

## APPENDIX J

# GRADING

Adopted by the State of Oregon for optional use in municipalities.

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION J101 GENERAL

**J101.1 Scope.** The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

**J101.2 Flood hazard areas.** The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in floodways within flood hazard areas established in Section 1612.3 unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

### SECTION J102 DEFINITIONS

**J102.1 Definitions.** For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

**BENCH.** A relatively level step excavated into earth material on which fill is to be placed.

**COMPACTION.** The densification of a fill by mechanical means.

**CUT.** See Excavation.

**DOWN DRAIN.** A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

**EROSION.** The wearing away of the ground surface as a result of the movement of wind, water or ice.

**EXCAVATION.** The removal of earth material by artificial means, also referred to as a cut.

**FILL.** Deposition of earth materials by artificial means.

**GRADE.** The vertical location of the ground surface.

**GRADE, EXISTING.** The grade prior to grading.

**GRADE, FINISHED.** The grade of the site at the conclusion of all grading efforts.

**GRADING.** An excavation or fill or combination thereof.

**KEY.** A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

**SLOPE.** An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**TERRACE.** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

### SECTION J103 PERMITS REQUIRED

**J103.1 Permits required.** Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

**J103.2 Exemptions.** A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

### SECTION J104 PERMIT APPLICATION AND SUBMITTALS

**J104.1 Submittal requirements.** In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

**J104.2 Site plan requirements.** In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent 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.

**J104.3 Soils report.** A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

**Exception:** A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

**J104.4 Liquefaction study.** For sites with mapped maximum considered earthquake spectral response accelerations at short periods ( $S_s$ ) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

**Exception:** A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

**SECTION J105  
INSPECTIONS**

**J105.1 General.** Inspections shall be governed by Section 109 of this code.

**J105.2 Special inspections.** The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

**SECTION J106  
EXCAVATIONS**

**J106.1 Maximum slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

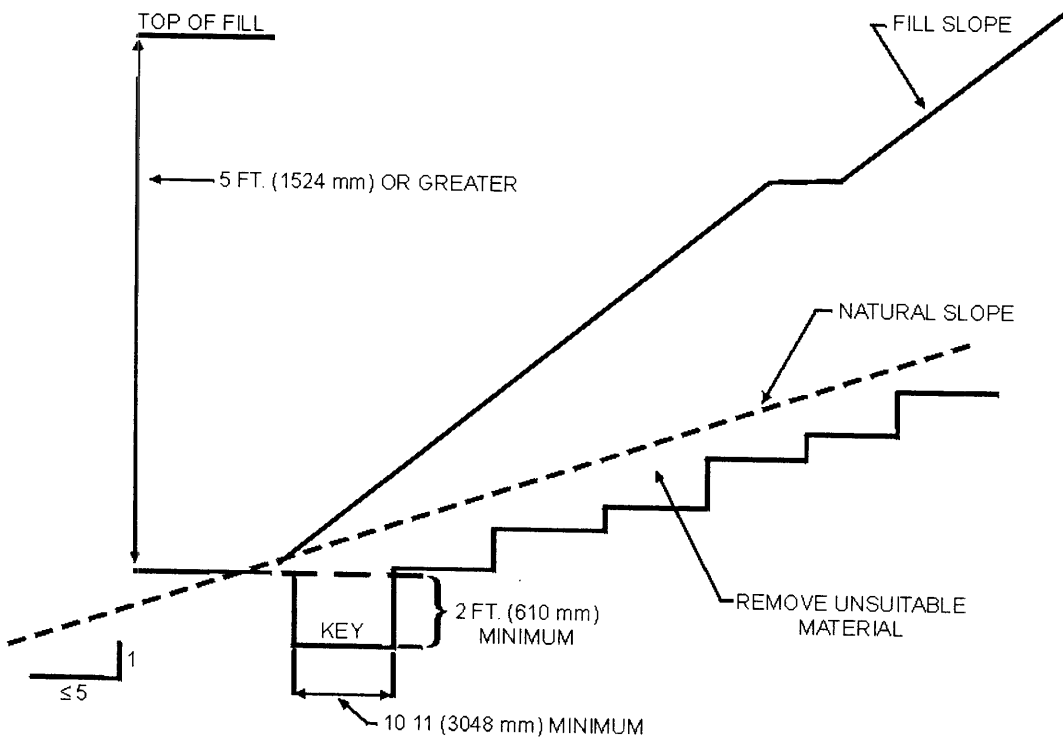
**Exceptions:**

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent) provided that all the following are met:
  - 1.1. It is not intended to support structures or surcharges.
  - 1.2. It is adequately protected against erosion.
  - 1.3. It is no more than 8 feet (2438 mm) in height.
  - 1.4. It is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

**SECTION J107  
FILLS**

**J107.1 General.** Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

**J107.2 Surface preparation.** The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.



For SI: 1 foot = 304.8 mm

**FIGURE J107.3  
BENCHING DETAILS**

**J107.3 Benching.** Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20 percent) and the depth of the fill exceeds 5 feet (1524 mm) benching shall be provided in accordance with Figure J107.3. A key shall be provided which is at least 10 feet (3048 mm) in width and 2 feet (610 mm) in depth.

**J107.4 Fill material.** Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

**J107.5 Compaction.** All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

**J107.6 Maximum slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50 percent) shall be justified by soils reports or engineering data.

### SECTION J108 SETBACKS

**J108.1 General.** Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks.

**J108.2 Top of slope.** The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

**J108.3 Slope protection.** Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official,

shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

### SECTION J109 DRAINAGE AND TERRACING

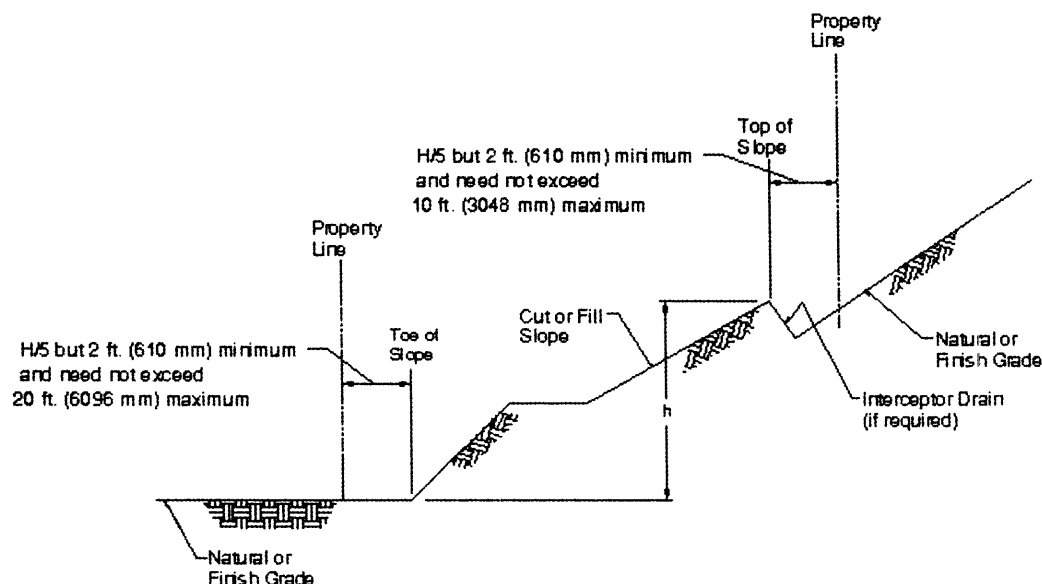
**J109.1 General.** Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

**Exception:** Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

**J109.2 Terraces.** Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5 percent) and shall be paved with concrete not less than 3 inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of 5 feet (1524 mm).



