To request translation or disability-related accommodations, please contact us at **DTDcompliance@clackamas.us** | **503-742-4400**.

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DTDcompliance@clackamas.us | **503-742-4400**.

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:
DTDcompliance@clackamas.us | **503-742-4400**.

如需翻译服务或残障相关的协助，请与我们联系：
DTDcompliance@clackamas.us | **503-742-4400**。

Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua **DTDcompliance@clackamas.us** | **503-742-4400.**

Clackamas County
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CLACKAMAS COUNTY

Department of Transportation and Development

Clackamas County Building Codes Program Operating Plan

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May 12, 1997
Revised November 26, 2024
December 12, 2024: updated formatting and contact information

Administrative Standards

a. Funds:

The Clackamas County Building Codes Program is a program of the Clackamas County Department of Transportation and Development. The program is a fee-supported enterprise fund. Fees charged for permits required by the State of Oregon Building Code are used to fund the operations of the program.

Moneys collected as revenue are accounted for separately by account for each function (building, electrical, mechanical, plumbing etc.). Moneys allocated for expenditures are grouped in a single budget, not separately by function as with revenue.

Should this program elect to add new fees or to change existing fees, it shall do so in compliance with OAR 918-020-0220.

b. Equipment:

Staff are supplied with equipment reasonably necessary to administer and enforce the state specialty codes and other functions in an efficient, effective, timely and acceptable manner. Such equipment shall include, but is not limited to vehicles, hand tools, computers, monitors, laptops, tablets, printers, fax machine, copiers, cellular telephones, code books, forms of various sorts, business cards, identification, and other resources necessary to carry out their individual functions.

c. Authority and responsibilities of the building official, plan reviewers, and inspectors:

Building Official: In Clackamas County, the building official is also the administrator of the Building Codes Program. Present staff consists of 48 full-time regular employees,1 part-time regular employee, 1 part-time limited term employee, 35 of whom are certified to administer the codes, perform inspections, and conduct plan reviews with the remainder in support or temporary roles.

In addition to enforcing and administering the state specialty codes, the Building Official is also responsible for administering other county ordinances. In particular, the Building Official is responsible for administration of Chapters 9.01 Code for the Abatement of Dangerous Buildings, Application and Enforcement of the Clackamas County Building Code and Excavation and Grading Ordinance of the County Administrative Code (attached). It sets forth those administrative provisions that are at the discretion of the County. Individual specialty codes may have additional administrative provisions not addressed by the County Code.

The Building Official provides interpretations of the various specialty codes in conformance with the intent and purpose of each code and adopts and enforces rules and supplemental regulations to clarify the application of their provisions. The building official is also responsible for hiring, discipline, budget administration, personnel development, public relations and a variety of other administrative responsibilities.

Plans Examiners: Examine construction documents, architectural, structural drawings, calculations, specifications, and other documents for compliance with codes for commercial and industrial structures, one-and-two family dwellings, mechanical systems, plumbing systems, electrical systems, energy conservation and fire protection. Plans Examiners provide code interpretation guidance and may provide some technical input and problem-solving assistance to program staff, architects, engineers, designers, builders, and to the public.

Structural / Mechanical Inspectors: Enforce the State of Oregon Structural, Residential, and Mechanical Specialty Codes through inspections of all types of structures.

Electrical Inspectors: Enforce the State of Oregon Electrical Specialty Code through inspections of all types of structures. See Clackamas County Electrical Plan on file with the State of Oregon Building Codes Division.

Plumbing Inspectors: Enforce the State of Oregon Plumbing and Manufactured Dwelling Specialty Codes through inspections of all types of structures.

Detailed position descriptions (Class Specifications) for all employees are on file with the Clackamas County Human Resources Department.
https://www.clackamas.us/des/specs

d. Appeals:

When there is an appeal of a staff interpretation of code during plan review or field inspection, the following process is followed:

Plan Review: In the event an appeal of a staff interpretation of code is necessary during plan review, the request is first sent to the Plans Examiner Supervisor or a Section Supervisor depending upon the nature of the problem and which specific code is being appealed. The Supervisor will make a decision regarding the matter. If the matter is not resolved at that level, the appeal is forwarded to the Building Official (Deputy or Building Official). After consultation with the appellant and the appropriate technical staff, the building official reviews the request and shall respond in writing within 10 business days.

Where the applicant is still aggrieved, the matter may be further appealed to the appropriate Division Chief at the State of Oregon and then further to the appropriate Advisory Board at the State of Oregon. Appeals to the State shall follow ORS 455.060, ORS 455.475, and the appropriate Oregon Administrative Rules.

Inspection: In the event an appeal of a staff interpretation of code is necessary during field inspections, the request is first sent to the Structural/Mechanical Inspector Supervisor, the Plumbing Inspection Supervisor, Electrical Inspection Supervisor, or other Section Supervisor depending upon the nature of the problem and which specific code is being appealed. The Supervisor will make a decision regarding the matter. If the matter is not resolved at that level, the appeal is forwarded to the Building Official. After consultation with the appellant and the appropriate technical staff, the Building Official reviews the

request and shall respond in writing within 10 business days.

Where the applicant is still aggrieved, the matter may be further appealed to the appropriate Division Chief at the State of Oregon and then further to the appropriate Advisory Board at the State of Oregon. Appeals to the State shall follow ORS 455.060, ORS 455.475, and the appropriate Oregon Administrative Rules.

e. Receipts collected in the administration and enforcement of building inspection programs:

Expenditures: The Program does not account separately for each expense for each function within the budget. The percentage of the cost of operations for a particular function is the decision of the Building Official and is driven by service demand. Each section participates in the program expenditures based on staffing levels.

Staffing levels are the driver for program expenses in each section, as training, vehicles, rent, allocations, and other materials and services are driven by the number of staff in each section. Materials and services capture both direct and indirect charges (including countywide and departmental overhead). This breaks down to:

- Electrical section = approximately 30%
- Plumbing, manufactured dwellings section = 19%
- Structural/mechanical section = 51%

When comparing the revenue receipts to the expenditures in each section, you can see that the two percentages track relatively close, which demonstrates that the program is not significantly subsidizing one functional area with revenues from another. The section revenues and expenditures are balanced with our customer demands.

The cost to enforce the Building Codes program is less than 5% of the total program operating expenses; these services are contracted internally through a centralized code enforcement program that is responsible for enforcing land use planning, solid waste, building codes, and combined violations. Each year, Code Enforcement program costs are distributed based on the caseloads from each type of violation.

Revenue: The Clackamas County Building Codes Program, in conformance with County budget policy, has one combined budget held in a dedicated Fund. All revenue in excess of operational expenses is maintained by the Program through the Fund Balance.

The Program is totally fee dependent for its operation. No tax or general fund revenue is collected or used within the Building Codes Program. Using the average revenue receipts over the last three fiscal years, permitting revenues for each section accounted for:

- Electrical section = 27%
- Plumbing section = 14%
- Structural/mechanical section = 60%

For management purposes, the Building Official monitors both monthly and yearly expenses and revenue for the Program.

f. Retention and retrieval of records:

The Program follows the Oregon Administrative Rules Chapter 166, Division 150 (Counties and Special District Retention Schedule) to determine retention periods for permit records. The program electronically retains all permit documents for the OAR specified retention periods. When retention requirements are met, the required documents are converted to microfiche, and with some physical documents retained.

The program also utilizes a digital imaging system (Share Point) to hold scanned files for retrieval and archiving purposes. All documents associated with electrical, plumbing, and mechanical files are imaged with the exception of construction plans. Building and manufactured dwellings file document imaging is limited to the following pages when applicable: permit, final inspection report, Certificate of Occupancy (where applicable), permit application, site plan, elevation certificate and statement of use (where applicable), approved building construction plans (where applicable), and documents.

