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Chapter 25.01

TITLE AND SCOPE

Sections:

- 25.01.010 Title.
- 25.01.020 Scope-Oregon State Plumbing Specialty Code.
- 25.01.030 Residential Code.

25.01.010 Title.

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

25.01.020 Scope - Oregon Plumbing Specialty Code.

(Amended by Ordinance Nos. 162694, 164949, 168183, 169905, 174891 and 179125, effective April 1, 2005.) This Title shall apply 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, 2003 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 2005 Edition of the Oregon Plumbing Specialty Code, are hereby adopted by reference. The Plumbing Specialty Code is on file in the Development Services Center of the City of Portland.

25.01.025 Specialty Solar Code.

(Repealed by Ordinance No. 168183, effective Nov. 1, 1994.)

25.01.030 Residential Code.

(Added by Ordinance No. 158652; amended by 164949, 166437, 174891, 177414 and 179125, effective April 1, 2005.) The provisions of the State of Oregon Residential Specialty Code, 2005 Edition, as published by International Code Council and known as the International Residential Code, 2003 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon, is hereby adopted by reference. Furthermore, in that Appendix AN is adopted by the State of Oregon as a part of the 2005 Residential Specialty Code, Section AN109.4 is hereby specifically adopted and supercedes the provisions of Section AN103.2.3. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.

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Chapter 25.02

DEFINITIONS

Sections:

25.02.020	Approved.
25.02.030	Building.
25.02.040	Building Wrecker.
25.02.050	Bureau of Development Services.
25.02.055	Director.
25.02.060	Journeyman Plumber.
25.02.070	Maintenance Person.
25.02.080	Plumbing Contractor.
25.02.090	Plumbing Inspector.
25.02.095	Rainwater Harvesting System.
25.02.100	Sewer Contractor.
25.02.110	Structure.

25.02.010 Administrative Authority.

(Repealed by Ordinance No. 178578, effective September 1, 2004.)

25.02.020 Approved.

(Amended by Ordinance No. 176955, effective October 9, 2002.) Approved means approved by the City of Portland, Bureau of Development Services, Plumbing Section.

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 Bureau of Development Services.

(Amended by Ordinance No. 176955, effective October 9, 2002.) Bureau of Development Services means the Bureau of Development Services of the City of Portland, which may be represented by any employee duly authorized to make inspection of plumbing installations.

25.02.055 Director.

(Added by Ordinance No. 178578, effective September 1, 2004.) Director shall mean the Director of the Bureau of Development Services or a duly authorized representative of the Director.

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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 shall be 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.

(Amended by Ordinance Nos. 170576 and 176955, effective October 9, 2002.) Plumbing Inspector means the Plumbing Inspection Supervisor, or a duly authorized inspector of the Plumbing Division of the Bureau of Development Services charged with the enforcement of this Title.

25.02.095 Rainwater Harvesting System.

(Added by Ordinance No. 178578, effective September 1, 2004.) 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.

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Chapter 25.03

ADMINISTRATION

Sections:

- 25.03.010 Enforcement.
- 25.03.020 Chief Plumbing Inspector's Duties.
- 25.03.030 Inspector's Right of Entry.

25.03.010 Enforcement.

(Amended by Ordinance Nos. 176955 and 178578, effective September 1, 2004.) The Director of the Bureau of Development Services shall enforce all the provisions of this Title.

25.03.020 Chief Plumbing Inspector's Duties.

(Amended by Ordinance No. 170576, effective November 1, 1996.) The Plumbing Inspection Supervisor shall enforce the provisions of the Plumbing Regulations.

25.03.030 Inspector's 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.

Chapter 25.04

**ADMINISTRATIVE REGULATORY
PROVISIONS**

Sections:

25.04.010	Conformity Required.
25.04.015	Stop Orders.
25.04.020	Renewals and Repairs.
25.04.030	Plumbing Work To Be Regulated.
25.04.040	Minor Plumbing Labels.
25.04.050	Owner May Perform Plumbing Work.
25.04.060	Plumbing Work To Be Performed by Owner, Journeyman Plumber, or Indentured Apprentice.
25.04.070	Certificate of Final Inspection.
25.04.080	Advertising or Display Signs.
25.04.090	Mechanical Devices.

