

ORDINANCE NO. 5093

AN ORDINANCE REPEALING AND REPLACING TITLE 15 OF THE MCMINNVILLE CITY CODE, SPECIFIC TO BUILDINGS AND CONSTRUCTION, AMENDING SECTION 2.50.510, SPECIFIC TO CODE COMPLIANCE - APPLICABILITY, AND SECTIONS 8,10.250, HEALTH AND SAFETY – MOTOR VEHICLES, AND SECTION 8.10.035, HEALTH AND SAFETY – STORAGE.

RECITALS:

WHEREAS, The City of McMinnville in an effort to provide for the welfare, safety and health of the citizens of the City of McMinnville has a local McMinnville Municipal Code; and

WHEREAS, Title 15 of the McMinnville City Code governs local codes relative to “Buildings and Construction”; and

WHEREAS, Title 15 has not been updated since 1980; and

WHEREAS, Codes, best practices and program parameters have changed substantially for buildings and construction since 1980; and

WHEREAS, the City of McMinnville would like to continue to provide for the welfare, safety and health of the citizens of the City of McMinnville relative to buildings and construction with updated local codes reflecting current best practices; and

WHEREAS, the City of McMinnville does not have a property maintenance code and has received many complaints from citizens regarding properties that are not maintained to a minimum standard of maintenance, safety and health; and

WHEREAS, the City of McMinnville would like to update its local fire codes for buildings and construction to ensure the safety, welfare and health of its citizens and businesses; and

WHEREAS, the Oregon Building Codes Division adopts Oregon’s State Building Code; and

WHEREAS, the State allows for adoption of several optional appendices to the Building Code; and

WHEREAS, the State allows adoption of local ordinances regulating matters not otherwise encompassed by the State Building Code under ORS 455.030; and

WHEREAS, the City has the authority under ORS 455.020(4) to enact certain building code regulations to supplement the Statewide Building Code; and

WHEREAS, having a consistent local administrative chapter is intended to provide for consistent application of all adopted specialty codes.

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That Title 15 (BUILDINGS AND CONSTRUCTION), of the McMinnville City Code is repealed and replaced as provided in Exhibit A to this Ordinance.
2. That this Ordinance is effective thirty days from its adoption.

Passed by the Council this 28th day of July, 2020, by the following votes:

Ayes: Drabkin, Geary, Menke, Peralta, Stassens

Nays: Garvin



MAYOR

Attest:

Claudia Cisneros
City Recorder

Approved as to form:

Walter R. Goull
City Attorney



EXHIBIT A

**CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128**

503-434-7311

www.mcminnvilleoregon.gov

PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

The following language will replace Title 15 of the McMinnville Municipal Code

TITLE 15 BUILDINGS and CONSTRUCTION

CHAPTERS:

- | | |
|-------|---|
| 15.02 | Building Codes |
| 15.04 | Fire Codes |
| 15.06 | Standard Specifications for Public Works Construction |
| 15.08 | House Moving Regulations |

Chapter 15.02
BUILDING CODES

Sections:

15.02.010	Administration
15.02.020	Building Codes
15.02.030	Revisions to Codes
15.02.040	Alternate Materials, Methods of Design and Methods of Construction
15.02.050	Modifications
15.02.060	Permits
15.02.070	Inspections
15.02.080	Fees
15.02.090	Powers and Duties of Building Official
15.02.095	Applicability
15.02.100	Violations and Penalties
15.02.200	Protests and Appeals

15.02.010 Administration

- A. The City provides a building inspection program, including plan review, permit issuance and inspection for the adopted specialty building codes listed in section 15.02.020 of this Chapter.
- B. The program is administered by the Building Official under the supervision of the City Manager or designee and the authority of ORS 455.150(3).
- C. The Building Official is authorized to adopt rules of procedure for such administration that include, the authority to stop work and disallow occupancy or use of any building or service equipment in violation of this ordinance; the authority to refund all or part of building permit application fees for cause; and the authority to dispose of permit applications and supporting documents, and to declare permits to have expired, at a point in time after applications are received and after permits have been issued.
- D. The program provides services in accordance with its operating plan as required by OAR 918-020-0090 and the remainder of this chapter.

15.02.020 Building Codes

The City adopts the most recent editions of the following codes:

- A. Application of the Building Code. ORS Chapter 455.150 and OAR 918-020-0010 through OAR 918-020-0490 are adopted by reference. A violation of a provision in those State laws is an offense against the City.