For SI: 1 foot = 304.8 mm

FIGURE J108.1  
DRAINAGE DIMENSIONS

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m<sup>2</sup>) (projected) without discharging into a down drain.

**J109.3 Interceptor drains.** Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

**J109.4 Drainage across property lines.** Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

### SECTION J110 EROSION CONTROL

**J110.1 General.** The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

**Exception:** Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

**J110.2 Other devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

### SECTION J111 REFERENCED STANDARDS

ASTM D 1557-00	Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft <sup>3</sup> (2,700kN-m/m <sup>3</sup> )].	J107.6
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# CITY OF ASHLAND GRADING FEES

Exhibit B

**General.** Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the City of Ashland.

**Plan Review Fees.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Table A. Separate plan review fees shall apply to retaining walls or major drainage structures as required. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

**Grading Permit Fees.** A fee for each grading permit shall be paid to the City of Ashland, Building Dept. as set forth in Table A. Separate permits and fees shall apply to retaining walls or major drainage structures as required. There shall be no separate charge for standard terrace drains and similar facilities.

**TABLE A – GRADING PLAN REVIEW FEES**

50 cubic yards or less	No fee
51 to 100 cubic yards	\$23.50
101 to 1,000 cubic yards	\$37.00
1,001 to 10,000 cubic yards	\$49.25
10,001 to 100,000 cubic yards....\$49.25 for the first 10,000 cubic yards, plus \$24.50 for each additional 10,000 yards or fraction thereof.	
100,001 to 200,000 cubic yards...\$269.75 for the first 100,000 cubic yards, plus \$13.25 for each additional 10,000 cubic yards or fraction thereof.	
200,001 cubic yards or more...\$402.25 for the first 200,000 cubic yards, plus \$7.25 for each additional 10,000 cubic yards or fraction thereof.	
<b>Other Fees:</b>	
Additional plan review required by changes, additions or revisions to approved plans.....\$50.50 per hour* (minimum charge – one-half hour)	

\*Or the total hourly cost to the City, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**TABLE B – GRADING PERMIT FEES<sup>1</sup>**

50 cubic yards or less	\$23.50
51 to 100 cubic yards	\$37.00
101 to 1,000 cubic yards...\$37.00 for the first 100 cubic yards plus \$17.50 for each additional 100 cubic yards or fraction thereof.	
1,001 to 10,000 cubic yards...\$194.50 for the first 1,000 cubic yards, plus \$14.50 for each additional 1,000 cubic yards or fraction thereof.	
10,001 to 100,000 cubic yards....\$325.00 for the first 10,000 cubic yards, plus \$66.00 for each additional 10,000 yards or fraction thereof.	
100,001 cubic yards or more...\$919.00 for the first 100,000 cubic yards, plus \$36.50 for each additional 10,000 cubic yards or fraction thereof.	
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge – two hours)	\$50.50 per hour <sup>2</sup>
2. Re-inspection fees	\$50.50 per hour <sup>2</sup>
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$50.50 per hour <sup>2</sup>

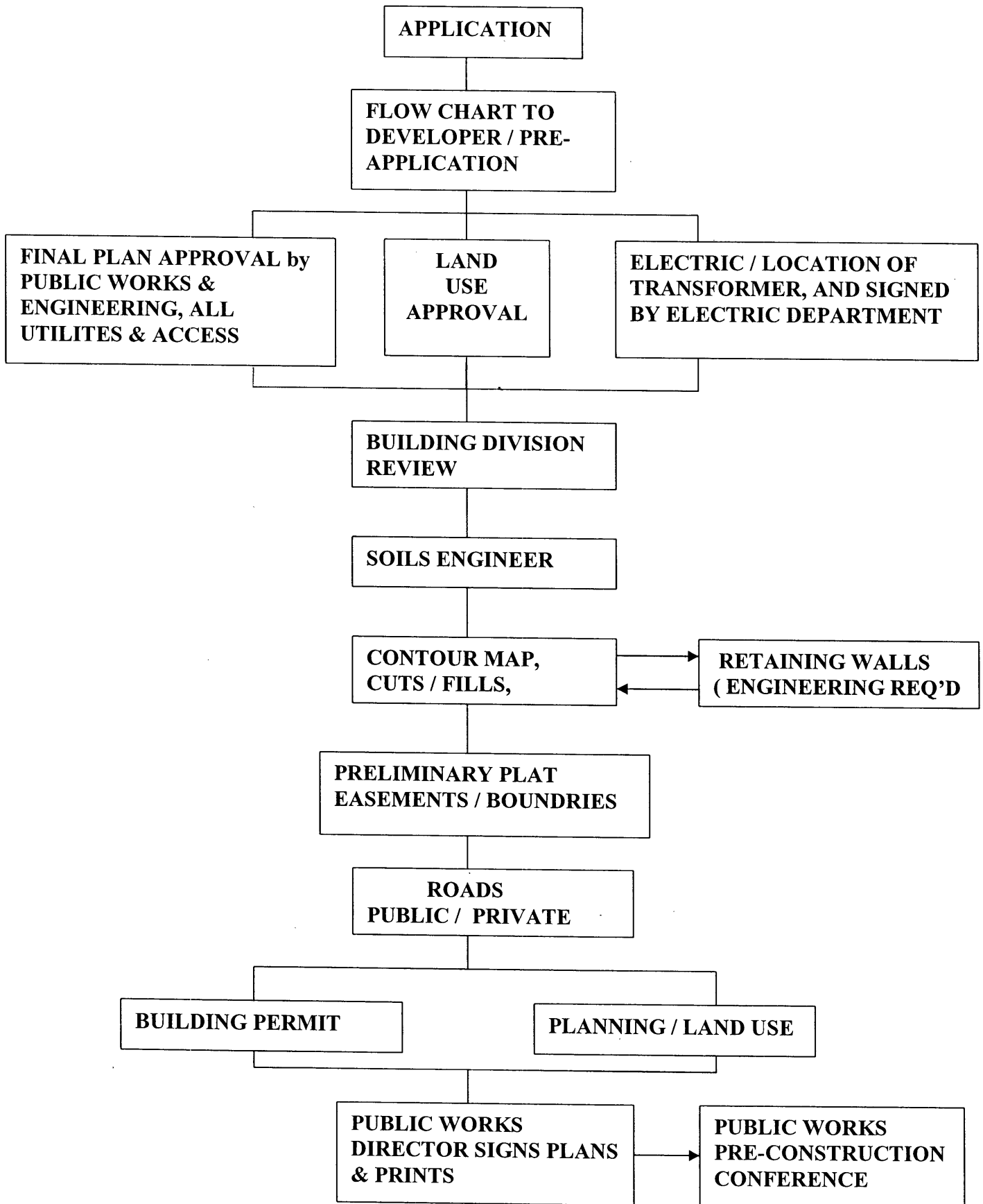
<sup>1</sup>The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

<sup>2</sup>Or the total hourly cost to the City, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

*Adopt by Resolution*



# CITY OF ASHLAND EXCAVATION PERMIT – FLOW CHART



ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 15 (BUILDINGS AND CONSTRUCTION) OF THE ASHLAND MUNICIPAL CODE RELATING TO THE ADOPTION OF OREGON SPECIALTY CODES.**

Annotated to show deletions and additions to the Ashland Municipal Code, Chapter 15.  
Deletions are  and additions are underlined.