25.04.010 Conformity Required.

(Amended by Ordinance No. 178578, effective September 1, 2004.) Every plumbing system, rainwater harvesting system, water supply system, and sewage and drainage system coming within the jurisdiction of the City of Portland and covered by this Title and the Oregon Plumbing Specialty Code shall be installed, constructed, altered, renovated, repaired, and maintained in a manner which shall meet the requirements of this Title and the Oregon Plumbing Specialty Code. No pipes or piping or parts of any plumbing system shall 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 shall place in use, or maintain a plumbing, rainwater harvesting system, water, sewage, or drainage system which has been installed, constructed, altered, renovated, or repaired in violation of the provisions of this Title and the Oregon Plumbing Specialty Code. Any portion of such an installation, construction, alteration, renovation, or repair made in violation of this Title and the Oregon Plumbing Specialty Code shall be immediately removed and corrected to comply with provisions of this Title and upon notice from the Plumbing Inspector.

25.04.015 Stop Orders.

(Amended by Ordinance Nos. 168183 and 176955, effective October 9, 2002.) When any plumbing work is being done contrary to the provisions of this Code, the Director of the Bureau of Development Services may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work.

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25.04.020 Renewals and Repairs.

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

(Amended by Ordinance No. 168183, effective Nov. 1, 1994.) All plumbing work in or about buildings or on private property shall 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.

(Added by Ordinance No. 170811; amended by Ordinance Nos. 170929, 178578 and 179125, effective April 1, 2005.)

- 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 918-100-000 through 918-100-060. The Bureau will operate the Minor Plumbing Label program in accordance with the Oregon Administrative Rules. The Minor Plumbing Label Program utilizes minor labels in lieu of regular plumbing permits and random inspections to ensure compliance of minor work.
- B. Requirements for Minor Labels.** Minor Plumbing Labels may be used in all occupancies (including commercial, industrial, apartment, multi-family installations and one and two family residential dwellings). As provided by Oregon law, the Tri-County Service Center sells minor plumbing labels. The Bureau will refer all requests for minor plumbing labels to the Tri-County Service Center.
- C. Inspection and Enforcement Authority.** The Bureau, in accordance with Oregon Administrative Rule 918-100-0060, shall conduct inspections and issue necessary correction notices for labels issued by the Tri-County Service Center.

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- D. Violations.** It is unlawful to violate the requirements of this section. Any violation of this section may be sanctioned by application of the remedies provided in Portland City Code 3.30.040.

25.04.050 Owner May Perform Plumbing Work.

(Amended by Ordinance No. 170576, effective November 1, 1996.) The Plumbing Inspector has authority to 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, he shall 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 Plumbing Inspector may condition the issuance of the permit upon such conditions and factors as he 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 shall be in form approved by the City Attorney and shall provide for completion or correction of the work from the proceeds of the bond. Whenever an owner receives this privilege, the word “owner” shall 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.

(Amended by Ordinance Nos. 168183 and 176955, effective October 9, 2002.) All plumbing work shall 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 shall carry with them their Oregon State Certificate of Competency. All apprentice plumbers shall carry with them their apprentice registration cards and shall produce same at the request of the Plumbing Inspector of the Portland Bureau of Development Services. It shall be the duty of the Plumbing Inspector of the Bureau of Development Services to require the journeyman plumber and apprentice plumber to show their registration card.

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In the event anyone is performing plumbing work in violation of the above regulations, a report relative to such person shall be sent by the Bureau of Development Services Plumbing Section to the Oregon State Building Codes Division, Plumbing Division.

25.04.070 Certificate of Final Inspection.

(Amended by Ordinance No. 168183, effective November. 1, 1994.) Upon completion of the work covered by the plumbing permit, the person engaged to do such work shall notify the Plumbing Inspector of such completion. As soon as possible after the receipt of such notice, final inspection shall be made by the Plumbing Inspector. If corrections are required, the permittee shall 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 Plumbing Inspector, 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 shall 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 shall be issued on demand by the Plumbing Inspector. No plumbing system shall be placed in service until its formal approval as evidenced by the certificate of final inspection shall have been made. Provision shall 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, or carry on, or to represent and advertise himself as engaged in or carrying on the business of plumbing contractor, or sewer contractor in the City of 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 the City of 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 of Portland to perform this work. Exception - a homeowner or qualified maintenance man may clean drains or sewers.