- B. Oregon Structural Specialty Code, as adopted by ORS [455.150](#) through [455.895](#), OAR 918-460-0000 through 918-460-0070 (hereinafter “Structural Specialty Code”);
- C. Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0000 through 918-440-0510;
- D. Oregon Plumbing Specialty Code, as adopted by ORS [447.020](#)(2), OAR 918-750-0110 and delegated to the city by ORS [455.153](#) (hereinafter “Plumbing Specialty Code”);
- E. Oregon One- and Two-Family Dwelling Specialty Code, as adopted by ORS [455.610](#) and OAR 918-480-0001 through 918-480-0150 (hereinafter called the “One- and Two-Family Specialty Code”).
- F. Oregon Manufactured Dwelling Installation Specialty Code as adopted by ORS 446.230.
- G. Oregon Manufactured Dwelling and Parks Specialty Code as scoped by OAR 918-600-0010 and adopted ORS 446.
- H. International Property Maintenance Code, as published by the International Code Council with the following modifications:
 1. Section 101.1. Insert: *City of McMinnville*
 2. Section 103.5. Insert: *Will not exceed the amount established by a Class 1 Code Violation plus full cost recovery as established by the City of McMinnville Fee Schedule.*
 3. Section 109.6. Amend “*Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code, protest and appeal per section 2.50.510 of the McMinnville Municipal Code*”.
 4. Section 111. Amend. *Appeals will be processed per section 2.50.510 of the McMinnville Municipal Code.*
 5. Section 112.4. Insert: *Will not exceed the amount established by a Class 4 Code Violation.*
 6. Section 302.4. Insert: *10 inches (height of weeds/overgrown grass allowed in local jurisdiction).*
 7. Section 304.14. Insert: *May 1 through October 30.*
 8. Section 308.2.2. Delete entire section.

9. Section 602.3 Insert: *October 1 through June 30.*
 10. Section 602.4 Insert: *October 1 through June 30..*
- I. International Building Code, Appendix J, Grading with the following modifications:
1. J101.2 Flood Hazard Areas. Section deleted and replaced with the following:
Unless the applicant has submitted an engineering analysis, prepared in accordance with standard engineering practice by a registered design professional, that demonstrates the proposed work will not result in any increase in the level of the base flood, and has a permit from the Department of State Lands, grading, excavation and earthwork construction, including fills and embankments, shall not be permitted in floodways that are in recognized flood hazard areas or in flood hazard areas where design flood elevations are specified but floodways have not been designated.
 2. J102.1 Definitions. Section deleted and replaced with the following:
The following words and terms shall, for the purposes of this code, have the meanings shown herein. Refer to Chapter 2 of the current Oregon Structural Specialty Code for general definitions.
 3. J103.2 Exemptions. Item 2 deleted and replaced with: *Excavation for construction of a structure permitted under the current Oregon Structural Specialty Code.*
 4. J103.2 Exemptions. Last paragraph deleted and replaced with: *Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of any other laws or ordinances of this jurisdiction.*
 5. J104.1 Submittal Requirements. Section deleted and replaced with the following:
Grading plans must be prepared by an Oregon registered design professional. Exception: The building official may waive the need for an Oregon registered design professional where the nature of work is determined not to be highly technical in nature or there is no unreasonable potential risk to life or safety.
 6. J104.4 Liquefaction Study. Section deleted and replaced with the following:
Where local zoning allows for development on sites with mapped maximum considered earthquake spectral response accelerations at short periods (S_1) greater than 0.5g as determined by the current Oregon Structural Specialty Code, a study of the liquefaction potential of the site shall be provided and the recommendations incorporated in the plans.
 7. J105.1 General Requirements. Section deleted and replaced with the following:
Inspection shall be governed by the current Oregon Structural Specialty Code.
 8. J105.2 Special inspections. Section deleted and replaced with the following:

The special inspection requirements of the current Oregon Structural Specialty Code shall apply to work performed under a grading permit where required by the building official.

15.02.030 Revisions to Codes

From time to time revisions, amendments and/or other changes are made to the codes identified in section 15.02.020 of this chapter. The amended codes are issued as new editions. The new editions of the codes adopted in section 15.02.020 of this chapter shall be considered adopted by the city.

15.02.040 Alternate Materials, Methods of Design and Methods of Construction

- A. The provisions of the technical codes are not intended to prevent the use of any material method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the building official.
- B. The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.
- C. The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

15.02.050 Modifications

Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of the technical code impractical and the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

15.02.060 Permits

- A. Permits Required. Any owner, person, or authorized agent who intends to construct, alter, enlarge, repair, move, demolish, or change the occupancy of any building, structure, appurtenance, or service equipment or cause any such work to be done must first make application to the building official and obtain the required permit.

- B. The permit holder or applicant shall not proceed with construction activity prior to issuance of a permit or until receiving specific written authorization to do so by the Building Official.
- C. Work requiring a permit shall not be commenced until the permit holder or an authorized agent of the permit holder has made available on site, a copy of the permit authorizing such work and supporting documents such as City approved construction documents. The permit and supporting documents shall be maintained and available by the permit holder until final approval has been granted by the Building Official.
- D. The issuance of a permit based on construction documents and other data does not prevent the Building Official from thereafter requiring the correction of errors in the construction documents and other data, or from preventing building operation, such as building inspections, plan reviews, permit issuance, and investigations, from being carried on thereunder when in violation of this Chapter or aof any other ordinances of this jurisdiction.
- E. Partial Permits. The Building Official is authorized to promulgate additional administrative rules and regulations related to the efficient administration and review of partial permits. Elements for partial permits shall include but not be limited to deferred submittals, temporary permits and phased construction.
- F. Design Profession of Responsible Charge. Where it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
- G. Work without a permit – Investigation fee.
 - 1. Whenever work for which a permit as required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.
 - 2. An investigation fee, in addition to the permit fees, shall be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code, any technical codes nor from any penalties prescribed by law.