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THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

Section 1. Ashland Municipal Code Chapter 15 is amended to read:

**TITLE 15**

**BUILDINGS AND CONSTRUCTION**

**CHAPTERs:**

- 15.04 BUILDINGS CODE**
- 15.06 SOLID FUEL BURNING DEVICE REGULATIONS**
- 15.08 MOVING OF BUILDINGS**
- 15.10 FLOOD DAMAGE PREVENTION REGULATIONS**
- 15.16 PLUMBING CODE**
- 15.20 ELECTRICAL CODE**
- 15.24 UNDERGROUND ELECTRICAL SERVICE**
- 15.28 FIRE PREVENTION CODE**
- 15.36 NUMBERING OF BUILDINGS**



CHAPTER 15.04

BUILDINGS CODE

SECTIONS:

- 15.04.010 Code Adoption.
- 15.04.020 City Code Administration.
- 15.04.030 Building Official Designated.
- 15.04.040 Fire Zones.
- 15.04.050 Agricultural Buildings.
- 15.04.060 Excavation and Grading.
- 15.04.070 Local Interpretation.
- 15.04.080 Unsafe Building.
- 15.04.090 Building Permits Generally.
- 15.04.095 Building Permits--Required Street Dedications.
- 15.04.096 Reimbursement for Street Improvements.
- 15.04.100 Inspections Required.
- 15.04.105 Barrier Removal Improvement Plans, Liens.
- 15.04.110 Used Material -- Repealed by Ord. 2685, 1992)
- 15.04.115 Condominiums.
- 15.04.180 License Requirements for Heating and Cooling or Ventilating Appliance Installations.
- 15.04.185 Heat Pumps and Mechanical Devices.
- 15.04.190 Underground Utilities.
- 15.04.192 Location of Electric Meters.
- 15.04.200 Board of Appeals.
- 15.04.205 Structural Specialty Code.
- 15.04.210 Demolition or Relocation of Structures.
- 15.04.212 Demolition Review Committee.
- 15.04.214 Approval Process.
- 15.04.216 Demolition and Relocation Standards.
- 15.04.218 Deleted
- 15.04.220 Mechanical Specialty Code Fee.
- 15.04.230 Violation--Penalty.
- 15.04.240 Certificate of Occupancy.
- 15.04.250 Notice of Non-Compliance and Violation.

**SECTION 15.04.010 Code Adoption.**

- A. The following codes are adopted as a part of this chapter and are further referred to in this title as "the specialty codes".
1. ~~1993 Oregon Structural Specialty Code~~ **2004 Oregon Structural Specialty Code** as defined in Oregon Administrative Rule 918-460-010.
  2. ~~1992 Oregon State Plumbing Specialty Code~~ **2003 Oregon Plumbing Specialty Code** as defined in Oregon Administrative Rule 918-750-010.
  3. ~~1993 Oregon Mechanical Specialty Code~~ **2004 Oregon Mechanical Specialty Code** as defined in Oregon Administrative Rule 918-440-010.

4. ~~1993 Oregon One and Two Family Dwelling Specialty Code~~ **2005 Oregon Residential Specialty Code** as defined in Oregon Administrative Rule 918-480-000.
  5. ~~Electrical Specialty Code~~ **2005 Oregon Electrical Specialty Code** as defined in Oregon Administrative Rule 918-290-010.
- B. The following codes are adopted as a part of this chapter except those portions of these codes which conflict with or overlap the specialty codes.
1. ~~1991 edition of the Uniform Code for Abatement of Dangerous Buildings, as published by the International Conference of Building Officials,~~ **2003 International Existing Building Code as published by the International Code Council**, a copy of which is on file with the Building Official.
  2. ~~1991 edition of the Uniform Swimming Pool, Spa and Hot Tub Code, as published by the International Conference of Building Officials, a copy of which is on file with the Building Official.~~
  3. ~~Chapter 70 of the Appendix of the 1991 edition of the Uniform Building Code, as published by the International Conference of Building Officials,~~ **Appendix J of the 2003 International Building Code as published by the International Code Council**, a copy of which is on file with the Building Official. (Ord. 1981 S1, 1978; Ord. 2102 S1, 1980; Ord. 2394, 1986; Ord. 2442 S2, 1988; Ord. 2521 S2, 1989; Ord. 2685, 1992; Ord. 2712, S1, 1993)

**SECTION 15.04.020 City Code Administration.**

The City shall provide for the administration of a plan checking, permit and inspection program for structural, mechanical, plumbing work and electrical work. This City program is applicable to public buildings, including state buildings, as well as private buildings. (Ord. 1825, 1974; Ord. 2685, 1992)

**SECTION 15.04.030 Building Official Designated.**

The City Administrator shall designate a City employee to carry out the functions and duties of the Building Official as described in the Oregon ~~1990~~ **2004** Structural Specialty Code, unless such individual is a department head, in which case such designation shall be by the Mayor with confirmation by the City Council. Such person shall be state certified as a Building Official in all the codes adopted by this Chapter, and may delegate portions of responsibility as may be deemed necessary. Designation by the City Administrator of the Building Official shall be done in writing in a document filed with the City Recorder. (Ord. 1981 S2, 1978; Ord. 2685, 1992)

**SECTION 15.04.040 Fire Zones.**

(Repealed by Ord. 2712, S5, 1993)

**SECTION 15.04.050 Agricultural Buildings.**

(Repealed by Ord. 2685, 1992)

**SECTION 15.04.060 Excavation and Grading.**

(Repealed by Ord. 2685, 1992)

**SECTION 15.04.070 Local Interpretation.**

(Repealed by Ord. 2685, 1992)

**SECTION 15.04.080 Unsafe Building.**

(Repealed by Ord. 2712, S5, 1993)

**SECTION 15.04.090 Building Permits Generally.**

Permits shall be obtained as required by the specialty codes. General contractors shall obtain all permits for a given job at one time. No building permit that would result in the construction of new structures, or the enlargement or change in use of existing structures shall be issued prior to the presentation of an approved zoning permit to the Building Official by the applicant. Such zoning permit shall be issued by the Planning Director, or a designee, and shall verify that the contemplated project is in accord with all applicable zoning and planning regulations. It shall also set forth any special conditions to be met by the applicant prior to issuance of a Certificate of Occupancy or any other planning and zoning related conditions to be enforced by the Building Official. The issuance and continued validity of any building permit issued by the City of Ashland shall be contingent on compliance by the applicant with all applicable city, county, state, or other regulations. On properties or in areas designated to be of significant historical value or interest applications for building permits, not requiring review by the Planning commission pursuant to Title 18 of the Municipal Code, shall be referred to the Ashland Historic Commission for review and recommendations, who shall have a period of time not to exceed seven days to complete such review and recommendations. (Ord 1981 S6, 1978; Ord. 2037 S3, 1979; Ord 2685, 1993; Ord 2712 S2, 1993; Ord 2775

**SECTION 15.04.095 Building Permits--Required Street Dedications.**

In issuing building permits for proposed buildings, dedication of abutting streets shall first be made to the City of Ashland as follows:

- A. Dedication of Streets--Public Need. Whenever a property owner requests a building permit, land partition or subdivision approval, and such proposed use of the land or division of the land causes a public need for increased street right of way, the property owner shall dedicate such additional right of way to the City of Ashland before approval is given for the subdivision, land partition or application for a building permit. In determining public need the following factors shall be considered:
1. Accommodation of increased traffic generated by the development;
  2. The ability to provide traffic circulation to neighboring properties in order to make the most economic use of land, thereby fulfilling the intent of the City

Comprehensive Plan and State Planning Code;

3. The health, safety, and welfare of future residents of the area, if the area is developed through flag partitions or other piecemeal, irregular means, causing inadequate access; and
4. Such other factors as may be found relevant during consideration of a particular application.