Document Retriever and Accela Citizen Access (ACA) (the permitting system) are available for customer research online. Customers needing staff assistance with research must fill out a Records Research form which is available in our office or can be completed from the County website. These forms can be submitted in person, emailed, or mailed to our office. The fee associated with staff-assisted records research will be in compliance with the standards set by the Clackamas County Board of Commissioners.

g. Availability of Operating Plan:

A copy of the current operating plan is on file with the Building Codes Program of the Department of Transportation and Development. It may be reviewed upon request. The program' s address is 150 Beavercreek Rd., Oregon City, OR 97045. The plan will also be available on the Internet at the Clackamas County website: www.clackamas.us

h. Public inquiries, comments, and complaints:

Staff is available by phone Monday through Thursday between the hours of 7:30 a.m. and 4:30 p.m. and Friday from 7:30 a.m. to 3:00 p.m. for public inquiry, comments or complaints. The main phone number is 503-742-4400. Our lobby hours are Monday through Thursday, 8:00 a.m. to 4:00 p.m. The program is located at 150 Beavercreek Rd., Oregon City, OR 97045.

All teams within the Building Codes Program have staff who either rotate for public lobby duty or are available for public inquiries via email or phone. During our public lobby hours (see Section i), our permits staff are available for walk-in customers or answering the main phone line. Voice mail messages are retrieved and answered within 1 business day.

Complaints, when presented, may be addressed by telephone, in person or by email. Complaints are addressed promptly by the appropriate Section Supervisor, the Deputy Building Codes Administrator, and/or the Building Codes Administrator.

i. Hours of operation for customer questions:

Questions relating to permitting, plan review, and inspections can be answered by the permits team staff, the plans examiner, the structural/mechanical supervisors, the electrical or plumbing inspector supervisors, or inspectors from all disciplines. Such questions can be handled by main phone lines, staff desk or cell phones, email, text messages, video conference platforms (i.e., Zoom, Microsoft Teams) between the hours of 7:30 a.m. to 4:00 p.m. or in person Monday through Thursday, between the hours 8 :00 a.m. to 4:00 p.m.

Questions regarding specific plan reviews are typically answered by the plans examiner who reviewed the plans. Customers may reach all staff members by email, phone call (voice mail available), video conference platforms, or arrange for an in-person meeting in our Development Services lobby.

The program has a voicemail system, website and a scheduling application which are used primarily to request inspections. These systems allow permit holders to leave messages for the inspectors when requesting an inspection. Inspectors are able to email the applicant, property owner, and/or design professionals listed on the permit application. The inspection result and the daily inspection results can also be accessed from our Accela Automation permitting system by the permit holders via a citizen portal (Accela Citizen Access or ACA) 24 hours a day, seven days a week.

The Building Codes Program uses an electronic permitting application and plan review system called *Development Direct (Avolve software OAS and ProjectDox)*. *Development Direct* enables applicants with permits that require plan review to create an account (free of charge) and submit applications, upload their construction plans and supporting documents, make intake fee and permitting fee payments, and manage their projects digitally from their individual account. Applicants are able to correspond in real time with plan reviewers about any questions and corrections via their project's portal.

j. Jurisdictional responsibilities:

The Building Codes Program issues all permits for the unincorporated parts of Clackamas County. We also provide full building department services for the Cities of Gladstone, Canby, Molalla, Barlow, Rivergrove, and Johnson City; and provide selected services to other cities either by contract or default.

Please see attached **Jurisdictional Responsibility Chart** for all cities.

Identification of persons requiring these rules:

The program does not maintain any list of persons to whom notices should be sent regarding these rules.

Permitting Standards

a. Hours of Operation to Obtain Permits:
See Sections (h) and (i) in the Administrative Standards section above.

b. Policies and Procedures for Receiving Permit Applications:
Electrical & Plumbing Permits: These permits may be purchased in person, by mail, or online through the County's website (a "Self-Service" permits is available for applications not requiring plan review). Permit applications are checked for completeness at the time they are received. Applicants that submit incomplete applications are notified of deficiencies within 1 business day. Contractor licenses, and the names and licenses of supervising electricians, are checked when the information is entered into our permitting software.

Minor labels may be purchased from the State of Oregon Building Codes Division consistent with its policies.

Clackamas County has an active master permit electrical program for in-plant inspections. There are no provisions for master permits for plumbing permits.

Mechanical Permits: These permits may be obtained in person or online through the County's website (a "Self-Service" permits is available for applications not requiring plan review).

Permit applications are checked for completeness within 1 business day. If incomplete, the applicant is notified of the deficiencies. Residential permits with more than four gas appliances require a gas schematic to be submitted. A handout containing permitting information is available for commercial mechanical permits. All commercial building permits require plan review. Contractor licensing is checked when the information is entered into our permitting software.

Minor labels may be purchased from the State of Oregon Building Codes Division consistent with its policies.

There is no master permit program available for this discipline.

Building Permits: Building Permits are submitted electronically via our Development Direct online permitting and plan review system.

In most cases, the permit application and plans will be reviewed by permits staff to ensure completeness prior to plan review. Plan review fees are calculated at the time the permit application is submitted for intake review, and must be paid at that time before we can accept the application and route the plans to the plans examiner or other reviewers.

When applications and plans are missing pertinent information or not complete enough to begin a plan review, the applicant will be so advised and their application refused until the necessary information is provided. Once the application is deemed complete it will routed to the plan review section and any other development review teams (e.g., Planning Program, Development

Engineering, Septic, surface water). An accepted application and plans does not translate that the information presented is correct. When the plan reviewer begins reviewing the plan and finds incorrect or incomplete information, the applicant will be notified in writing via our interactive electronic plan review portal of the need for corrected and/or additional information.

Effective October 1, 2000, if the plans are to be reviewed by a licensed third- party firm or individual under the "simple one-and two-family rules" outlined in OAR, the applicant shall only pay an administrative fee at the time of submission. A County permit number will be assigned before the plans are taken to the third-party reviewer. The program will not accept any plan review or portions of any plan review by a third party that is not in compliance with applicable codes. Plan submittal requirements are available by county website, phone or in person at the counter.

When necessary, Clackamas County will solicit parties to provide third-party plan review services. Both the solicitation and all contracts will be facilitated, reviewed and approved by Clackamas County Procurement to assure compliance with applicable laws. Applicants must have the appropriate State of Oregon licenses and certifications to perform such plan reviews. Contractors will be chosen based on their proposed efficiency of service, convenience to our customers, and performance record. Once the contractors have been chosen, the County will post a notice on our website.

At a customer's request, plans can receive a cursorily review by a permits technician or the plans examiner on public duty. A detailed review for completeness is not done until assigned to a plans examiner for formal plan review.

There is no master permit or minor label program available at this time and there has been no request to develop such a program.

Contractor licenses are checked at the time the application is entered into the computer. Staff verifies the current, proper licensure for work requiring a specialized license. We are also digitally cross-referencing current licensing with the databases available with the State Contractors Construction Board (CCB) and the Building Codes Division.

Clackamas County complies with legislation developed in the 2003 Legislature pertaining to operational management. In particular, SB 711 allowed conventional, light frame construction to be exempt from plan review under certain conditions. SB 714 allowed alternative construction techniques to be approved by the DCBS. The bill required each municipality enforcing building code regulations to accept such techniques where deemed acceptable by the State. SB 715 established a Rapid Approval Assessment Team whose function is to determine whether a local jurisdiction can successfully expedite plan review and construction inspection of projects deemed to be of economic significance to the State of Oregon. In this case, Clackamas County stands ready to successfully manage large projects through the use of its own staff, which represent a broad spectrum of education, construction experience, and code knowledge. It is not likely that outside assistance will be needed for construction projects within our boundaries.