- H. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provision of this Chapter whenever the Permit is issued in error on the basis of incorrect, inaccurate, or incomplete information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the McMinnville Municipal Code.
- I. The Building Official may adopt administrative procedures regarding permit and permit application expirations, extensions, and/or reinstatements.

15.02.070 Inspections

- A. It shall be the duty of the Permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the Building Official.
- B. The Building Official shall make the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. The Building Official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise.
- C. Special Inspections.
 - 1. When special inspection is required by the Structural Specialty Code, the owner or the owner's authorized agent, other than the contractor, shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of a building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of individuals or firms who are to perform the special inspections, and indicate the duties of the special inspectors.
 - 2. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work. In situations where the owner is also the contractor, the building official shall have the authority to require the selection of a special inspector who is independent from the employment of the owner/contractor.
 - 3. When structural observation is required by a Structural Specialty Code, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.
 - 4. The inspection program shall include samples of inspection reports and provide time limits for submission of reports.
- D. Failure to Obtain or Request Final Inspection or Issuance of Certificate of Occupancy.

1. Prior to occupancy of newly constructed commercial or residential buildings or altered commercial buildings a final inspection must be approved by the Building Official. For a new building, a certificate of occupancy will be issued signifying compliance with the applicable codes of the City. For remodel work, a certificate of completion may be issued.
2. Other permitted work such as mechanical installations or structures that do not involve occupancy by persons, must receive a final inspection from the Building Official within 180 days after the work has been completed.
3. Whenever any building, structure or equipment therein regulated by this Chapter is occupied or in use without a final inspection or certificate of occupancy, the Building Official is authorized to use all means authorized to compel completion of permitted work. This includes issuing an order for occupancy or use to be discontinued, and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the Building Official and make the structure, or portion thereof, comply with the requirements of the Building Code. The Building Official may cause the water service to be discontinued pending the completion of the final inspection and obtaining a Certificate of Occupancy. The Building Official shall notify the occupants of the discontinuation of water service in the notice to complete final inspection and obtain certificate of occupancy.
4. If a permit holder receives a temporary certificate of occupancy and does not complete all of the requirements of the permit in a timely manner, the Building Official may declare it a violation of this Chapter and seek remedy by all means authorized up to and including ordering the occupancy or use discontinued, and the structure vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the Building Official and make the structure, or portion thereof, comply with the requirements of the permit. The Building Official may cause the water service to be discontinued pending the completion of the final inspection and obtaining a Certificate of Occupancy. The Building Official shall notify the occupants of the discontinuation of water service in the notice to complete final inspection and obtain certificate of occupancy. And the Building Official may issue a citation for a Class 4 Code Violation each day of the occurrence of the violation.

15.02.080 Fees

- A. Fees for permits and other related services pursuant to the building inspection program will be established by resolution of the City Council and updated regularly as appropriate.
- B. Fee refunds and waivers.
 1. The Building Official may authorize refunding of any fee paid thereunder which was erroneously paid or collected.

2. The Building Official may authorize refunding of any fee refund made voluntarily in writing within 180 days of fee payment. A portion of the refund, as set in the adopted fee schedule, shall be retained.
3. The Building Official may authorize refunding of the permit fees paid as required by this code when no work has been begun under a permit issued in accordance with this code. Permit fee refunds shall not exceed the amount set forth by the fee schedule.
4. The Building Official may authorize a refund of plan review fees paid as required under this code if an application for a plan review permit is withdrawn or canceled before any plan review is conducted. Plan review fee refunds shall not exceed the amount set forth by the fee schedule.
5. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than 180 days after date of fee payment.

15.02.090 Powers and Duties of Building Official

- A. The Building Official is authorized to enforce all of the provisions of this Chapter.
- B. The Building Official has the power to render written and oral interpretations of the Building Codes in Section 15.02.020 and to adopt and enforce administrative procedures in order to clarify the application of their provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of the codes, and shall not have the effect of waiving requirements specifically provided for in the codes.
- C. Liability. The Building Official, and/or any employee charged with the enforcement of the Building Codes in Section 15.02.020, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the codes or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.
- D. Legal Defense. Any suit or criminal complaint instituted against the Building Official and/or any employee charged with the enforcement of the Building Codes in Section 15.02.030 because of an act performed by that person in the lawful discharge of duties and under the provisions of this Chapter shall be defended by legal representatives of the City until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.
- E. Delegation of Authority. The Building Official has the authority to delegate the authority necessary to carry out the provisions of this chapter to technical officers, inspectors, plan examiners and other employees of the City.