Chapter 25.05

PERMITS

Sections:

25.05.010	Required.
25.05.020	Permit and Report Required To Do Plumbing Work on Water System.
25.05.030	Plumbing Permit Application.
25.05.040	Plumbing Plan Examination.
25.05.050	Life of Permit Limited.
25.05.060	Fees.
25.05.070	Repairs, Replacements, and/or Completions.
25.05.080	Revocation.
25.05.090	Partial Refund of Fees.
25.05.100	Reduction of Fees.

25.05.010 Required.

(Amended by Ordinance Nos. 170576, 170811 and 178578, effective September 1, 2004.) Excepting fire systems provided for in Title 31, Fire Regulations, a permit, or minor label as outlined in Section 25.04.040, shall 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; of plugging of sewer where a building has been wrecked or moved; for removing plumbing fixtures and sealing openings; all of the above coming under 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 there be no disconnecting of the fixture or device, or if there be 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.

(Amended by Ordinance Nos. 168902 and 170811, effective January 2, 1997.) 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. Permits for emergency repairs to water lines must be obtained within 48 hours (except weekends and holidays) of commencing the repair work. Every plumbing system in the City of Portland shall be connected to a City water main or water supply furnished by the City of Portland or other State approved purveyor.

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25.05.030 Plumbing Permit Application.

(Amended by Ordinance Nos. 156924, 168183, 170576 and 176955, effective October 9, 2002.) An application for a plumbing permit shall be made on an application form furnished by the Bureau of Development Services. The application shall 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 of Portland'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.

(Amended by Ordinance Nos. 158895, 186183, 170576 and 181359, effective November 16, 2007.)

- 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 Director shall be filed with the Plumbing Section, Bureau of Development Services. Plans shall be of sufficient clarity to indicate the location, nature and extent of the work proposed.

25.05.050 Life of Permit Limited.

(Replaced by Ordinance No. 174880; amended by 178578, effective September 1, 2004.) If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further plumbing work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond his or her control. Extension requests shall be in writing and shall be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period

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of permit renewal the permit shall be void. The renewal fee shall be as specified in the Council adopted fee schedule.

25.05.060 Fees.

(Replaced by Ordinance No. 174720, effective August 21, 2000.) 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 shall be charged on all work for the finishing of any plumbing installation for which a permit was secured and which installation was roughed in only; nor shall any such original permit cover any person other than the original permittee.
- B.** The fees for alterations, replacements, or repairs shall be the same as for new work.
- C.** If any work on the construction, alteration, repair, replacement, or completion of a plumbing system be commenced without a plumbing permit having first been secured, the regular fee shall be doubled when the plumbing permit is issued, provided that when a person performing the work notifies the Plumbing Inspector's office before any work is commenced at a given location, and the permit is secured within 24 hours, not including Sundays or holidays, the additional fee shall not be exacted. Payment of such fee, however, shall in no way relieve such person of the penalties imposed for violation of this Title.

25.05.080 Revocation.

(Amended by Ordinance No. 176955, effective October 9, 2002.) 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, the Plumbing Inspector shall, in writing, notify the permittee that all additional plumbing work under the permit shall 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 such notice immediately upon its service, the Plumbing Inspector of the Bureau of Development Services shall forthwith 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 is unlawful for any person to perform any plumbing work upon such premises without first securing a new plumbing permit.

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25.05.090 Partial Refund of Fees.

(Amended by Ordinance No. 162101, effective Aug. 1, 1989.) 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 shall 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 are to 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 Director or designee.

25.05.100 Reduction of Fees.

(Added by Ordinance No. 168183, effective Nov. 1, 1994.) The Director may reduce any fee when, under the Director's authorization, another public agency, public utility, or other organization processes the permit thereby reducing the bureau's cost of issuing the permit.

Chapter 25.06

REGISTRATIONS

Sections:

- 25.06.010 Compliance Agreement.
- 25.06.020 State Registration Number Required.

25.06.010 Compliance Agreement.

(Amended by Ordinance No. 178578, effective September 1, 2004.) Any person applying for registration and any owner doing any plumbing work, shall, 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.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Bureau of Development Services shall not issue a plumbing permit to any plumbing contractor, or any sewer contractor, to install, construct, alter, or repair any plumbing or drainage

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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 his registration number has been filed with the Plumbing Division having jurisdiction. A journeyman plumber or plumber apprentice shall show his Oregon State certificate of competency or registration card on the request of an Inspector of the Plumbing Division, or other authorized person.