Manufactured Dwellings: These permits are submitted electronically via our Development Direct online permitting and plan review system. Prior to issuance, manufactured dwellings require the approval of Clackamas County Planning and Zoning, Septic and Onsite Wastewater (or the local sewer provider), and reviews for applicable system development charges, and driveway encroachment (through County Development Engineering). A permit will not be issued until all approvals can be obtained. Verification of installer licenses is done at the time the permit is received for review.

c. Time Periods for Advising Applicants on the Status of Permit Applications:

The applicant can check the status via their Development Direct account, or through the County's Accela permitting software via the Accela Citizen Access portal (ACA). Applicants can also call our Development Services lobby or permits staff who will verify the status of any permit.

d. Goals for Reviewing Complete Permits:

Building Permits:

- New, simple, single-family dwellings - 15 business days, per statute
- Other new single-family dwellings -5 weeks maximum
- Residential remodels and additions -7 to 10 days
- New commercial projects and larger commercial remodels-8 weeks maximum
- Small or simple commercial remodels, tenant improvements, and additions depending on size and complexity- 10 to 14 days

Mechanical Permits: Depending upon workload most residential mechanical permits not requiring plan review are issued same day. Mechanical plan reviews for single family dwellings will only be required when the complexity of the project requires such review. These reviews are typically completed simultaneously with the structural plan review. New commercial permits (depending on complexity) are reviewed within 2 to 14 days.

Plumbing Permits: ·

- Permits that require no plan review are issued same day
- Major proposals requiring plan review – 10 days to 2 weeks
- Small commercial or tenant improvement proposals - 1 day to 2 weeks
- The County complies with current rules regarding "complex" plan review.

Electrical Permits:

- Permits that require no plan review are issued same day.
- When plan review is required, that review is started within 10 days of receiving the plans.

e. Licensing, Registration and Verification:

Applicants requesting permits shall be required to demonstrate compliance with applicable licensing and contractor registration requirements. The County's online permitting system is loaded with up-to-date licenses and contractor registrations. If the license is verified in the computer, the permit is issued. Where a license cannot be verified through our database, we

phone the Construction Contractors Board or BCD in an attempt to verify. Otherwise, the applicant is required to show proof of current licensing or registration.

Plan Review Standards

Purpose:
Plan reviews are performed for all building permits for residential and commercial projects.

Structural/Mechanical Section: Clackamas County plans examiners review structural, mechanical, fire, life safety, accessibility, and energy efficiency plans to ensure compliance with applicable codes. Checklists for various types of plan submittals are available in our Development Services lobby and online. Building Codes Program permits staff uses a library of comments and check lists to review applications and plans for completeness. Staff also verifies appropriate professional registered design professional stamps as needed.

The Structural/Mechanical Plan Review and Inspections Section has 17 full-time, regular allocated positions consisting of: 1 structural engineer, 4 predominately commercial plans examiners, 4 residential plans examiners, and 2 section supervisors. A list of these employees, along with their certifications and continuing education credits is maintained by the program and is available.

In addition to the services of the plans examiner positions, we maintain close working relations with highly qualified fire marshals from the various fire districts within the County.

To help maintain continuity and ensure quality, the section has a Policies and Procedures Manual and a variety of code interpretation manuals published by the International Code Council (ICC) and other professional organizations for code research and interpretation input.

Applications Requiring Plans:
Plans are submitted digitally through our online permitting and plan review system. Projects for which the applicant chooses to phase or defer submittal of major components may require a pre-application meeting before submittal. No plans will be accepted for review until deemed complete.

Please see the Permitting Standards section (above) for permit application with plan review intake procedures and timeline for review goals.

Plans Deemed Complete but Not in Compliance: Where a plan has the required information but is found to be in non-compliance with the applicable codes, corrections and comments are posted in our Development Direct plan review portal and are shared with the applicant for their review and provision of additional information or clarification. The correction notices identify the areas of non-compliance and asks for corrections on plan sheets which are uploaded into the permit record via the Development Direct plan review portal. This process is repeated until all information received is correct. The plan review is placed in a "waiting info" or “in review” status until the information is received.

Plans Complete and In Compliance: Where the plan is deemed complete and in compliance with code, the plan will be stamped "approved" by the plans examiner of record or permits team. No permit will be issued without all County or outside partner agencies/city departments involved in the process approving the permit. On complicated permits, the plans examiner may issue partial permits so the project can progress while other issues are being resolved. In the case of tenant improvements, the plans examiner or inspection supervisor may authorize courtesy inspections for framing of a wall or walls and partial coverage with gypsum wallboard while the permit is under review. Again, in no instance will permits be issued without all approvals.

Plumbing Section: Plans are submitted digitally on all complex commercial, industrial, or multi-family structures at the time of application. There may be a separate permit for the site plumbing, and this is reviewed first. The process of plan review for complete and incomplete plans is the same as in the structural/mechanical section. Plan review and public service is mostly reviewed by the Plumbing Inspector Supervisor.

Electrical Section: Those projects that require plan review are noted on the electrical permit application and required at the time of application submittal. Plan review times vary, but the Electrical Inspections Supervisor works with the contractor to keep projects moving, even though plan review may not be completed. The process for plan review of complete and incomplete plans is the same as the structural/mechanical section. The electrical section currently has two individuals who do plan review.

All plans examiners are available by email, phone, or with pre-arranged appointment, can meet in our Development Services lobby.

Inspection Standards

Inspections Services: Inspections are performed daily Monday through Friday. By special arrangement, inspections can be made after normal business hours and on weekends. All inspections requested prior to 6 a.m. of a given day via the inspection app or online will be completed that day and any inspection request received via the voicemail system before 2 pm the previous day will be completed the next business day except for unusual or unforeseen circumstances. When inspections cannot be completed the applicants are phoned and the inspection is rescheduled for the following day.

Each section sorts and distributes the workload daily. Inspectors are generally assigned an area of the county. These areas may change depending on staff levels and workload. Generally, rural area inspectors drive between 100 and 150 miles per day and on average perform 11 to 15 inspections per day. Inspectors in the urban areas travel considerably shorter distances and can be expected to do 13 to 18 inspections per day. The structural/ mechanical section has 7 inspectors plus a supervisor. The plumbing section has 4 inspectors plus a supervisor. The electrical section has 6 inspectors, plus a supervisor. The plumbing, electrical, and structural/mechanical supervisors also perform inspections, as needed.

Inspection Process: Persons with issued permits may request inspections by three options: 1) through the voicemail system, 2) through a scheduling app for smart phones, or 3) through our

online permitting system's Accela Citizen Access portal. All three of these scheduling options are available 24 hours a day, seven days a week, but the voicemail system is only monitored from 7:15 am to 2:00 pm on normal business days. Inspections may also be requested by phone during normal business hours. Any inspection received by app or online prior to 6 a.m. will be made the same day. Any voicemail received by 2:00 pm will be done the next business day. Anyone with the proper information may request an inspection.

Inspection requests must include the following information:

- Permit type (building, electrical, etc.)
- Permit number
- Type of inspection requested
- Date inspection requested
- Contact name and phone number
- Site address

Applicants may leave a message for an inspector if necessary.

When inspection requests are received by phone, complete information must be given or the inspection cannot be scheduled. Staff will attempt to contact the applicant or requester to obtain such information. Inspections will not be performed until all required information has been provided.