- F. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this Chapter, or where the Building Official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this Chapter that makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter 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 such structure or premises is 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.
- G. Stop Work Orders.
1. Whenever any work is being done contrary to the provisions of the Building Code (or other pertinent laws or ordinances implemented through its enforcement), the Building Official may order the work stopped by written notice served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the Building Official to proceed thereafter.
 2. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to the penalties of Section 15.02.100 of this code.
- H. Authority to Abate Hazardous Equipment.
1. When the Building Official ascertains that equipment, or any portion thereof, regulated by the Building Code has become hazardous to life, health, or property, the Building Official may order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice must be in writing and contain a fixed time limit for compliance. Any person who uses the defective equipment after receiving the notice is subject to the penalties of Section 15.02.100 of this code.
 2. When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) must be given within 24 hours to the involved utility and also the owner and/or occupant of the building, structure, or premises. When equipment is maintained in violation of the Building Code and in violation of a notice issued pursuant to the provisions of this section, the Building Official may institute such action as the Building Official deems necessary to prevent, restrain, correct or abate the violation, including, but not limited to issuing civil penalties; declaring the building, structure, or premises dangerous; and denying entry.
- I. Occupancy Violations. Whenever any building, structure or equipment therein regulated by the this Chapter is used contrary to the provisions of the Building Codes, the Building Official may order such use discontinued and the structure (or portion thereof) vacated and

provide such order through written notice to the owner, occupant, and/or user of the building, structure, or equipment. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the Building Official in the notice and make the structure, or portion thereof, comply with the requirements of the Building Code. Structures that are altered, modified, or repaired without the benefit of permits, for purposes of adding rooms for tenants, shall be considered as occupancy violations and subject to the penalties of Section 15.02.100 of this code.

- J. Unsafe Buildings. When the Building Official ascertains that a building, structure, or premises, or any portion thereof, regulated by the Building Code is a public nuisance or otherwise has become hazardous to life, health, or property, the Building Official may order abatement by repair, rehabilitation, Demolition, or removal in accordance with the procedures set forth in the Building Code or such alternate procedures as may have been or as may be adopted by the City or the Building Official. As an alternative, the Building Official may institute any other appropriate action to prevent, restrain, correct or abate the violation.

15.02.095 Applicability

- A. This code shall apply to the construction, erection, alteration, moving, enlargement, demolition, repair, improvement, conversion, maintenance, and work associated with any building or structure except those located in a public way.
- B. Where, in any specific case, there is a conflict between this code and the Oregon Revised Statutes, the Oregon Revised Statutes shall govern.
- C. When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.
- D. Where, in any specific case, different sections of this code specify different material methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- E. When conflicts occur between specific provisions of this code and administrative provisions in a technical code which is then applicable within this jurisdiction, those provisions becoming the law most recently shall prevail.

15.02.100 Violations and Penalties

- A. It is unlawful and a public nuisance within the City of McMinnville for any person in charge of a premises to permit, allow or cause to exist, any substance, condition or act on the premises that is injurious or detrimental to the public health, welfare or safety.

- B. The Building Official or designee may determine if a violation of this Chapter has occurred.
- C. If the violation is deemed to be a public nuisance, it will be noticed and abated per the process and procedures outlined in Chapter 2.50 of the McMinnville Municipal Code.
- D. If the violation is deemed to be a public nuisance, in addition to any corrective action ordered by the City, a person found to have violated the provisions of this Chapter may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 2 Code Violation.
- E. If the violation is deemed to be an immediate public safety hazard, in addition to any corrective action ordered by the City, the amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 1 violation.
- F. Notwithstanding the other remedies in this chapter, if the Building Official determines that any building under construction, mechanical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, they may order the work halted and the building or structure vacated pending further action by the City and its legal counsel.
- G. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under City ordinance or state statute.
- H. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

15.02.200 Protests and Appeals

A person aggrieved by an action of the Building Official taken pursuant to this Chapter may appeal that action per the process outlined in Chapter 2.50.510 of the McMinnville Municipal Code.

Chapter 15.04
FIRE CODES

Sections:

15.04.010	Definitions
15.04.020	Establishment of Duties.
15.04.030	Adoption of Oregon Fire Code
15.04.040	Fire Protection System Maintenance
15.04.050	Restricted Uses During Fire Season
15.04.060	City of McMinnville Modifications to the Oregon Fire Code--.
15.04.070	Violations and Penalties
15.04.080	Protests and Appeals

15.04.010 Definitions

The following definitions govern the implementation of this chapter.