B. Dedication of Streets--Width established. Whenever a property owner requests approval of a land partition, subdivision or building permit, and the property abuts on a street shown on Exhibit "A" attached to Ordinance No. 2012 which is hereby incorporated herein, and the street at that location is not dedicated to the widths required by Section 18.80.020(b) of this Code, approval of the application shall only be granted after the property owner has dedicated such required additional right-of-way to the City of Ashland. For purposes of this Section, all streets not designated on Exhibit "A" as arterial or collectors, shall be designated as minor streets.

C. Dedication of Streets--New Streets. Whenever a property owner requests approval of a land partition, subdivision or building permit, and the property abuts on a planned street which has been adopted by resolution of the Planning Commission as a part of a precise street plan for an area, approval of the application shall only be granted after the property owner has dedicated such required right-of-way to the City of Ashland.

D. Setbacks. All setbacks required under Title 18 of this code shall be measured from the new right-of-way line established pursuant to Subsections A through C, above. (Ord. 2052 S6, 1979)

#### **SECTION 15.04.096 Reimbursement for Street Improvements.**

(Repealed by Ord. 2756, 1995)

#### **SECTION 15.04.100 Inspections Required.**

Inspections shall be called for and made as provided in the specialty codes. The general contractor will notify the Building Official when ready for inspections as listed on the inspection card. Inspections will be made within twenty-four (24) hours after notification, Saturdays, Sundays and Holidays excepted. Electrical permit inspections shall follow the Oregon Electrical Specialty Code requirement of 48 hours after written notice. (Ord. 1981 S7, 1978; Ord. 2088 S1, 1980; Ord. 2712, S3, 1993)

#### **SECTION 15.04.105 Barrier Removal Improvement Plans, Liens.**

A. The Building Official may approve a Barrier Removal Improvement Plan authorized under ORS 447.241 when:

1. All requirements of that statute are met and approved by the building official;
2. The approval by the building official is made in writing together with the date of the approval; and

3. The value of the improvements required by the plan are entered into the city lien docket as provided in section 15.04.105.B or adequate security is deposited by the plan applicant as provided in section 15.04.105.C.
- B. Unless adequate security is deposited as provided in section 15.04.105.C, the value of the improvements required by the plan shall be chargeable as a lien upon the property subject to the plan. The city recorder shall enter in the city lien docket a statement of the value of the plan improvements together with a description of the plan improvements, the name of the owners of the property and the date of the approval of the plan by the building official. Upon such entry in the lien docket, the amount so entered shall become a lien upon the property.
1. The determination of value for the plan improvements shall be made by the building official. Such determination shall include the value of all construction work necessary to accomplish the plan, as well as all finish work, painting roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. The value shall also include the cost of future inspections by the Building Official to determine if the plan is being or has been met.
  2. Upon completion of the plan improvements, the building official shall certify to the city recorder that all improvements have been made. Upon such certification, the city recorder shall remove the lien on the property from the lien docket.
  3. Upon partial completion of the plan improvements, the building official, when requested by the property owner or plan permittee, shall certify to the city recorder that plan improvements have been partially made. The certification shall state the value of improvements yet to be made and the city recorder shall amend the lien docket to reflect such value.
  4. If the plan is not completed according to its terms, the city may proceed to foreclose the lien in the manner provided by the general law in the State of Oregon for the collection of real property liens. No foreclosure suit shall be filed, however, unless the property owner is first given 30-days written notice specifying the nature of the incompleteness and an opportunity for the owner to complete the plan within such 30-day period.
- C. The plan applicant may provide adequate security in a sum equal to the value of the improvements required in the plan to secure performance of the plan in lieu of the lien described in section 15.04.105.B. Adequate security includes but is not limited to a surety bond furnished by a surety company authorized to do business in Oregon or an irrevocable letter of credit from a bank doing business in Oregon or such other security as the may be approved by the director of finance.

**SECTION 15.04.110 Used Material -- Repealed by Ord. 2685, 1992)**  
(Repealed by Ord. 2685,1992)

**SECTION 15.04.115 Condominiums.**

Structures being converted from multiple-family rental unit use to condominiums shall conform to State Code standards in effect at the time of conversion, and a building permit shall be obtained for such conversion. (Ord. 2035 S6, 1979)

**SECTION 15.04.180 License Requirements for Heating and Cooling or Ventilating Appliance Installations.**

Chapter 2 of the State Mechanical Code is modified by adding the following sections:

- A. Any person, firm, or corporation desiring to engage in the business of appliance installing or altering, or repairing any gas piping system, burner, or heating or ventilating equipment within the City of Ashland shall obtain a license for doing so from the Building Division. It shall be unlawful for any person to engage in any activity described in this section unless such person, or the activity, as the case may be, is currently and validly licensed hereunder.

For the purpose of controlling the safety of appliance and materials, and controlling the competence and standards of workmanship in the installation and repair of all heating and ventilating equipment and/or gas piping systems within the City of Ashland, licenses shall be issued in the following classifications, to persons or firms who qualify as prescribed in the provisions of this code:

1. Heating, Cooling and Ventilation Installation Contractor. Any person, firm or corporation engaging in the business of installing, repairing, altering, or servicing any apparatus, or any gas piping system or any appurtenance thereto, shall obtain a "Heating, Cooling, and Ventilating Installation Contractor's License." The license also permits the sale of appliances, appurtenances, etc., and does not entitle the holder to perform the actual labor required to make the installation or part thereof unless further licensing for gas systems is required as prescribed by the code below.
  2. Gas Fitter. Any person performing (for hire or otherwise) the labor or service of installing, altering or servicing any gas appliance, any appurtenance thereto, or any gas piping system, shall obtain, and be in possession of, a valid "Gas Fitter's License" as prescribed by this code.
  3. State Liquified Petroleum License. A state LPG Fitter's License shall be a prerequisite for any fitter performing work on any part of a Liquified Petroleum Gas Fuel System or any appliance using Liquified Petroleum Gas.
  4. Revocation of License. No person shall lend any license to any other person nor shall a licensed person, firm or corporation apply for a permit for use of any other person, firm or corporation. Any person, firm or corporation so doing, or refusing to comply with any other requests of this code, may have their license suspended or revoked by the Building Division in accordance with other provisions of this code.
  5. License Fees. Fees for licenses and conducting examinations for licenses required under this chapter shall be set by resolution of the Council. All licenses to perform installations shall expire on the 31st day of December each year unless revoked for cause. (Ord. 2664, 1992)
- B. Application for License. The Building Division shall qualify an applicant for gas piping as required in (a) herein, by conducting examinations, which shall be designed to determine applicant's knowledge of the standards for safe installation and the use of gas burning equipment and piping systems and the applicants competency to perform such installations. The Building Division shall prepare a written examination to determine the qualifications and competency of all persons making application for gas fitter's license

and shall adopt rules and regulations pertaining to the giving of said examinations and said examination paper shall be filed as official records of the Building Division. (Ord. 2171 S1, 1982)

**SECTION 15.04.185 Heat Pumps and Mechanical Devices.**

The following standards shall govern the issuance of permits and noise levels of heat pump and other mechanical installations:

- A. Existing Heat Pumps and Mechanical Devices. No person owning or controlling an existing commercial or residential heat pump or mechanical device shall cause or permit operation of that noise source if the noise levels generated by the heat pump or mechanical device exceed fifty (50) DBA measured within twenty-five (25) feet of the nearest residential structure on an adjacent parcel of land.
- B. New Heat Pump and Mechanical Installations. Effective upon adoption of this Section, no person shall install or operate a commercial or residential heat pump or mechanical device if noise levels from its operation exceed forty-five (45) DBA within twenty-five (25) feet of the nearest residential structure on an adjacent parcel of land or within the setback zone of any adjacent unoccupied parcel of land zoned for residential use.
- C. Permit Requirement. No person shall install a commercial or residential heat pump or mechanical device prior to submitting a permit application to the Building Official and receiving approval. All applications shall certify that the operation of the heat pump or mechanical device will meet the provisions of Section 2 using the Air-Conditioning and Refrigeration Institute Standards for Application for Sound Rated Outdoor Unitary Equipment. (Standard 275)
- D. Enforcement Responsibility. It shall be the responsibility of the Building Official to assure all provisions of this Section are met prior to issuing an installation permit for a heat pump or mechanical device.
- E. (Repealed by Ord. 2685, 1992) (Ord. 2153 S1, 1981)

**SECTION 15.04.190 Underground Utilities.**

- A. Underground Utilities Required. In conjunction with the issuance of a building permit for a new electrical service all on-site utility lines, including but not limited to, electric, communications, and cable television, shall be installed underground. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted terminal boxes and meter cabinets, and terminations for concealed ducts in an underground system, may be placed above ground.
- B. Underground Utilities--Exceptions. Underground utilities need not be installed in the following instances:
  - 1. Any replacement or relocation of a service on a lot when it does not necessitate any increase in the number of existing overhead lines and/or utility poles;

2. Any increase in service size if no additional overhead lines and/or utility poles are required; or
  3. Single family dwellings, when utility poles exist along property lines, or abutting streets, except for underground facilities required by Section 18.80.060 of the Ashland Municipal Code, provided that a service panel and stubbed conduit shall be installed to convert to underground utilities at a future date. (Ord. 2052 S7, 1979)
- C. Underground Utilities--Cost. The applicant for service shall be responsible for all trenching and backfilling, and shall pay to the City the connection fees specified in Section 14.16.090 of this Code. (Ord. 2148 S1, 1981)
- D. Underground Utilities--Rules and Regulations. The City Council may, by resolution, adopt rules and regulations governing the installation and allocation of costs for underground utility extensions as a condition of building permit issuance.

**SECTION 15.04.192 Location of Electric Meters.**

In conjunction with the construction of new residential structures, electric meter bases shall be installed on the side of the structure, nearest the City's service point and nearest the front of the structure as practicable, unless an alternate location is approved by the Director of Electric Utilities. On corner lots, the meter base may be located on the rear of the structure, nearest the City's service point and nearest the side street as practicable. No meter installation shall cause service entrance conductors to enter a structure without a service disconnecting means at the closest point of entry as described in the National Electrical Code Article 230-70. (Ord. 2282 S1, 1983; Ord. 2712, S4, 1993)

**SECTION 15.04.200 Board of Appeals.**

In order to determine the suitability of alternate materials and methods of construction, to provide for reasonable interpretations of the provisions of standards applicable to building and related activities administered through this city and to consider appeals as the Demolition Review Committee, there is created a Board of Appeals consisting of six voting members, including one planning commission member, who are qualified by experience and training to pass upon matters pertaining to building related activities and the demolition and relocation of buildings. At least one member shall also have experience, knowledge or an interest in demolition-debris recycling. The Building Official shall be an ex officio non-voting member and shall act as Secretary of the Board. The board shall adopt reasonable rules and regulations for conducting its investigations and appeals and shall render all decisions and findings in writing. The decision and findings shall be mailed to all persons who appeared before the Board. The administrator of the State Building Codes Division shall be furnished copies of decisions interpreting state building code requirements.

Except for the planning commission member who shall be selected by the chair of the planning commission, members shall be appointed by the mayor, with confirmation by the council. All members shall serve terms of three years, expiring on April 30 of each year. The two members who have served on the Board for the longest period as of December 31, 2001, shall continue to



serve until April 30, 2002. The two members who have served on the Board for the next longest period as of December 31, 2001, shall continue to serve until April 30, 2003. The member serving on the Board the least period of time as of December 31, 2001, shall continue to serve until April 30, 2004. The initial term of the planning commission member shall expire on April 30, 2004. Any vacancy shall be filled by appointment by the mayor with confirmation by the city council for the unexpired portion of the term. A member is eligible for reappointment. (Ord 2878, Amended, 12/04/2001)

**SECTION 15.04.205 Structural Specialty Code.**

(Repealed by Ord. 2685, 1992)

**SECTION 15.04.210 Demolition or Relocation of Structures.**

- A. For purposes of sections 15.04.210 through 15.04.218, the following terms, phrases, words and their derivations mean:
1. Demolition: To raze, destroy, dismantle, or any act or process that may cause partial or total destruction of a structure where less than 60% of the structure's external walls will be retained in place; or where less than a majority of the facade will remain.
  2. Facade: The front or principal face(s) of a building, excluding an attached garage of a residential structure, sometimes distinguished from the other faces by elaboration of architectural or ornamental details and often serving as the primary entrance.
- B. Except as provided in section 15.04.210.D, a permit is required before any structure, or part of a structure as defined in subsection A.1 above, can be demolished or relocated. The permit fees for demolition or relocation of a structure will be set by resolution of the council.
- C. No demolition or relocation permit is required:
1. For structures of less than 500 square feet in size.
  2. For relocation of a structure upon the same lot.
  3. To demolish a building declared to be dangerous under the Uniform Code for the Abatement of Dangerous Buildings pursuant to section 15.04.010.B.
- D. In addition to the enforcement provisions of this Title, the City Attorney may, or upon order of the City Council shall, immediately commence action or proceedings for the prevention of the demolition or relocation of a structure in the manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will prevent the demolition, moving, removal, or damage to a building or structure, or using property contrary to the provisions of this Title. The remedies provided for in this section shall be cumulative and not exclusive.
1. For any demolition or relocation in violation of sections 15.04.210 to 15.04.218, the court shall also have the authority to order the person convicted of the violation to rebuild or restore the structure to its appearance prior to the demolition or to move and restore the building to its original site.
  2. For any flagrant violation, the court may impose a fine up to and including the assessed market value of the structure demolished or relocated. A flagrant violation is an act by a

person who, after being notified of a violation, intentionally continues it.  
(Ord 2858, Amended, 06/20/2000)

#### **SECTION 15.04.212 Demolition Review Committee.**

The Demolition Review Committee shall be the same as the Board of Appeals as established in section 15.04.200.

(Ord 2878, Amended, 12/04/2001; Ord 2866, Amended, 02/06/2001; Ord 2858, Amended, 06/20/2000; Ord 2852, added, 01/21/2000)

#### **SECTION 15.04.214 Approval Process.**

Applications for demolition or relocation permits will be processed as follows:

- A. A complete application must be submitted to the building official and must include all of the required information for the specific action requested. The application must be signed by one or more property owners of the property where the structure is located. The application must be accompanied by the appropriate application fee.
- B. Within 14 days after receipt of a complete application, the building official will approve, approve with conditions, or deny the application unless such time limitation is extended with the consent of the applicant. Notice of the decision of the building official will be mailed to the applicant within seven days of the decision.
- C. If the application is approved, or if the application is denied and the applicant desires a hearing before the Demolition Review Committee, the applicant must post and publish a notice of the decision. The notice must be posted on the property in such a manner as to be clearly visible from a public right-of-way and be posted within 5 business days of the date the applicant received the decision. In addition, the notice must be published in a newspaper of general circulation within the city at least 7 days prior to the date requests for hearing must be filed.
- D. The applicant or any person may request a hearing before the Demolition Review Committee by filing a request for a hearing with the building official. The request for a hearing must:
  1. Be in writing and be filed within ten days of the date of the decision, if the request is by the applicant. Otherwise the request must be filed within ten days of the date the notice is posted or 7 days after the notice is published, whichever date is later.
  2. Contain the specific grounds for which the decision should be reversed or modified, based on the applicable demolition or relocation standards.
- E. The following information is required to be contained in the notices required by this section.
  1. Notice of the decision by the building official described in subsection B above is to contain the following information:
    - a. The decision of the building official and the date of the decision.