The inspector will verify that the permit is posted on site and that plans are available (where required). We require approved plans to be printed on site. The inspector prepares a written, digital report that describes the inspection results and any corrections that may need to be made. A copy of the inspector's report is attached to the permit record and emailed to the applicant and/or contractor or installer. The inspection results are immediately available for viewing. This information can be retrieved by the contractor through the online ACA system or through the scheduling app. The inspector may approve, approve with corrections, partially approve or deny an inspection. Re-inspection fees may be charged depending on the number of trips or the number of times an inspector has asked for corrections to be made.

A list of inspectors, their certifications and continuing education is kept on file at the County. Stop work orders are posted as necessary to halt construction when either a required permit has not been obtained, when work has proceeded to a point beyond the scope of the approved plans, or where the work poses substantial hazard.

The electrical and plumbing staff will, during the course of their work, check workers for appropriate licenses per the requirements of ORS 455.156. Any violations are turned over to the State of Oregon Building Codes Division.

Inspectors also investigate violations of the various codes enforced by the program. When appropriate, violations are posted with a notice to discontinue work. The responsible parties are required to come into the office to resolve the problem. Those violators who ignore the notice are forwarded to the Code Enforcement Program of the Department of Transportation

and Development for enforcement action. This section processes all violations for the Building Codes Program.

Code Enforcement Procedures

a. Procedures to Respond to Public Complaints:

Public complaints are typically received by the Clackamas County Code Enforcement Program within the Building Codes Program. Complaints are logged on standardized complaint forms. Information solicited from complainant includes at a minimum: name of complainant, their telephone number and address for follow-up questions and information, the name and location (address/legal description) of the alleged violation and a detailed description of the alleged violation. Complaints are taken by phone or online complaint form, in the public service lobby.

A complainant may request confidentiality at the time the complaint is made. For confidential complaints that do not involve a health/life-safety/fire or significant environmental issue, the County will not take enforcement action unless two separate confidential complaints are received. Clackamas County does not act on anonymous complaints.

Clackamas County enforces all building codes and acts on all legitimate complaints as noted above.

Public complaints regarding licensing issues are referred to the State of Oregon Building Codes Division.

b. Investigation of Complaints:

Complaints received or referred to Code Enforcement (CE) for enforcement action generate the creation of a file. A Request for Inspection form, along with any accompanying documents is forwarded to the Clackamas County Building Codes Program for inspection and verification of the alleged violation. Licensed inspectors determine the nature and extent of the alleged violation.

If it is determined that a violation does exist, the code enforcement specialist sends a "Violation Notice" letter to the owner or person in possession of the property. In some instances, predicated on public urgency of health and safety, a "Stop Work" order is posted.

The " Violation Notice" gives the violator instructions for contacting the Code Enforcement Program to discuss permit requirements and time limits in which to submit building plans or obtain permits to abate their violations. If the violator does not comply or contact the County and agree to a compliance plan of action, a citation is issued. If compliance is not achieved after the issuance of the first citation the matter is forwarded to the Code Enforcement Hearings Officer or County Counsel for legal action.

c. Issuance of "Notice of Proposed Assessments of Civil Penalties":

The County typically enforces structural and specialty code violations by filing a formal complaint with a request for legal action with the Compliance Hearings Officer. The complaint also includes a request for the imposition of civil penalties. Civil penalty requests are referenced to the state law that applies and the applicable civil penalty stated in the law.

Although recommendations for civil penalties are stated in the complaint, the amount assessed is at the discretion of the Hearings Officer. The amount of civil penalty is determined based on the extent and nature of the violation, the Compliance Hearing Officer Ordinance and the Clackamas County Code Hearing Rules and statute. The Code Hearings rules set forth mitigating and aggravating factors for assessing civil penalties. The amount of civil penalty and order to comply with the building and other specialty codes are memorialized by a final order of the Hearings Officer. Review of the final order by an aggrieved party, including Clackamas County, is by Writ of Review as provided in ORS 34.010-34.100.

The dispositions of violations including civil penalties referred to County Counsel for legal action are at the discretion of the Courts.

d. Contractor Licensing Requirements:

Consistent with the requirements of OAR 918-020-0090(8) (h), Clackamas County inspectors will randomly check on-the-job workers for appropriate certification or licenses required in and by the State of Oregon. If unlicensed workers are found, a report shall be filed with the State of Oregon Building Codes Division, or Construction Contractor's Board consistent with the Division's practices.

TITLE 9

BUILDINGS

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TITLE 9

BUILDINGS

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Chapter 9.01

9.01 CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND STRUCTURES

9.01.010 Purpose

A. It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law. Whereby buildings or structures which from any cause endanger the life, limb, health, property, safety, or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

B. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

C. The provisions of this chapter shall apply to all dangerous buildings and structures, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.020 Alterations, Additions and Repairs

A. All buildings or structures, which are required to be repaired, under the provisions of this chapter, shall remain subject to all applicable provisions of law, including but not limited to the Oregon Specialty Code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.030 Administration

A. The building official and their authorized representatives are hereby delegated full authority to enforce the provisions of this chapter. The building official shall have the power to render interpretations of this chapter, to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.

B. The Compliance Hearings Officer appointed pursuant to Chapter 2.07, has the authority and jurisdiction to conduct hearings to enforce the provisions of this chapter.

C. The following Clackamas County employees are "Authorized Representatives" of the building official :

1. The Deputy Building Codes Administrator;
2. The Plan Review Supervisor; and
3. The Structural/Mechanical Inspector Supervisor

D. Words, phrases, and provisions in this chapter shall be construed as specified herein or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged; copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

1. BUILDING CODE is the Clackamas County Building Code, as defined in Section 9.02.040.
2. DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 9.01.100 of this chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15; Amended by Ord. 03-2022, 7/21/22]

9.01.040 Inspections

The health officer, the building official, and their staff are hereby authorized to make any such inspections and take such actions as may be required to enforce the provisions of this chapter. Where provisions of the Oregon Fire Code may be at issue, the building office shall consult with a fire marshal prior to taking action under this chapter. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.050 Right of Entry

When the health officer, building official or the building official's authorized representative has reasonable suspicion to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this chapter, that makes the building or premises unsafe, dangerous, or hazardous, the building official, the building official's authorized representatives, the health official and their staff may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises were occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official 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 entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.060 Abatement Of Dangerous Buildings

All buildings or portions thereof, which are determined after inspection or receipt of other verifiable information to be dangerous, as defined in this chapter, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 9.01.100 of this chapter.

In addition to abatement as described herein, a dangerous building may be ordered to be vacated subject to the provisions of this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.070 Violations

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, or structure, cause or permit the same to be done in violation of this chapter or any provision of the Building Code.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.080 Inspection Of Work

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official or the building official's authorized representative in accordance with and in the manner provided by this chapter and of the Building Code.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.090 Code Compliance Hearings Officer

A. As authorized by Section 9.01.030 (B) of this code, and subject to Chapter 2.07 of this code, the Code Compliance Hearings Officer shall conduct hearings and render decisions to enforce the provisions of this chapter.
B. The Code Compliance Hearings Officer shall have no authority to interpret the administrative provisions of this chapter nor shall the Code Compliance Hearings Officer be empowered to waive requirements of this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.100 Dangerous Building or Structure

For the purpose of this chapter, any building, building system, or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building or structure, provided that such conditions or defects endanger the life, health, property or safety of its occupants or the public.