- A. "Jurisdiction," as used in the Oregon Fire Code, means the City of McMinnville ("McMinnville").
- B. "Department of Fire Prevention," as used in the Oregon Fire Code, means "Fire and Life Safety Division."
- C. "Fire Code Official," as used in the Oregon Fire Code, means the Fire Marshal or designee.
- D. "Apparatus cost" means the standardized cost, including repairs and depreciation, for the use of McMinnville Fire Department's apparatus and or equipment, as set forth in adopted regulations of the State Fire Marshal or in City resolution, and the cost for the use of apparatus or equipment of another jurisdiction which may respond to an incident pursuant to statute or intergovernmental agreement.
- E. "Direct costs" means those costs of supplies, apparatus and labor incurred by the City or another jurisdiction in responding to an incident and as may be set forth in adopted regulations of the State Fire Marshal or in City resolution.
- F. "Direct fire or rescue services" means any service provided by employees of the City (1) to a person whose person or property is injured or threatened with injury; or (2) to a person whose property has injured or threatens to injure another person or another person's property, for which a charge is not otherwise imposed under this code. "Direct fire or rescue services" includes, but is not limited to, the suppression of fires, the rescue of persons or property, the provision of medical assistance, and containment and cleanup of hazardous materials.

- G. "Indirect costs" means those costs that are set forth in adopted regulations of the State Fire Marshal or in City resolution, and which are the product of the state "average response availability rate" and the time spent responding to an incident, together with the state "average support services cost per incident," as defined by the State Fire Marshal.
- H. "General costs" means direct or indirect costs that are not attributable to any particular person who received direct fire and rescue services.
- I. "Gross negligence" means conduct with conscious indifference to or reckless disregard of the rights of others.
- J. "Labor costs" means the compensation paid by the City to its employees, including but not limited to base pay, overtime pay and fringe benefits, during the time spent responding to an incident.
- K. "Railroad right-of-way" means a right-of-way used for rail transportation.
- L. "Transportation route" means a roadway or waterway against which no taxes or assessments for fire protection are levied by the City.

15.04.020 Establishment of Duties

The Oregon Fire Code shall be enforced by the Code Official as defined by the Oregon Fire Code.

15.04.030 Adoption of Oregon Fire Code

Except as specifically excluded or modified by this chapter, the City of McMinnville adopts the Oregon Fire Code and appendices A through D, F, H, I, J, and K through N, which will be referred to in the McMinnville Municipal Code as the Oregon Fire Code ("OFC"). One (1) copy of the Oregon Fire Code and appendices shall be filed in the office of the City Recorder.

15.04.040 Fire Protection System Maintenance

Fire protection systems service providers providing inspections, tests, and maintenance required by OFC Section 901.6 and the referenced standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Failure by a company or individual service provider to follow the referenced standards is a Class 5 violation.

15.04.050 Restricted Uses During Fire Season

- A. The City of McMinnville will follow the Oregon Department of Forestry ("ODF") burn restrictions and regulations during fire season. Open flame and fire pits are prohibited at high fire index. Exemption: A seasonal permit for contractors can be obtained for use

within the City of McMinnville to allow for powered equipment use during fire season (i.e., landscape, construction, etc.). Working on or within one-eighth (1/8) of a mile of ODF-protected property requires the contractor must contact ODF and get an additional permit issued from ODF if required.

- B. The Fire Code Official or designees may issue a permit which allows a person to conduct a restricted activity as long as specified fire prevention measures are taken to reduce the potential for fire ignition. Contractors, such as those performing landscape or construction work, may obtain a seasonal permit for use within the City to allow for powered equipment used during fire season. Working on or within one-eighth (1/8) of a mile of ODF-protected property requires the contractor to contact ODF to obtain an additional permit issued by ODF if required.

15.04.060 City of McMinnville Modifications to the Oregon Fire Code

McMinnville Fire Prevention Code incorporates the Oregon Fire Code current Edition except that the following referenced OFC sections are modified as set forth below:

- A. OFC Section: Fire Records is modified by the addition of the following language:
Fire Investigation Reports for fires that are under investigation will not be released until the investigation is complete. Exception: The Fire Chief may release incomplete Fire Investigation Reports if warranted.
- B. OFC Section: Inspections is modified by the addition of the following language:
 - 1. Inspections outside of normal business hours: The Fire & Life Safety Division will make every attempt to conduct inspections during normal business hours (Monday thru Friday 8 am to 5 pm). If the applicant or business owner's agent requests an inspection outside of normal business hours, or if the Fire Code Official determines a permit inspection is required and there is no other alternative but to conduct the inspection outside of normal business hours, the Fire Code Official shall inform the applicant or business agent there will be an after-hours inspection fee. The inspection will not be performed until the required fees have been paid.
 - 2. Re-Inspection Fees. Each Fire & Life Safety inspection is provided with one additional re-inspection at no additional cost to the business. If subsequent re-inspections starting with a second re-inspection is required, a fee shall be assessed. Each additional re-inspection required shall have an increased fees assessed. Fees shall be set through a resolution of City Council.
- C. OFC Section: Permits is modified by the addition of the following language:
Required permits may include, Operational and construction permits as allowed by the Oregon Fire Code.

A schedule of permit and service fees shall be established by resolution of the City Council and periodically amended by Council resolution and kept at McMinnville Fire Department and in the City Recorder's office.

