condominium, hotel, motel or dormitory.  
 Each for first 3 typical units . . . . . \$15.00  
 Each for all others in building . . . . . \$ 8.00
- (4) For the installation or relocation of each wood stove heater, wallheater, floor mounted unit heater, or floor furnace including gas piping attached to the appliance . . . . . \$10.00
- (5) For the installation, relocation or replacement of all classes of appliance vents.  
Each. . . . . \$ 8.00
- (6) For the installation of electric baseboard, wall or ceiling heaters, resistance cable, electric fireplaces.  
 Single-family dwelling . . . . . \$15.00  
 Dwelling units in a duplex, apartment, condominium, hotel, motel or dormitory.  
 Each for first 3 typical units . . . . . \$15.00  
 Each for all others of the group . . . . . \$ 8.00  
 Adding or replacing electric heaters to existing heating systems  
 For first room . . . . . \$10.00  
 Each additional room . . . . . \$ 5.00  
 except that maximum fee shall not exceed \$15.00 in any one dwelling unit.
- (7) For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories or for which no other fee is listed in this Code . . . . . \$15.00

(8) For the repair of, alteration of, or addition to each residential heating appliance, or comfort cooling unit.

For work valued up to but not exceeding \$500.00 . . . . .	\$ 8.00
For work valued at more than \$500.00 but not exceeding \$1,000.00 . . . . .	\$12.00
For each additional \$1,000.00 or fraction thereof over the first \$1,000.00 . . . . .	\$ 8.00

(b) Commercial Installations. All occupancies not classified as residential and those residential installations required to be of fire resistive or of one hour construction.

(1) For the installation, replacement or relocation and repair of each commercial heating ventilation or air conditioning unit, equipment or system, shall be determined on the following basis:

For work valued up to but not exceeding \$500.00 . . . . .	\$ 8.00
For work valued at more than \$500.00, but not exceeding \$1,000.00 . . . . .	\$12.00
For each additional \$1,000.00 or fraction thereof over the first \$1,000.00 . . . . .	\$ 8.00

(2) Fee for installation and inspection of gas piping when not attached to appliances regulated by this Code.

For low pressure systems (.5 psi) . . . . .	\$10.00
For <u>medium</u> pressure systems (2 or 5 psi) . . . . .	\$15.00

(3) Plan Check: All plans submitted as required in Section 27.03.020(b) of this Code shall be accompanied by a plan check fee equal to one-half the permit fee or fees called for in this section. The plan check fee shall be paid in addition to the permit fee or fees.

(c) General. The fee called for in Section 27.03.020 of this Code does not include the electrical wiring, the fee for the installation of which is covered in the City of Portland Electrical Regulations, Title 26.

(d) Requested Inspection Fees. Whenever a special inspection which is not scheduled in the City's regular inspection program is requested, such inspection shall be given as soon as convenient upon payment to the Building Inspections Director of the fee specified below.

ORDINANCE No.

- (1) Single and two family dwellings (Occupancy Class R3) . . . . . \$50.00
- (2) Apartment houses (Occupancy Class R1) (plus \$5.00 for each dwelling unit in excess of 3) . . . . . \$75.00
- (3) Hotels (Occupancy Class R1) (plus \$2.50 for each sleeping room in excess of 5) . . . . . \$75.00
- (4) All other occupancies one and two stories in height up to 10,000 square feet (plus \$5.00 for each additional 1,000 square feet) . . . . . \$75.00
- (5) All other occupancies three stories and above (plus \$15.00 for each story in excess of 3) . . . . . \$75.00

This shall not apply to requests by or for the City or its departments.

- 27.03.050 Inspection (No Change)
- 27.03.060 Request For Inspection (No Change)

Chapter 27.05

EQUIPMENT-GENERAL

Sections:

- 27.05.021 Capacity.
- 27.05.021 Capacity. (Amended by Ord. No. 144249 passed and effective Aug. 18, 1977.) Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68°F or 20°C at a point 3 feet or 91.44 cm above the floor in all of the City of Portland habitable rooms.

Chapter 53, Energy Conservation, State Building Code, shall regulate the design and construction of the exterior envelopes and selection of heating, ventilating and air conditioning systems and equipment.

- (1) The annual degree days is 4,792 for heating and is 300 for cooling. The design temperature is 23°F for winter and 85° for summer.
- (2) Indoor design temperature shall be 68°F for heating and 78° for cooling.

Passed by the Council,

DEC 17 1980 (Balance of Title unchanged)

Commissioner Schwab  
C.K. Stalsberg:jd  
November 28, 1980

Attest:

*Sergei Zubov*  
Auditor of the City of Portland

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- 27.03.060 Request For Inspection (No Change)

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DEC 17 1980 (Balance of Title unchanged)

Commissioner Schwab  
C.K. Stalsberg:jd  
November 28, 1980

Attest:

*Sergey G. Ivanil*  
Auditor of the City of Portland

4407  
Calendar No. ~~4351~~

**ORDINANCE No. 150873**

**Title**

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**THURSDAY  
DEC 11 1980**

**PASSED TO SECOND READING DEC 17 1980**

Filed **DEC 4 1980**

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By

*Gordon Crull*  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	1	
Lindberg	1	
Schwab	1	
Ivancie	1	

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
Commissioner Mildred Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Bureau of Buildings
Prepared By: Charles Stalsberg:jd Date: 11-28-80
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>[Signature]</i> James E. Griffith

CALENDAR
Consent Regular <b>X</b>

NOTED BY
City Attorney
City Auditor
City Engineer