A. Whenever a building or structure is determined to be structurally unsound or defective such that building collapse or other structural failure may occur or where such a structural condition exists that may be injurious to life, limb, or property.
B. Whenever a required door, aisle, passageway, stair, or other exit component or system is blocked or otherwise rendered unusable or is otherwise in violation of any applicable code.
C. Whenever a building or structure is being used or occupied contrary to the manner in which it was approved provided that such use creates a life or fire safety hazard, health hazard, or environmental hazard to the building occupants or adjacent property owners.
D. Whenever a building or structure is effected by one or more health hazards including but not limited to inadequate plumbing and/or sanitation, inadequate light and/or ventilation, chemical hazard, toxins, or is otherwise determined to be unfit for human habitation or use.
E. Whenever, for any reason, a building or structure or a portion thereof is manifestly unsafe for the purpose for which it is being used.
F. Whenever a building contains a fire hazard as defined in the most current edition of the Oregon Fire Code that creates an immediate threat to life or fire safety.
G. Whenever any building system (electrical, plumbing, heating, ventilation, air conditioning or other permanently installed system) is determined to be unsafe or otherwise in violation of any applicable code or ordinance.
H. Whenever permanently installed equipment or machinery creates a structural, life or fire safety hazard, health or other hazard.
I. Whenever the accumulation of solid and/or putrescible waste creates a structural, life or fire safety, health or other hazard.
J. Whenever an environmental hazard exists that poses an immediate danger to the occupants of a building or where the continued use of a building will cause the environmental hazard to worsen.
K. Whenever an occupied building lacks an operational, potable water supply.

L. Whenever an occupied building lacks a functioning connection to public sewer or an approved and fully operational septic facilities.

M. Whenever any other condition exists that creates a significant structural, life or fire safety, health or other hazard that impacts the occupancy or continued use of buildings or structures. In such cases, the health officer or the building official shall cite the specific reason(s) that the building or structure has been determined to be unsafe.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.110 Notices And Orders Of Building Official

When the building official or the building official's authorized representative has inspected, caused to be inspected, or received a sufficient amount of verifiable information about any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

A. Notice and Order
The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9.01.100 of this chapter.
3. A statement of the action required to be taken as determined by the building official.
    a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
    b. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.
    c. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official;
    a. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
    b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising
    a. that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the Code Compliance Hearings Officer, provided the appeal is made in writing as provided in this chapter and filed with the building official within 30 days from the date of service of such notice and order; and
    b. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

B. Service of Notice and Order

The notice and order and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: The holder of any mortgage, or deed of trust or other legal interest holder; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

C. Method of Service

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.120 Recordation Of Notice And Order

A. Where the building official or an authorized representative has determined that a building or structure constitutes an immediate danger to the life, limb, property, or safety of the public, the building official may record with the County Clerk a certificate describing the property and certifying that:
    1. the building is a dangerous building; and
    2. the owner has been so notified.

B. If the building or structure does not constitute an immediate danger to the life, limb, property, or safety of the public, and if the property owner does not obtain compliance with the order within the time specified therein, and no appeal has been properly and timely filed, the building official or an authorized representative may record with the County Clerk a certificate describing the property and certifying that:
    1. the building is a dangerous building; and
    2. the owner has been so notified.

C. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in

the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.130 Repair, Vacation And Demolition

The following standards shall be followed by the building official (and by the Code Compliance Hearings Officer if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

A. Any building declared a dangerous building under this chapter shall be made to comply with one of the following:
   1. The building shall be repaired in accordance with the Building Code or other current code applicable to the type of substandard conditions. requiring repair; or
   2. The building shall be demolished at the option of the building owner; or
   3. Where a building is not occupied and does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured, and maintained against entry in a manner acceptable to the building official. Where a building cannot adequately be secured and maintained against entry, the building official shall have discretion to disallow the securing of the building against entry as an option for resolution of the dangerous condition.

B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated and such a building shall remain vacated until such time as the building official or an authorized representative determines the building no longer poses an immediate threat. Upon issuance and posting of an order to vacate a dangerous building it shall be unlawful for anyone to enter or remain in the building without obtaining the prior written permission of the building official or an authorized representative. A person who enters or remains in a duly ordered and posted dangerous building is subject to arrest, criminal prosecution, and any other remedy available at law.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.140 Order To Vacate

A. Posting. Every order to vacate shall, in addition to being served as provided in Section 9.01.110, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building,
Or to remove or deface this notice.
Building Official
. . . . . of . . . . . .

B. Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 9.01.110, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface

any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant the provisions of the Building Code.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.150 Appeal

A. Any person entitled to service under Section 9.01.110 may appeal from any notice and order or any action of the building official under this chapter by filing at the office of the building official a written appeal containing:
   1. A heading in the words: "Before the Code Compliance Hearings Officer of Clackamas County
   2. The . . . . . of . . . . . "
   3. A caption reading: "Appeal of…. . . . .," giving the names of all appellants participating in the appeal.
   4. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
   5. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
   6. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed modified or otherwise set aside.
   7. The signatures of all parties named as appellants and their official mailing addresses.
   8. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal shall be filed within 30 days from the date of the service of such order or action of the building official.

C. As soon as practicable after receiving the written appeal, the Code Compliance Hearings Officer shall fix a date time and place for the hearing of the appeal by the board. Such date shall not be less than 15 days and not for more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be provided in the manner set forth in Section
2.07.050.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.160 Effect Of Failure To Appeal

Failure of any person to file an appeal in accordance with the provisions of Section 9.01.150 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
[Codified by Ord. 05-2000, 7/13/00]

9.01.170 Scope Of Hearing On Appeal

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

[Codified by Ord. 05-2000, 7/13/00]

9.01.180 Staying Of Order Under Appeal

Except for vacation orders made pursuant to Section 9.01.140, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.190 Hearing, Conduct of Hearing, and the Form of Decision on Appeal

The notice of hearing, the conduct of the hearing and the form of decision shall be provided in the manner set forth in Section 2.07.050-2.01.100.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.200 Compliance

After any order of the building official or the Code Compliance Hearings Officer made pursuant to this chapter becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order.

A. Failure to Obey Order to Vacate. Any person who fails to comply with an order to vacate a dangerous building is subject to arrest and criminal prosecution, as well as fines, fees, and civil penalties permitted by law.

B. Failure to Obey Order to Repair or Demolish Building. Whenever effective person fails to comply with an order to repair or demolish a dangerous building the building official may:
    1. order the building to be vacated, and 2. in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.210 Extension Of Time To Perform Work

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant extensions of time, in increments of 60 additional days , within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.220 Interference With Repair Or Demolition Work Prohibited

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.230 Performance Of Work Of Repair Or Demolition

When any work of repair or demolition is to be done pursuant to Section 9.01.200, of this chapter, the building official shall issue an order therefor to the director of the Department of Transportation and Development and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.240 Repair And Demolition Fund

The Board of County Commissioners hereby creates a Repair and Demolition fund to be used for the purpose of repairing, demolishing, and taking steps to mitigate dangerous buildings that pose an immediate threat to the health and safety of the occupants or the public. Expenditures from the fund may be made by the County Building Official, upon advising the Department Director.
[Codified by Ord. 05-2000, 7/13/00**; Amended by Ord. 11-2015, 12/17/15**]

9.01.250 Recovery Of Cost Of Repair Or Demolition

The director of the Department of Transportation or their designee shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 9.01.240, of this chapter. Upon the completion of the work of repair or demolition, said director shall prepare and record with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 9.01.110. Thereafter the Building Official shall make all reasonable efforts to recover the amounts spent and costs of said work shall become a lien on the property and a debt for which the record owner(s) and interest holders are personally liable until paid in full. Said lien shall be enforceable in any manner provided by law.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15; Amended by Ord. 03-2022, 7/21/22]