- b. The requirements of the applicant for posting and publishing notice of the decision.
  - c. A statement that no hearing will be held before the Demolition Review Committee unless specifically requested.
  - d. A statement that a request for a hearing by the applicant must be made within 10 days of the date the applicant received the decision and that a request for a hearing must include:
    - i. The name and address of the applicant,
    - ii. the file number of the demolition or relocation application, and
    - iii. the specific grounds for which the decision should be reversed or modified, based on the applicable demolition or relocation standards.
2. The posted and published notices described in subsection C above must contain:
- a. A brief description of the approval and the application file number,
  - b. The phone number and address of the building official,
  - c. The date the notice was posted, and
  - d. A statement that anyone who objects to the approval must file a request for a hearing on a form furnished by the building official, by a date not more than 10 days from the date the notice was posted or seven days from the date the notice was published in the newspaper, whichever date is later.
- F. If a request for a hearing is timely received, the Demolition Review Committee will conduct a hearing at least 15 days, but not more than 30 days, from the date of the request.
- G. Notice for hearings before the Demolition Review Committee will be published in a daily newspaper of general circulation within the city at least 10 days prior to the hearing and mailed to the applicant or authorized agent at least 10 days prior to the hearing. In addition a notice must be posted on the property by the applicant in such a manner as to be clearly visible from a public right-of-way at least 10 days prior to the date of the hearing. The applicant must certify, for the record of the hearing, that the posting was accomplished. The posted notice must contain a brief description of the proposal, the time, date and place of the hearing, and the phone number and address for contact with the building official.
- H. Within 15 days of the hearing, or within 15 days of the receipt of the report described in section 15.04.216.A.1 is received, whichever date is later, the Demolition Review Committee shall issue its decision in writing and mail it to the applicant and all persons who appeared and spoke at the hearing.
- I. The decision of the Demolition Review Committee may be appealed to the council by the applicant or someone who spoke at the hearing. In addition, the council may review the decision on its own motion. The decision is appealed by filing a notice of appeal with the city administrator. The appeal fee, as set by resolution of the council, must accompany the notice of appeal. The appeal must be filed within 15 days of the date the decision of the committee is mailed. The appeal notice must contain:
- 1. the appellant's name and address,

2. a reference to the decision sought to be reviewed,
3. a statement that the appellant is the applicant or someone who appeared and testified at the hearing,
4. the date of the decision being appealed, and
5. the specific grounds for which the decision should be reversed or modified, based on the applicable standards.

J. The notice of appeal, together with notice of the date, time and place of the hearing on the appeal by the Council will be mailed to those who appeared at the hearing before the Demolition Review Committee at least 20 days prior to the hearing. The appeal before the council shall be a de novo hearing based solely on the evidence in the record made before the Demolition Review Board. The applicant shall have the burden to prove the standards have been met. The council may affirm, reverse or modify the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all persons participating in the appeal.

(Ord 2858, Amended, 06/20/2000; Ord 2852, added, 01/21/2000)

**SECTION 15.04.216 Demolition and Relocation Standards.**

For demolition or relocation of structures erected more than 45 years prior to the date of the application:

1. The applicant must demonstrate that either subparagraphs a or b apply:
  - a. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the Demolition Review committee may require the applicant to:
    - (i) Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that addresses the estimated market value of the property on which the building lies, both before and after demolition or removal, or
    - (ii) Market the property utilizing a marketing plan approved by the Demolition Review Committee or by advertising the property in the Ashland Daily Tidings and Medford Mail Tribune at least eight times and at regular intervals for at least 90 days and by posting a for sale sign on the property, four to six square feet in size and clearly visible from the street, for the same 90 day period.
  - b. The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.
2. In addition to subparagraphs a or b above, the applicant must also:
  - a. Submit a redevelopment plan for the site that provides for replacement or rebuilt structure for the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet.

The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:

- (i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or
  - (ii) the structure being demolished or relocated is a non-habitable accessory structure.
- b. Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.

3. If a permit is issued and the redevelopment plan:

- a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as provided in section 15.04.216.A.2.
- b. Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open spaces uses as provided in section 15.04.216.A.2.

4. The Demolition Review Committee may require the applicant to post with the city a bond, or other suitable collateral as determined by the city administrator, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.

B. For demolition or relocation of structures erected less than 45 years from the date of the application:

1. The applicant:

- a. Has the burden of proving the structure was erected less than 45 years from the date of the application. Any structure erected less than 45 years from the date of the application, which replaced a structure demolished or relocated under section 15.04.216, shall be considered a structure subject to the standards in subsections 15.04.216.
- b. Must submit a redevelopment plan for the site that provides for a replacement or rebuilt structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if:
  - (i) the applicant agrees to restrict the property to open space uses and a finding is made that such restriction constitutes a greater benefit to the neighborhood than redevelopment would, or
  - (ii) the structure being demolished or relocated is a non-habitably accessory structure.

2. If a permit is issued and the redevelopment plan:

- a. Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses as

provided in section 15.04.216.B.

- b. Does not require a site review permit, no demolition or relocation may occur until a building permit has been issued for the structure or structures to be replaced or rebuilt, unless the site is restricted to open space uses as provided in section 15.04.216.B.

C. For any demolition approved under this section, the applicant is required to salvage or recycle construction and demolition debris, in accordance with a demolition debris diversion plan that complies with the requirements adopted the Demolition Review Committee. The applicant shall submit such a plan with the application for demolition. (Ord 2891, 2002)

D. For any relocation approved under this section, the applicant must also comply with the provisions of Chapter 15.08.

(Ord 2891, Amended, 11/19/2002; Ord 2858, Amended, 06/20/2000, Added 2/21/2000 Ord 2852)

#### **SECTION 15.04.218 Deleted**

(Ord 2858, Deleted, 06/20/2000, Added 01/21/2000 Ord 2852)

#### **SECTION 15.04.220 Mechanical Specialty Code Fee.**

For application in this city, Section 304 of the mechanical specialty code deleted. The fee schedule for mechanical specialty code fees shall be established by resolution of the city council. (Ord 2896, Amended, 06/03/2003)

#### **SECTION 15.04.230 Violation--Penalty.**

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 in the City or cause the same to be done contrary to or in violation of any of the provisions of this title.

Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of an offense and each such person shall be deemed guilty of separate offense on each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continue or permitted and upon conviction of any such violation such person shall be punished as prescribed in Section 1.08.020. (Ord. 1825, 1974; Ord. 1956, 1978)

#### **SECTION 15.04.240 Certificate of Occupancy.**

No building for which a permit has been issued shall be occupied nor shall utilities be released until a final inspection has been made and a certificate of occupancy has been issued by the

Building Official. Such Certificate shall not be issued until all relevant requirements of Title 15 of the Ashland Municipal Code have been met and all requirements of the Planning Commission shall have been completed. However, with respect to requirements of the Planning Commission, which shall include but not be limited to variance, conditional use permits, site plans and planned unit developments, the Building Official may, unless otherwise directed by the Planning Commission or City Council release a temporary Certificate of Occupancy and a temporary release of utilities before the installation and completion of such requirements, and provided the owner has posted a performance bond satisfactory to the City Administrator to insure the installation of said requirements within a specified time which must also be satisfactory to the City Administrator. (Ord. 1923, 1977)

**SECTION 15.04.250 Notice of Non-Compliance and Violation.**

- A. No permit or certificate of any kind shall be issued by the Building Official for a structure or occupancy which would violate any provision of the Ashland Municipal Code.
- B. Provided written notice and an opportunity to be heard is first given, the Building Official, upon determining that a violation of this chapter exists, shall have authority to file a notice of non-compliance in the Jackson County Records office upon any property which contains a structure or is occupied in violation of this chapter.
- C. The notice of non-compliance shall specify the owner of the property as reflected in the Jackson County Records office, the property description, the date and brief description of the violation and the citation to this chapter section.
- D. Whenever the violation for which the notice of non-compliance was filed is corrected, the Building Official shall, upon payment of the recording fee for the notice of non-compliance and the recording fee for the notice of cor of non-compliance and specify that the violation has been corrected. (Ord. 2685, section, immediately file a notice of correction. The notice of correction shall reference the notice1992)

## CHAPTER 15.06

### SOLID FUEL BURNING DEVICE REGULATIONS

#### SECTIONS:

**15.06.010 Definitions.**

**15.06.020 Installation requirements.**

**15.06.030 Enforcement and Penalties.**

#### **SECTION 15.06.010 Definitions.**

As used in this Chapter, the following words shall have the meanings indicated:

- A. "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplace inserts, woodstoves of any nature, or pellet stoves used for space heating which can burn solid fuel. Unmodified fireplaces and solid fuel burning devices not subject to DEQ certification are excluded from this definition.
- B. "Certified stove" means a solid fuel burning device certified by DEQ as meeting the 1988 particulate emission standards for certified woodstoves specified in Oregon Administrative Rules 340-21-115.

#### **SECTION 15.06.020 Installation requirements.**

It shall be unlawful to install any solid fuel burning device which is not a "certified stove" as defined in this chapter.

#### **SECTION 15.06.030 Enforcement and Penalties.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this ordinance has committed an infraction, and upon conviction thereof, is punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code. Such person, firm or corporation is guilty of a separate violation for each and every day during which any violation of this Title is committed or continued by such person, firm or corporation. (Ord. 2552, 1990)



## CHAPTER 15.08

### MOVING OF BUILDINGS

#### SECTIONS:

- 15.08.010 Permit for Moving Building.**
- 15.08.020 Moving Structures Procedures Inspection.**
- 15.08.030 Fees.**
- 15.08.040 Plans Filed.**
- 15.08.050 PreMoving Conference.**
- 15.08.060 Issuance or Denial of Permits.**
- 15.08.070 Use of Dollies.**
- 15.08.080 Insurance.**
- 15.08.090 Damages to City Property.**
- 15.08.100 Penalty.**

#### **SECTION 15.08.010 Permit for Moving Building.**

No person shall move a building on the streets or alleys of the City without first obtaining a permit from the Building Official, or an authorized designee. Approval must also be obtained according to Section 15.04.210 and Chapter 13.16 of the Ashland Municipal Code.

#### **SECTION 15.08.020 Moving Structures Procedures Inspection.**

Upon payment of an inspection fee as established in 15.04.210 of the Ashland Municipal Code, the Building Official shall inspect the house, building, or other structure, and advise the applicant whether or not the same can be moved in accordance with this Section. No moving permit shall be issued until the building or structure has been so inspected.

#### **SECTION 15.08.030 Fees.**

The applicant shall, upon filing the application, pay to the City the moving permit fee in the amount set by Section 15.04.210 of the Ashland Municipal Code. This fee covers the use of City streets only and is not to cover costs for other services such as police or other escort services, posting of "No Parking" signs, traffic rerouting, tree trimming, moving, lifting, relocating, or otherwise protecting City-owned utilities, or for protecting, moving or relocating privately owned vehicles or other private property. Separate charges for such services shall be determined by the affected department or agency and paid by the building mover.

#### **SECTION 15.08.040 Plans Filed.**

Plans and specifications must be filed with the Building Official as part of a building permit application before a moving permit will be issued. The plans should include the following:

- A. A plot plan of the site showing the proposed location of all buildings and improvements, including driveways.
- B. Reconstruction or alterations necessary to comply with the City Building Codes.

- C. The proposed route of the building move, and all trees which must be trimmed to accommodate the move.

**SECTION 15.08.050 PreMoving Conference.**

The Building Official may require the person, firm or corporation requesting a permit to move a building, to meet with concerned persons or agencies which shall include but not be limited to, the State, County, City or any other interested persons or private agencies, for the purpose of making necessary preparations in their affected areas of interest. All said agencies, at the time of the pre-moving conference, shall furnish, in writing to the Building Official and the persons requesting to move a building, the conditions and requirements of their agencies. Persons requesting a pre-moving conference shall give a minimum of twenty-one (21) days notification to the Building Official, and the meetings shall take place not less than one week before the requested moving date. A decision shall be made by the Building Official within thirty (30) days of the application for a permit, unless mutually extended by the Building Official and the applicant.

**SECTION 15.08.060 Issuance or Denial of Permits.**

The Building Official shall investigate and examine the building proposed to be moved, the streets and public and private property over, along, or across which the building is proposed to be moved, and the new location of the building, for the purpose of determining if the building may be moved with safety and made to comply with all the requirements of the City of Ashland, and to determine whether any streets or public or private property will be injured or damaged by the proposed move. The Building Official shall consult with the Ashland Historic Commission in accordance with Section 15.04.210. The Building Official shall also consult with the Ashland Tree Commission regarding required tree trimming in public rights-of-way and other issues which may affect trees owned by public entities.

If the building and the proposed move meet all of the terms, conditions and restrictions as set forth in the moving ordinance and in the opinion of the Building Official, the moving of the building will do no damage to any streets or public or private property along the route of the proposed building move, then the Building Official shall issue the permit. The Building Official shall refuse to issue a permit if it is found:

- A. That the building is too large to move without endangering persons or property in the City, or would damage property as set forth above, including unacceptable damage to the City's street trees.
- B. That the building is in such a state of deterioration or disrepair, or is otherwise so structurally unsafe, that it cannot be moved without endangering persons or property.
- C. That the building is structurally unsafe or unfit for the purpose for which it is moved, if the new location is in the City.
- D. That the applicant's equipment is unsafe and that persons and property may be

endangered by its use.

- E. That zoning or other ordinances would be violated by the building in its new location.
- F. That for any other reason persons or property would be endangered by moving of the building.

**SECTION 15.08.070 Use of Dollies.**

A person engaged in the business of moving buildings shall use only dollies with rubber-tired wheels. The weight of the building shall be supported on the dollies so that the wheel load will not exceed the pavement design as established by the City Engineer, or properly designed planking shall be used so as not to overload or damage pavement or under-ground utilities within the public streets. Planking shall be required over all sidewalks and curbs over which a building is moved.

**SECTION 15.08.080 Insurance.**

The applicant, prior to receiving a permit, shall submit to the City's Director of Finance or Risk Manager a certificate of liability insurance coverage. Said certificate shall, in a form satisfactory to the Director of Finance or Risk Manager, attest to the house mover having current auto and general liability insurance coverage, in amounts not less than those set forth in ORS 30.270, with the City of Ashland, its officers, employees and agents named as additional insured with respect to the house moving operation.