25.06.050 Application for Examination.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.060 Appeal from Examining Board.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.070 Supervising Plumbers Registration and Fees.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.080 Registration - Nontransferable.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.090 Supervising Plumbers - Renewal - Re-examination.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.100 Penalties.

(Repealed by Ordinance No. 162101, effective August 1, 1989.)

25.06.110 Suspension or Revocation of Registration.

(Repealed by Ordinance No. 156924, effective December 26, 1984.)

Chapter 25.07

BOARD OF APPEAL

Sections:

- 25.07.010 Established-Terms-Vacancies.
- 25.07.020 Authority.
- 25.07.035 Registration Review Board.
- 25.07.040 Rules To Be Adopted.
- 25.07.050 Reports.

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25.07.010 Established-Terms-Vacancies.

(Amended by Ordinance No. 176955, effective October 9, 2002.) There is hereby created and established a Board of Appeal in the Plumbing Division of the Bureau of Development Services consisting of three members appointed by the Mayor. One member shall be a plumbing contractor whose experience and training qualify him to decide matters concerning the safety of installations and devices regulated by this Title; one member shall be a person engaged in the design of plumbing installations whose experience and training qualify him to decide matters concerning the safety of installations and devices regulated by this Title and one member who shall be a member of the public at large. The Chief Engineer of the Water Bureau and the City Health Officer shall be advisory members of the Board. The advisory members shall serve with the three regular members of the Board when valves, devices, or appliances used for the supplying and flushing of plumbing fixtures and traps are submitted to the Board of Examination for tests.

At the constitution of the Board, one member shall be appointed for the term of 1 year, one member for the term of 2 years, and one member for the term of 3 years. After the expiration of the term of office of the members first appointed, appointments shall be made for a term of 3 years; provided, that the members of the Board at the time of the passage of this Code shall continue in office during the term for which they were originally appointed. No member shall sit in a case in which he is directly or indirectly interested. All vacancies occurring on the Board of Appeals, other than advisory members, for whatever cause shall be filled by the Mayor, either permanently or temporarily, as the case may demand. Any member of the Board of Appeals may be removed by the Mayor for malfeasance in office, incapacity, or neglect of duty. The members of the Board shall serve without pay.

25.07.020 Authority.

(Amended by Ordinance Nos. 168183 and 176955, effective October 9, 2002.)

- A.** Any applicant for a plumbing permit whose application has been rejected by the Plumbing Inspector, or any person who shall have been ordered by the Inspector to incur expense in the alteration, repair, or construction of a plumbing or drainage installation may, within 10 days thereafter appeal such action by serving upon the Plumbing Division of the Bureau of Development Services a notice in writing of the appeal, the notice or a certified copy thereof shall be at once transmitted to the Board of Appeals. After the notice to the parties as the Board may direct, a hearing shall be had, and the Board may affirm, annul, or modify the action of the Plumbing Section. The decision of the Board thereupon shall be in full force and effect. A certified copy of the Board's decision in each appeal shall be delivered to the appellants, and a copy shall be filed for record in the Bureau of Development Services. The Board of Appeals may vary the provisions of this Title if it appears that because of the unique circumstances present the purposes and intent of this Code and proper sanitation and safety are best served by some other method, procedure, or material.

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Upon submission to the Board of Appeals, including the advisory member, types of plumbing fixtures or valves, devices, or appliances for the direct supplying and flushing of plumbing fixtures and traps may be approved and may be permitted to be used by the unanimous vote of the Board after examinations or tests of such types of fixtures, valves, devices, or appliances have shown that they will not constitute a sanitary hazard or cause pollution of the water supply. If it is found by the Board that the fixtures, valves, devices, or appliances do not comply with the requirements herein specified, the Board of Appeals reserves the right to revoke any approval, after the permittee has had notice and an opportunity of a hearing. Record of the approval by the Board of types of plumbing fixtures, valves, devices, or appliances, as herein set forth, shall be posted in the Plumbing Division of the Bureau of Development Services; and, likewise, a record of the approval of equivalent materials and methods approved by the Board, as herein provided, shall be posted in the Plumbing Division in the Bureau of Development Services. The provisions relative to approval by the Board of Appeal for plumbing fixtures, valves, devices, or appliances for the direct supply and flushing of plumbing fixtures and traps shall apply to types of relief valves for which approval is sought that they will operate in a safe and efficient manner and will relieve at the pressures to which they are set. The provisions as to posting shall also apply. Any requirements deemed necessary to abate unsanitary conditions in connection with any Plumbing Inspection not specifically covered in this Title shall be determined by the Plumbing Inspector, subject to review by the Board of Appeals.