9.01.260 Remedies not Exclusive

None of the remedies described in this chapter are exclusive and the County may pursue any other remedies available to it including, but not limited to, commencing a civil action in a court of competent jurisdiction.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

Section 9.01.270 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.280 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.290 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.300 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.310 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.320 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.330 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.340 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.350 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.360 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.370 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.380 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.390 [Repealed by Ord. 11-2015, 12/17/15]
Section 9.01.400 [Repealed by Ord. 11-2015, 12/17/15]

Chapter 9.02

9.02 APPLICATION AND ENFORCEMENT OF THE CLACKAMAS COUNTY BUILDING CODE

9.02.010 Purpose

The purpose of this chapter is to establish uniform performance standards for building- related codes and rules to reasonably safeguard the public health, safety, and general welfare occupants and users of buildings within this jurisdiction, and provide for the use of modern methods, devices, materials and techniques and for superior energy conservation. The provisions of this chapter are in addition to the requirements of the State Building Code, as defined in ORS 455.010 and in many cases are intended to amend specific sections of the State Building Code pursuant to the authority granted to Clackamas County through ORS 455.020.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 03-2016, 8/11/16; Amended by Ord. 07-2019, 12/12/19]

9.02.020 Application

This chapter shall apply to the construction, reconstruction, alteration, relocation (i.e. moving), demolition, repair, maintenance and work associated with any building or structure except when such work is located in a public right of public way.

Without limiting the generality of the foregoing, this chapter shall also apply to the following:
A. Abatement of nuisances and dangerous buildings.
B. Demolition.
C. Protection of adjoining property.
D. Retaining walls.
E. Fences.
F. Tanks that are located exterior to and not attached to or supported by a regulated building.
G. Telecommunication towers.
H. Ground mounted flagpoles exceeding 25 feet.
I. Signs not attached to or supported by a regulated building.
J. Piers and wharves.
K. Bridge structures outside of a public right of way.
L. Structures associated with agricultural processing.

This chapter shall not apply to the following:
A. Fire safety during construction.
B. Structures within a public right of way.
C. Floating structures
D. Docks.
E. Equipment shelters not intended for human occupancy with a building area 250 square feet or less, designated as Risk Category I or II.
F. Administration and implementation f a National Flood Insurance Program (NFIP).
G. Transitional housing accommodations.

H. Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ration of height to diameter or width does not exceed 2 to 1.

If any conflict arises because different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive provision shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement will apply.

If any conflict arises between a provision of this Chapter and Oregon Revised Statutes or State Building Code, the statutory or State Building Code provision(s) shall govern. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 03-2016, 8/11/16; Amended by Ord. 07-2019, 12/12/19]

9.02.030 Definitions

When used in this chapter, the following terms, phrases, words and their derivatives shall have the meanings ascribed to them below. When terms are used that are not defined below, they shall have the ordinary accepted meanings that are appropriate to their context. Words used in the singular include the plural and those used in the plural include the singular. Words used in the masculine gender include the feminine and those used in the feminine include the masculine.

A. AGRICULTURAL PROCESSING is the compounding, or conversion of an agricultural good into a product. The alteration of the physical makeup of the agricultural good is the primary characteristic of agricultural processing. Agricultural processing does not include preparation, cleaning, treatment, sorting, and packaging of agricultural goods.
B. AUTHORIZED REPRESENTATIVE may include, among others, the Deputy Building Codes Administrator and their authorized inspection personnel, and the Fire Marshall. and his authorized inspection personnel, and the Fire Marshall.
C. BUILDING is any structure used or intended for supporting or sheltering any use or occupancy.
D. BUILDING OFFICIAL is the official designated by order of the Clackamas County Board of Commissioners, charged with administration and enforcement of the State of Oregon Building Codes as outlined in ORS 455.148, and includes that official's authorized representatives.
E. PERSON includes human beings and, where appropriate, public or private corporations, unincorporated associations, partnerships, firms, governments, governmental instrumentality, joint stock companies, trusts and estates, trustees and any other legal entities whatsoever, and shall indicate both the singular and the plural.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19

9.02.040 Clackamas County Building Code

The Clackamas County Building Code consists of the following Specialty Codes as adopted by the State of Oregon, and regulations:

A. The Oregon Structural Specialty Code, as adopted by OAR Chapter 918, Division 460, except as modified in this Chapter, shall be enforced as part of this Chapter.
B. The Oregon Mechanical Specialty Code, as adopted by OAR Chapter 918, Division 440, except as modified in this Chapter, shall be enforced as part of this Chapter.
C. The Oregon Plumbing Specialty Code, as adopted by OAR Chapter 918, Division 750, except as modified in this Chapter, shall be enforced as part of this Chapter.

D. The Oregon Electrical Specialty Code, as adopted by OAR Chapter 918, Division 251 except as modified in this Chapter, shall be enforced as part of this Chapter.
E. The Oregon Residential Specialty Code, as adopted by OAR Chapter 918, Division 480, except as modified in this Chapter, shall be enforced as part of this Chapter.
F. The manufactured dwelling park and mobile home park rules adopted by OAR Chapter 918 Division 600, except as modified in this Chapter, shall be enforced as part of this Chapter.
G. The manufactured structure rules adopted by OAR Chapter 918, Division 500, except as modified in this Chapter, shall be enforced as part of this Chapter.
H. The Recreational Park and Organizational Camp Rules adopted by OAR Chapter 918, Division 650, except as modified in this Chapter, shall be enforced as part of this Chapter.
I. Chapter 9.01 of the Clackamas County Code: Code for the Abatement of Dangerous Buildings and Structures.
J. Chapter 9.03 of the Clackamas County Code: Excavation and Grading.
K. The On-Site Sewage Disposal Rules as adopted by OAR Chapter 340, Division 71 and OAR Chapter 340, Division 73, except as modified in this Chapter, shall be enforced as part of this Chapter.
L. The Oregon Energy Efficiency Specialty Code as adopted by OAR Chapter 918, Division 460, except as modified in this Chapter, shall be enforced as part of this Chapter.
M. The Oregon Solar Installation Specialty Code as adopted by ORS 455.010 through 455.897, except as modified in this Chapter, shall be enforced as part of this Chapter.
N. 2018 International Building Code, International Code Council (ICC IBC-2019) Section 105.2.
O. ICC IBC-2018 Section 1807.3
P. American Society of Civil Engineers (ASCE) 7.16, Section 15.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 03-2016, 8/11/16]

9.02.050 Clackamas County Operating Plan

The provisions of the Clackamas County Operating Plan are hereby incorporated as if fully set forth herein. A copy of the Operating Plan in on file with the Building Codes Division of the Department of Transportation and Development and may be reviewed

upon request. Where the terms of the Clackamas County Operating Plan conflict with this chapter, the provisions of this chapter shall control.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.060 Modifications

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.070 Tests

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.080 Powers And Duties Of The Building Official

The building official is hereby authorized and directed to enforce all the provisions of this chapter.

The building official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this chapter. The building official shall have the authority to vary the approval period for permits applied to resolve violations to less than the 180 days referred to in Section 9.02.270 of this Chapter.

The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction in the discharge of duties required by this chapter and other pertinent laws or ordinances.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.090 Deputies

In accordance with prescribed procedures the building official may appoint a deputy building official technical officers and inspectors and other employees to carry out the functions of code enforcement under this chapter. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of code enforcement under this chapter as delegated by the building official.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.100 Right Of Entry

When it is necessary to make an inspection to enforce the provisions of this chapter, or when the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee may enter or inspect the structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such structure or premises be occupied

that credentials be presented to the occupant and entry requested. If the structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.110 Stop Work Orders, Warning Notices & Violation Notices

Whenever any work is being done contrary to the provisions of this chapter, or other pertinent laws or ordinances implemented for enforcement of this chapter, the building official may order the work stopped by notice in writing served on any person engaged in doing the work or causing the work to be done, or by posting of the building or work being done, and any such person shall forthwith stop such work until authorized by the building official to resume the work.