15.04.070 Violations and Penalties

- A. It is unlawful and a public nuisance for any person violating or causing violation of any of the provisions of this chapter. Such person, firm or corporation is guilty of a separate violation for each and every day during which any violation of this chapter is committed or continued by such person, firm or corporation. This violation can be retroactively applied to the first day the occupant or owner was made aware of the violation by the Fire Code Official.
- B. The Fire Code Official or designee may determine if a violation of this Chapter has occurred.
- C. If the violation is deemed to be a public nuisance, it will be noticed and abated per the process and procedures outlined in Chapter 2.50 of the McMinnville Municipal Code.
- D. If the violation is deemed to be a public nuisance, in addition to any corrective action ordered by the City, a person found to have violated the provisions of this Chapter may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 3 Code Violation.
- E. For any violations of this chapter deemed to be life-threatening, a violation can be issued immediately for each and every occurrence, including multiple occurrences in one (1) day. Life-threatening hazards include but are not limited to overcrowding, locking or obstructing doors designated to remain unlocked, and shutting off or removing designated fire protection equipment.
- F. If the violation is deemed to be an immediate public safety hazard, in addition to any corrective action ordered by the City, the amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 1 violation.
- G. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under City ordinance or state statute

15.04.080 Protests and Appeals

A person aggrieved by an action of the Building Official taken pursuant to this Chapter may appeal that action per the process outlined in Chapter 2.50.510 of the McMinnville Municipal Code.

Chapter 15.06
STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

Sections:

- | | |
|-----------|-------------------------------|
| 15.06.010 | Adopted by Reference |
| 15.06.020 | Authority to Alter Provisions |

15.06.010 Adopted by Reference

The provisions of the current edition of the Oregon Standard Specifications for Construction, prepared by the Oregon Department of Transportation, are adopted and made a part hereof as if fully set out in this chapter, and all Public Works contracts hereafter entered into by the city, excepting the McMinnville Water and Light commission, shall include in the contract documents by reference all of the provisions of said specifications.

15.06.020 Authority to Alter Provisions

The City reserves the right to amend, enlarge or change any of the standard specifications in any construction contract hereafter entered into by and between the city and another party. .

Chapter 15.08
HOUSE MOVING REGULATIONS

Sections:

15.08.010	Purpose
15.08.020	Relocation Permit Required
15.08.030	Site and Street Occupancy Prohibited
15.08.040	Applicant's Burden
15.08.050	Applications
15.08.060	Authority to Decide Relocation Permit
15.08.070	Permit Approval Process
15.08.080	Demonstration of Zoning Compliance
15.08.090	Approval Criteria
15.08.100	Conditions
15.08.110	Notice of Approved Relocation Permit
15.08.115	Relocation of Historic Resources
15.08.120	Violations and Penalties
15.08.130	Protests and Appeals

15.08.010 Purpose

The purpose of this section is to establish an orderly process for reviewing requests for moving structures over City streets; minimizing damage to private and public property during the course of moving a structure, securing funds for the repair or restoration of damage caused by moving structures, minimizing disruption to traffic, public utilities, and communication services, protecting public safety and welfare, and ensuring compliance with applicable provisions of the McMinnville Municipal Code.

15.08.020 Relocation Permit Required

A building permit is required prior to moving any structure, which is ordinarily attached to real property over City streets. Buildings relocated from sites not within the City of McMinnville are subject to this chapter. In such cases the Community Development Director shall determine applicable code provisions.

15.08.030 Site and Street Occupancy Prohibited

- A. Occupation of a relocated structure on any lot, tract, or other real property is prohibited without first obtaining zoning certification in accordance with this chapter, required building permits, and payment of all fees.
- B. Temporary storage of moved structures within the City of McMinnville is prohibited.
- C. Temporary placement of relocated structures within public and private streets is prohibited unless expressly authorized under an approved relocation permit.

15.08.040 Applicant’s Burden

The applicant bears the burden of demonstrating compliance with all provisions of these regulations prior to issuance of a relocation permit.

15.08.050 Applications

- A. An application fee, as adopted by Resolution of the McMinnville City Council, is required at the time of application submission. Applications that are not accompanied by an application fee shall not be accepted.
- B. Applicants will be required to provide insurance as set by City Council.
- C. The applicant shall pay a refundable deposit for damages incurred within the public right of way or other city property, facilities or utilities. Deposit to be set by Resolution of the McMinnville City Council.

15.08.060 Authority to Decide Relocation Permit

The Community Development Director, or designee, shall interpret, apply, and enforce provisions of this chapter except for zoning and land-use regulations, which shall be administered by the Planning Director.

15.08.070 Permit Approval Prohibited

No building relocation permit shall be issued until all liens, charges, and billings applicable to the donor site and owed the City have been paid to the satisfaction of the Finance Director.