- B.** If any plumbing contractor, owner, or sewer contractor refuses or neglects to comply with the provisions of this Title within a reasonable time after written notice of any violation discovered by the Plumbing Inspector has been sent, the Board, upon request of the Plumbing Inspector, shall hold a hearing relative to the alleged violation. At the hearing, the Board shall determine if the plumbing contractor, owner or sewer contractor has refused or neglected to comply with the provisions of this Title.

25.07.030 Fees for Appeals.

(Repealed by Ordinance No. 174720, effective August 21, 2000.)

25.07.035 Registration Review Board.

- A.** The Board of Appeals shall act as the Registration Review Board in matters concerning violations of this Title by a plumbing or sewer contractor. The Review Board is authorized to revoke the registration of a plumbing or sewer contractor subsequent to a hearing. A revocation of registration shall be for a period of no less than 6 months.

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- B.** A written notice sent by certified mail shall be issued at least 10 days prior to the date of any hearing procedure.
- C.** The State of Oregon Builders Board, Department of Commerce, and/or the Department Of Environmental Quality shall be notified of any revocation order issued by the Review Board, including the length of such revocation.
- D.** A contractor may appeal the action of the Review Board by filing a written appeal to the City Council through the Office of the City Auditor within 10 days of a hearing decision by the Board. The appeal shall be placed on the next Calendar for a regular Council meeting. There shall be no fee required for an appeal filed under this Section.

25.07.040 Rules To Be Adopted.

The Board of Appeals from time to time shall make and adopt rules and regulations for tests which the Board deems advisable for the testing of fixtures, valves, appliances, and devices. The person applying to the Board of Appeals for an approval of any fixture, valve, appliance, or device shall pay the costs of any test required by the Board.

25.07.050 Reports.

It shall be the duty of the Board of Appeals to submit to the Council, on or before the first of January of each year in a report giving a summary of all decisions of the Board and a record of the business transacted, together with such recommendations for desirable legislation affecting plumbing installations as may be advisable.

Chapter 25.08

REPAIR OF PRIVATE SEWER SYSTEMS INVOLVING MORE THAN ONE PROPERTY

(Added by Ordinance
No. 171028, effective
March 26, 1997)

Sections:

- 25.08.010 Purpose.
- 25.08.020 Definitions.
- 25.08.030 Equal Responsibility for Repair and Nuisance Abatement.
- 25.08.040 Private Sewer System Traversing Another Property.
- 25.08.050 Damaged Private Sewer System as Nuisance.
- 25.08.060 Authority of City to Abate Nuisance and Lien Property.
- 25.08.070 Applicability.

25.08.010 Purpose.

The purpose of this chapter is to establish responsibility for the repair of damaged common private sewers and damaged private sewers that traverse another private property in the absence of any written agreement among or between property owners. Furthermore, the chapter is meant to provide the City authority to abate nuisances created by the use of damaged private sewers, without regard to the fault of the property owner, and to provide the City the ability to recover the costs it incurs in abating these nuisances by liening the properties that use the damaged private sewers. Consequently, this chapter allows property owners to seek any legal relief that they normally would have under law against any person they believe is responsible for causing or exacerbating the damage to the private sewer.

25.08.020 Definitions.

- A. “Common Private Sewer System.”** A common private sewer system is that portion of a building sewer that:

 - 1. is used for draining more than one building under different ownership; and
 - 2. conveys the discharge to a public sewer, private sewage disposal system, or other point of disposal.
- 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 the Bureau 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 shall be 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 shall be responsible equally for all costs associated with any abatement by the City of any

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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 shall be 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 Director 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 shall be 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.

(Amended by Ordinance No. 180330, effective August 18, 2006.) If the owners using a damaged private sewer system neglect, refuse, or fail to correct the damage after the Bureau provides notice pursuant to Section 29.60.050, the City may correct the damage pursuant to Section 29.60.060, 29.60.070 or 29.60.080 and assess the property or properties using the system pursuant to the procedures in 29.70.020. In the case of a common private sewer system, the City shall calculate the amount of assessment on the property pursuant to 29.70.020. In addition, regarding a private sewer system traversing another property, the Bureau shall 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 shall 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 PCC 25.08.060.