In the discretion of the building official, warning notices or violation notices may also be issued for violations of this chapter and any other pertinent laws or ordinances implemented for enforcement of this chapter.

Orders or notices shall give a brief description of the violation identified, and shall be issued through one of the following methods:

A. Personal service upon the person responsible for the violation;
B. Posting at the site of the violation; or
C. Delivered by regular U.S. mail to the address listed on the permit application (if any) submitted in association with the work in question.

Orders or notices shall contain the name of the County Department(s) to contact regarding the violation, the name of the person issuing the order or notice, the date the order or notice was issued and a statement that failure to correct the alleged violation within the time set (no less than 30 days) may result in legal action with the courts or the Compliance Hearings Officer to abate the nuisance or both, and the imposition of administrative fees, penalties and enforcement fees.

If the building official believes an alleged violation presents an imminent threat to public health or safety, no warning notice need be given before pursuing remedies allowed for by this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.120 Authority To Disconnect Utilities In Emergencies

In case of emergency, the building official shall have the authority to disconnect the energy, fuel or power supply, or plumbing utility service to a building, structure, premises or equipment regulated by this chapter when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, give advance notice to the serving utility, the owner and the occupant(s) of the building or premises that utilities will be disconnected, and shall notify the serving utility, owner and occupant of the building or premises in writing of utility disconnection immediately afterward.
[Codified by Ord. 05-2000, 7/13/00]

9.02.130 Connection After Order To Disconnect

Persons shall not make connections from an energy, fuel, power supply or plumbing service, nor supply energy, fuel, power or plumbing to any equipment regulated by this chapter which has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnection and use of such equipment. [Codified by Ord. 05-2000, 7/13/00]

9.02.140 Occupancy Violations

Whenever any structure or equipment therein regulated by this chapter become unsafe, insanitary, deficient, or is otherwise being used contrary to the provisions of this chapter, the building official may order such use discontinued and the building, structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Any person receiving notice shall discontinue the use within the time prescribed by the building official to make the building, or portion thereof, comply with the requirements of this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.150 Adjudicating Entities For Specific Appeals

A. In the event an appeal of a staff interpretation of code is necessary during plan review, the appeal shall be processed as set forth in this subsection. If a permit applicant disagrees with a plans examiner's decision, the request is first sent to the Plans Examiner Supervisor or a Section Supervisor depending upon the nature of the problem and which specific code is being appealed. The Supervisor will make a decision regarding the matter. If the matter is not resolved at that level, the appeal is forwarded to the building official. After consultation with the appellant and the appropriate technical staff, the building official reviews the request and shall respond in writing with 10 business days.

B. In the event an appeal of a staff interpretation of code is necessary during field inspections, the appeal shall be processed as set forth in this subsection. If a permit holder disagrees with a field inspector's correction, the request is first sent to the Structural/Mechanical Inspector Supervisor, the Plumbing Inspection Supervisor, Electrical Inspection Supervisor, or other Section Supervisor depending upon the nature of the problem and which specific code is being appealed. The Supervisor will make a decision regarding the matter. If the matter is not resolved at that level, the appeal is forwarded to the building official. After consultation with the appellant and the appropriate technical staff, the building official reviews the request and shall respond in writing within 10 business days.

C. For those issues that are within the scope and application of the State Building Code, where the applicant is still aggrieved, the matter may be further appealed to the appropriate Division Chief at the State of Oregon and then further to the appropriate Advisory Board at the State of Oregon. Appeals to the State shall follow ORS 455.060, ORS 455.475, and the appropriate Oregon Administrative Rules.

D. For those issues that are outside of the scope and application of the State Building Code, where the applicant is still aggrieved, the applicant may request a hearing as provided in County Code Section 2.07.040. The procedures associated with the applicant's requested hearing shall be subject to those provisions of County Code Section 2.07.

E. Notwithstanding the provisions above, appeals related to a staff interpretation of the On-Site Sewage Disposal Rules as adopted by OAR Chapter 340, Division 71 and OAR Chapter 340, Division 73 shall follow the appeal process set forth in OAR Chapter 340, Division 71.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.160 Board Of Appeals

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.170 Form Of Appeal

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.180 Effect Of Failure To Appeal

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.190 Scope Of Hearing On Appeal

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.200 Procedures For Conduct Of Appeals Hearings

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.240 Plans And Permits

The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official or appointed deputies. Such plans may be reviewed by other departments and divisions of Clackamas County to verify compliance with any applicable laws and ordinances. If the building official or deputy finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit to the applicant.

When the building official issues a permit for which plans are required, the building official shall endorse in writing or stamp the plans and specifications. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this chapter shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building or structure before the complete plans and specifications for the whole building or structure have been submitted or approved, if adequate information and detailed statements have been filed to assure compliance with all pertinent requirements of this chapter. The holder of a partial permit who chooses to proceed assumes the risk that the permit for the entire building or structure may be denied. Clackamas County is not responsible for any costs associated with work performed under a partial permit if the full permit is denied. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/10]

9.02.250 Retention Of Plans

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.02.260 Validity Of Permit

The building official shall consider any violations of Clackamas County Ordinances or other applicable laws that are known to them in responding to all permit requests, applications, and occupancy or completion certificates. The building official may refuse to issue permits, occupancy of completion certificates under this chapter if the parcel of land, or the use of the land on which the building, structure, or equipment is to be placed, altered, equipped or used is in violation of any Clackamas County Ordinance or State Building Code.

No building or site permit shall be issued by the building official until all plans for on-site sewage disposal facilities have been approved by the appropriate authority. Further, no building containing plumbing shall be occupied until connected to an on-site sewage disposal facility approved by the

appropriate authority and meeting the minimum standards of the Oregon State Board of Health and the Department of Environmental Quality.

The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or acquiescence to, any violation of any of the provisions of this chapter or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall be null and void.

The issuance of a permit based on plans, specifications and/or other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building occupancy or operations associated with the permit, if executed in violation of this chapter or of any other ordinances of this jurisdiction.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.270 Expiration Of Applications, Plans And Permits

A. Automatic Expiration of Applications -- Applications for which no permit is issued within 180 days following the date of the application shall automatically expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

B. Extensions on Unexpired Applications – The building official may extend the time for action by the applicant for a period not exceeding 90 days if:
   1. The applicant so requests in writing;
   2. The applicant shows that circumstances beyond applicant's control have prevented action from being taken; and
   3. The application is consistent with the relevant provisions of this Chapter in effect on the date the request for a time extension was submitted.

C. Pre-Conditions to Renewing Action on an Expired Application – In order to renew action on an application after expiration, the applicant shall resubmit plans if directed by the building official and shall pay a new plan review fee. The building official shall have authority to modify renewal fees where warranted.

D. Automatic Expiration of Permits – Every permit issued by the building official under the provisions of this chapter shall automatically expire and become null and void if the building or work authorized by the permit is:
   1. Not commenced within 180 days from the date of the permit; or
   2. Suspended or abandoned for a period of 180 days at any time after the work is commenced, or
   3. Not subject to inspection approval for a period of 180 days at any time after the work is commenced.