15.08.080 Demonstration of Zoning Compliance

- A. The applicant shall demonstrate consistency with the McMinnville Zoning Ordinance for the donor and receiving sites located within the City of McMinnville prior to issuance of a relocation permit.
- B. Zoning Certification
 - 1. The relocation permit application shall include sufficient information necessary for determination of zoning compliance for receiving sites and determination of the structure’s historic preservation landmark status under the McMinnville Zoning Ordinance.
 - 2. The Planning Director shall determine whether the applicant has demonstrated compliance with the Zoning Ordinance within seven (7) workdays of a complete application being received.

15.08.090 Approval Criteria

The Community Development Director, or designee, may approve, approve with conditions, or deny relocation permit applications. Applications for a relocation permit shall be approved only when the following items have been submitted or otherwise resolved to the Community Development Director's satisfaction. The Community Development Director shall consider recommendations of the Building Official, Planning Director, Public Works Division, Police Chief, Fire Marshall, Oregon Department of Transportation, Yamhill County, Utility Providers and others as appropriate.

- A. Complete relocation permit application and deposit;
- B. Proposed route, time and date of the move;
- C. Proof of required insurance and endorsements.
- D. Certification of zoning compliance;
- E. Determination that the proposed time and route of the move is safe and minimizes disruption to traffic;
- F. Proof of approved building permits for receiving site when located in the City of McMinnville;
- G. The demolition permit for donor site showing proper disconnection and capping of site utilities;
- I. Specification of loaded height, width, and length of structure to be moved, and all escort and other vehicles;
- J. Specification of wheel weight in pounds per square inch;
- K. Identification of all obstructions within the public right-of-way and private property to be removed. Trees that must be pruned or removed are also to be identified. A tree permit may be required in accordance with Section 17.58.040 of this code; if a street tree, a private tree, or a sign must be pruned or removed to accommodate a house move and otherwise meets current clearance requirements, removal and replacement costs will be paid by the applicant.
- L. Identification of all traffic controls along the move-route;
- M. Traffic control plan;

- N. Certification from utility providers, county, and state agencies (“Agency” or “Agencies”) along the route of move certifying acceptability of the proposed move and specifying any conditions that are imposed as a condition of the certification;
 - 1. Applicant will prepare for Agency review with any request for certification a map or drawing describing the route of the move and show any above-ground utility facilities, signage, or lighting in the route.
 - 2. Applicant will pay costs, fees and charges required by an Agency for review of utility, lighting, or signage systems related to certification.
- O. Authorization by owners of the donor and receiving sites to make application for the move;
- P. Written confirmation from the Finance Director that all liens, charges, and billings applicable to the donor site have been satisfied;
- Q. A security deposit as required to secure repair of any damage to City property or Agency facilities in an amount to be determined by the Community Development Director;
- R. Additional information as may be specified to demonstrate compliance with this chapter.

15.08.100 Conditions

A relocation permit may be conditioned to specify conditions including but not limited to the following:

- A. Time of move;
- B. Route of move;
- C. Overall length, width, and height of structure to be moved;
- D. Axle weight or wheel weight in pounds per square inch of tire;
- E. Number and location of vehicle escorts;
- F. Required traffic controls;
- G. Terms for repair of damage to roadways, property, or other City or Agency facilities.

15.08.110 Notice of Approved Relocation Permit

The applicant shall post a notice of approved relocation permit on the property or structure so that it is visible from the street, giving notice of intent to relocate the structure. The notice shall be in the form prescribed by the Community Development Director and shall be posted the

same day the permit is approved. The notice must remain posted for five (5) workdays thereafter.

15.08.115 Relocation of Historic Resources

- A. Certificate of Approval Required. Prior to any exterior alteration or relocation of a historic resource on the McMinnville Historic Resources Inventory, the owner must apply for and receive a Certificate of Approval per Section 17.65.040(C) of the McMinnville Municipal Code. No alteration of the historic landmark shall occur prior to the issuance of the Historic Landmarks Committee’s decision on the Certificate of Approval for Alteration application.
- B. Fees Waived for Eligible Historic Resources. Certain municipal fees are hereby waived, subject to compliance with this chapter, in the instances where a structure which is designated as “distinctive” or “significant” on the McMinnville Historic Resources Inventory is being moved from one lot within the city to another lot in the city. The Historic Resources Inventory is on file in the city planning department.
1. Fees to be Waived. The fees to be waived are the parks and wastewater system development charges imposed in Section 3.10.020 of the McMinnville Municipal Code, and any moving, foundation and plumbing permit fees imposed by this Chapter.
 2. Covenant Required. In return for the fee waiver the owner of the structure to be moved shall covenant with the city to guarantee that the structure shall be maintained in its historic character and that all exterior alterations, as defined in MMC 17.06.060, shall be made in compliance with the Certificate of Approval process described in MMC 17.65.060.
 3. Fee Waiver Rescinded. In the event that an applicant decides to proceed with alterations that were not approved by the Historic Landmarks Committee through the Certificate of Approval for Alteration process in Section 17.65.060 of the McMinnville Municipal Code, all fees waived under Section 15.08.115 of this Chapter will become due and payable. Fees to be paid will be based on the then current fee schedules.
 4. Certificate of Fee Waiver. Upon issuance of the certificate of occupancy for the new location of the historic resource, the city shall record a Certificate of Fee Waiver on the property documenting the date and amount of the fee waiver with the Yamhill County Recorder’s Office.