E. Extensions on Unexpired Permits – Any permittee holding an unexpired permit may apply for an extension of the time within which to commence work under that permit when the permittee is unable to commence work within the time originally required for good reason. The building official may extend the time for action by the permittee for a period not exceeding 180 days if:
   1. The permittee requests an extension in writing; and

2. The permittee shows that circumstances beyond permittee's control have impeded progress under the permit.
3. The unexpired permit remains consistent with the relevant provisions of this chapter in effect on the date the request for a time extension was submitted.

F. Timelines for Permits Issued to Resolve Violations – In those instances where a permit is issued to resolve a violation, the building official may specify the length of time an issued permit may remain valid and they may establish specific timelines for compliance.

G. Pre-Conditions to Resuming Work on Expired Permit – Before resuming work under an expired permit, an existing permit must be renewed where appropriate or a new permit must be obtained if directed to do so by the building official, and an additional fee remitted. The fee will determined under the following guidelines:
1. If no changes have been made or will be made in the original plans and specifications for the work to be resumed; and the suspension or abandonment of work under the permit has not exceeded six months, then no fee will be required to renew the permit; or
2. If there have been or will be changes to the original plans and specifications for the work to be resumed, or the suspension or abandonment of work under the permit has exceeded six months but has not exceeded on year, then the permittee shall pay one half of the full permit fee, plus additional plan review fees assessed at the County's current hourly rate where applicable.
3. If the suspension or abandonment of work under the permit has exceeded on year, then the permittee shall pay an amount equivalent to the full permit fee, plus additional plan review fees assessed at the County's current hourly rate where applicable.
4. The building official shall have authority to modify renewal fees where warranted.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.280 Work Without A Permit; Investigation Fees

Whenever any work for which a permit is required by this chapter has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, may be collected whether or not a permit is ever issued. The investigation fee shall be based on the actual cost of the investigation or the average cost of such investigations per ORS 455.058, but not less than the amount specified in Appendices A and B of the Clackamas County Code. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this chapter nor from any penalty prescribed by law.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.290 Transferability

With the permission of the building official a permit issued and paid for by a person or firm may be transferred to another person or firm to perform any work thereunder. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.300 Suspension; Revocation

The building official may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information supplied, or in violation of any ordinance or regulation of any of the provisions of this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.310 Inspections

It shall be the duty of the permit holder or their agent to request all necessary inspections in a timely manner and according to the policies of Clackamas County, provide access to the site, and provide all necessary equipment to make inspections as determined by the building official. The permit holder shall not proceed with construction until authorized by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or their agent. Failure to request inspections shall result in expiration of the permit as per Section 9.02.270. The county has no obligation, responsibility, or liability to follow up on permits for which necessary inspections have not been requested or which are at risk of expiration under Section 9.02.270. The permittee shall bear all such responsibility and liability.

Any person to whom a permit is issued shall be liable for any loss, damage, or injury caused or arising from the permittee's negligence, as well as for any breach of the building codes or regulations, to the person suffering such loss, damage, or injury. The permittee shall indemnify, defend and hold harmless the County and its officers, employees and agents from any and all claims, demands, actions and suits (including all attorney fees and costs, through trial and on appeal) arising from the permittee's negligence, as well as for any breach of the building codes or regulations to the person suffering such loss, damage or injury.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.320 Fees

Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the Clackamas County Board of Commissioners deem reasonable shall be as set from time to time by order of the Clackamas County Board of Commissioners.

The building official may authorize refunds of fees when the guidelines of the applicable refund policy so authorize.

The determination of value or valuation under any provisions of this chapter shall be made by the building official. The value to be used in computing building permit and plan review fees shall be the total value of all construction work associated with the permit, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. Valuations shall be determined as specified in OAR 918-050-0100. The building official may modify the valuation of any building or structure where warranted.

Enforcement fees are in addition to and not in lieu of civil penalties that may be imposed by a Compliance Hearings Officer or court. Enforcement fees shall be used to defray the costs of enforcement of the provisions of this chapter.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.330 Violations And Enforcement

All persons shall comply with this chapter in the location, construction, maintenance, repair, alteration, or use of buildings, structures, installations or on-site sewage disposal systems or facilities within Clackamas County.

A violation of this chapter exists whenever a building, structure, installation, on-site sewage disposal system or sewage disposal facility, or grading is, or is proposed to be, located, constructed, maintained, repaired, altered, or used contrary to the requirements of this chapter. Each day that a violation exists is considered to be a separate offense.

A violation of this chapter is a public nuisance, and continues to be a public nuisance until the offending building, structure, installation, system, facility or use is brought into compliance with this chapter.

The County may, in addition to the other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove violations of this chapter. The County may also enforce this chapter through the provisions of the Clackamas County Compliance Hearing Officer Ordinance.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.02.340 Prioritization Of Violations For Enforcement

The building official is charged with administration, implementation and enforcement of the State Building Code and this chapter. The building official's duties include the duty to oversee plan reviews and building inspections required under the State Building Code and this chapter, and the duty to supervise continuing enforcement when violations are identified. Since the Building Code Division has limited financial resources, the building official must exercise their inherent discretion to ensure that sufficient funds are available to deal with the most important public policy matters that come before them.

The top priority for Division resources is the processing of plans and permits properly applied for under the Codes. Although the Division must also address Code violations, violations vary greatly in severity, with some violations having a negligible impact on the public interest and others having a potentially great impact on the public interest. For this reason, the Board of County Commissioners has determined that the building official may prioritize violations for enforcement action without unduly compromising public policy. The Board of County Commissioners believes that this prioritization of violations for enforcement will result in the most effective and efficient re-allocation of Building Division resources.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19

Chapter 9.03

9.03 EXCAVATION AND GRADING

9.03.010 Purpose

The purpose of this chapter is to safeguard life, limb, property and the public welfare by regulating grading on private property.
[Codified by Ord. 05-2000, 7/13/00]

9.03.020 Scope

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. All excavation, grading and earthwork construction, including fills and embankments, shall be performed in accordance with Appendix J of the Oregon Structural Specialty Code (OSSC), modified as follows:

A. OSSC Section J104.1: Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill, and provide a quantity calculation and/or methodology.

B. OSSC Section J104.2: Site Plan Requirements. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarify to indicate the nature and extend of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code. Cross section drawing(s) shall be provided and shall be of sufficient quality and detail to accurately represent the proposed work, and that it conforms to the requirements of this code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.03.030 Permits Required; Exceptions

No person shall do any excavation, grading or earthwork construction without first having obtained a permit from the Clackamas County Building Official or their designee. The following activities shall be exempt from this chapter:

A. Farm grading, as defined in ORS 30.936. All farm grading shall be done in accordance with ORS 455.315; and

B. Grading performed as part of stream or habitat improvements, including turtle nests and log jams.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.03.040 Hazards

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.050 Definitions

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.060 Grading Permit Requirement

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.070 Fees

Fees are as set forth in Appendix A, "A500. Building".
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03]

9.03.080 Bonds

A. The Clackamas County Building Official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.
B. In lieu of surety bond the applicant may file a cash bond or instrument of credit with the Clackamas County Building Official in an amount equal to that which would be required in the surety bond.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2019, 12/12/19]

9.03.090 Cuts

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.100 Fills

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.110 Setbacks

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.120 Drainage and Terracing

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.130 Erosion Control

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.140 Grading Inspection

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.150 Completion of Work

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.160 Powers and Duties of Building Codes Division Manager

[Codified by Ord. 05-2000, 7/13/00; Repealed by Ord. 07-2019, 12/12/19]

9.03.170 Violation Constitutes Nuisance; Abatement Remedies

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Repealed by Ord. 07-2019, 12/12/19]

3/13/03; Repealed by Ord. 07-2019, 12/12/19]