15.08.120 Violations and Penalties

In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continued violation will not exceed the amount established for a Class 3 code violation.

15.08.130 Protests and Appeals

A person aggrieved by the decision on a relocation permit taken pursuant to this Chapter may appeal that action per the process outlined in Chapter 2.50.510 of the McMinnville Municipal Code.

Chapter 2.50
CODE COMPLIANCE

New proposed language is represented by **underline font**, deleted language is represented by ~~strikethrough font~~.

2.50.010 Applicability of Chapter

- A. The provisions of this chapter apply to the enforcement of civil code provisions identified in the following portions of the McMinnville Municipal Code, including all plans, permits, or licenses adopted or issued pursuant to such provisions :
1. All chapters of Title 5 (Business Taxes, Licenses and Regulations)
 2. All chapters of Title 8 (Health and Safety)
 3. **All chapters of Title 15 (Buildings and Construction)**
 4. All chapters of Title 17 (Zoning) and all ordinance adopted pursuant to Title 17 or the McMinnville Comprehensive Plan, regardless of whether such ordinance are codified in the McMinnville Municipal Code.
- B. Notwithstanding the provisions of subsection (A) of this section, the provisions of this chapter do not apply to the enforcement of any violation identified as a misdemeanor or for which the punishment may include any term of imprisonment, or to any criminal, traffic or parking laws, including the laws set forth in the following Titles of the McMinnville Municipal Code:
1. Title 9 – Public Peace, Morals and Welfare
 2. Title 10 – Vehicles and Traffic

Chapter 8.10
PUBLIC NUISANCES

New proposed language is represented by **underline font**, deleted language is represented by ~~strikethrough font~~.

Sections:

8.10.035 Storage

8.10.250 **Motor Vehicles**

- A. A person in charge of a premises must not permit, allow or cause to exist any discarded motor vehicle (including motor vehicles parts such as bodies, engines, transmissions and rear ends) on the premises, except that a person may store a discarded motor vehicle:
1. Within in a building that is wholly or entirely enclosed except for doors used for ingress or egress
 2. In a back yard of a residential property if the discarded motor vehicle:
 - a. Is screened by a sight-obscuring fence so that it is not visible from adjoining properties, streets and public right of ways, and or
 - b. **Is covered by an approved car cover, that is maintained free of deterioration, tearing, dirt and dust accumulation; and**
 - c. Is maintained in a manner that does not attract vermin, produce an offensive odor, or otherwise become a danger to public health or safety.
 3. In connection with an authorized and permitted business dealing in junked vehicles.
- B. For the purpose of this section, "discarded motor vehicle" means any motor vehicle that:
1. Has been inoperative for a period of more than 30 days;
 2. Is wrecked;
 3. Is dismantled, in whole or part;
 4. Is junked or abandoned; or,
 5. Has a vehicle registration sticker expired for more than two (2) months.

- C. A person in charge of a premises in a residential zone must not permit, allow or cause to exist motor vehicles, RVs, boats or trailers to be parked or placed in front yards or exterior side yards of the premises, unless the area used for parking or storage consists of non-erodible surfaces such as asphalt, concrete or pavers, or gravel with a minimum depth of four inches that consists of traffic bound or dense-grade gravel.
- D. A person in charge of a premises in a residential zone must not permit, allow or cause to exist parking or storage areas consisting of non-erodible surfaces in front or exterior side yards of the premises to use more than 40% of the yard area. For the purposes of this section, "yard area" is measured as the space between the front and side building lines to the property line of the premises.
- E. A person in charge of a premises in a residential zone must not permit, allow or cause to exist parking or storage areas that are less than twenty feet in depth from the property line of the premises when the parking or storage area is perpendicular to the property line.
- F. In addition to any corrective action ordered by the City, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 Code Violation.

8.10.305 Storage

- A. Unless otherwise specifically allowed by state regulations or this code, a person in charge of a premises must not permit, allow or cause to exist any storage of items of personal property out-of-doors, or outside a building or structure that is not enclosed or screened from public view.
- B. Notwithstanding subsection (A) of this section, the following items of personal property may be stored outside of a building or structure:
 - 1. Firewood that is stacked and usable. "Usable" firewood has more wood than rot and is cut to lengths that will fit a lawful fireplace or wood stove on the premises;
 - 2. Construction material, if the construction material is temporarily stored and is stored in a manner to protect its utility and to prevent its deterioration and the construction material is to be used for construction on the premises;
 - 3. All other items of personal property which are of a type, condition or quantity consistent with normal and intended outside use. By way of illustration, but not limitation, as used in this section, items of personal property include barbeque grills, lawn furniture, and solid waste disposal receptacles.

- C. In addition to any corrective action ordered by the City, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 Code Violation.