**SECTION 15.08.090 Damages to City Property.**

The house mover shall reimburse the City for any and all damages to electric, water and sewer utility facilities; streets, storm drains, signs, sidewalks, curbs and traffic signals; street lights and appurtenances; bridges, trees and all other City-owned facilities.

**SECTION 15.08.100 Penalty.**

Any person refusing or neglecting to comply with the requirements of this chapter, or violating any provisions therein, is guilty of an infraction, and shall be subject to the penalties set forth in Section 1.08.020 of the Ashland Municipal Code. (Ord. 1810 (part), 1974; Ord. 1376 31, 1965; Ord. 2382 17, 1986) (Ord. 2410, 1987).

## CHAPTER 15.10

### FLOOD DAMAGE PREVENTION REGULATIONS

#### SECTIONS:

- 15.10.010 Purpose.
- 15.10.020 Statutory Authority.
- 15.10.030 Findings of Fact.
- 15.10.040 Methods of Reducing Flood Losses.
- 15.10.050 Definitions.
- 15.10.060 General Provisions.
- 15.10.070 Administration.
- 15.10.080 Provisions for Flood Hazard Protection.
- 15.10.090 Variances and Appeals.
- 15.10.100 Penalties.

#### SECTION 15.10.010 Purpose.

The purpose of this section is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money on costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### SECTION 15.10.020 Statutory Authority.

The Legislature of the State of Oregon has in Oregon Revised Statutes, Chapter 197, delegated the responsibility to local governments to adopt comprehensive plans and land use regulations designed to promote the public health, safety, and general welfare of its citizenry.

#### SECTION 15.10.030 Findings of Fact.

- A. The flood hazard areas of Ashland are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruptions of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

#### **SECTION 15.10.040 Methods of Reducing Flood Losses.**

In order to accomplish its purpose, this section includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards outside of identified flood hazard areas.

#### **SECTION 15.10.050 Definitions.**

Unless specifically defined below or elsewhere in this Code, words or phrases used in this Chapter shall be interpreted as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. Appeal means a request for a review of the Building Official's interpretation of any provision of this Section or a request for a variance.
- B. Area of Shallow Flooding means a designated AO or AH zone on the Flood Insurance Rate Map. The base flood depths range from one (1) to three (3) feet; clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- D. Base Flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on flood maps always includes the letters A or V.
- E. Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

- F. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters; and/or
  - 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- G. Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- H. Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary - Flood way Map, and the water surface elevation of the base flood.
- I. Flood-way means that channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- J. Habitable Floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable" floor.
- K. Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 15.10.080(B)(1)(b).
- L. Manufactured Home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- M. Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- N. New Construction means structures for which the "start of construction" commenced on or after the effective date of this Ordinance and includes new mobile home parks and mobile home subdivisions.
- O. Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a permanent basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory erection or temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not

occupied as dwelling units or not part of the main structure.

- P. Structures as it pertains to the provisions of this Chapter is a walled and roofed building, including a gas or liquid storage tank that is principally above ground.
- Q. Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
  - 1. Before the improvement or repair is started; or
  - 2. If the structure has been damaged and is being restored, before the damage occurred.  
For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term DOES NOT, however, include either:
    - a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
    - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- R. Variance means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

#### **SECTION 15.10.060 General Provisions.**

- A. Lands to which this Chapter applies. This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Ashland, Oregon.
- B. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study: City of Ashland, Oregon, Jackson County", dated June 1, 1981, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study and accompanying maps (as updated) are on file at City Hall, Ashland, Oregon.
- C. Compliance. No structure on land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.
- D. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit or repeal any other powers granted under state statutes.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be

free from flooding or flood damages. This Ordinance shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**SECTION 15.10.070 Administration.**

- A. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.10.060(B). The permit shall be for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also set forth in Definitions.

Application for a development permit shall be made on forms furnished by the Building Official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  2. Elevation in relation to mean sea level to which any structure has been flood-proofed;
  3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 15.10.090(B)(2);
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Building Official. The Building Official is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.
- C. Duties and Responsibilities of the Building Official. Duties and responsibilities of the Building Official shall include, but not be limited to:
1. Permit Review:
    - a. Review all development permits to determine that the permit requirements of this Section have been satisfied.
    - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
    - c. Review all development permits to determine if the proposed development is located in the flood way. If located in the flood way, assure that the encroachment provisions of Section 15.10.080(C)(1) are met.
  2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.10.060(B), "Basis for Establishing the Areas of Special Flood Hazard", the Building Official shall obtain, review, and reasonably utilize any base flood elevation and flood-way data available from a federal, state or other source, in order to administer Sections 15.10.080(B)(1) "Specific Standards: Residential Construction", 15.10.080 (B)(2) "Specific Standards: Nonresidential Construction, and 15.10.080(C)



- "Flood-ways".
3. Information to be Obtained and Maintained.
    - a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 15.10.070(C)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    - b. For all new or substantially improved flood-proofed structures:
      - i. Verify and record the actual elevation (in relation to mean sea level); and
      - ii. Maintain the flood proofing certifications required in Section 15.10.070(A)(3).
    - c. Maintain for public inspection all records pertaining to the provisions of this Section.
  4. Alteration of Watercourses.
    - a. Notify adjacent communities and the Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
    - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.10.090.

**SECTION 15.10.080 Provisions for Flood Hazard Protection.**

- A. General Standards. In all areas of flood hazards the following standards are required:
1. Anchoring:
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
    - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook.
  2. Construction Materials and Methods:
    - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  3. Utilities:
    - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination for the during flooding.
4. Subdivision Proposals.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
  - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
  - d. Where base flood elevation data has not been provided or is not available from another authoritative source it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.
5. Review of Building Permit:
- a. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source (Section 15.10.070(C)) applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.
  - b. To determine the flood base elevation, the applicant's Oregon registered engineer or land surveyor shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report shall be submitted to the City by the applicant, setting forth said elevation and citing the evidence upon which the estimate is made. Said report may be accepted or rejected by the City. The Oregon registered engineer or surveyor shall place a permanent elevation marker on the property.
- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.10.060(B), "Basis for Establishing the Areas of Special Flood Hazard", or Section 15.10.070(C)(2), "Use of Other Base Flood Data, the following provisions are required:
1. Residential Construction:
- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two (2) feet or above base flood elevation. Prior to the issuance of a certificate of occupancy by the City, the property owner shall furnish certification by a registered engineer or surveyor of the actual elevation of the lowest habitable floor, including a basement.
  - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood sources on exterior walls by allowing for entry and exit of flood-waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
  - ii. The bottom of all openings shall be no higher than one (1) foot above grade.
  - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood-waters.
- 2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities; shall:
  - a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by an Oregon registered professional engineer or architect that the designs and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.10.070(C)(3)(b).
  - d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 15.10.080(B)(1)(b).
  - e. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one (1) foot below that level).
- 3. Manufactured Homes: All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15.10.080(A)(1).
- C. Flood-ways: Located within areas of special flood hazard established in Section 15.10.060(B) are areas designated as flood-ways. Since the flood-way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - 2. If Section 15.10.080(C)(1) above is satisfied, all new construction, and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.10.080, "Provisions for Flood Hazard Protection".

**SECTION 15.10.090 Variances and Appeals.**

- A. Appeals shall be granted consistent with the standards of Section 1910.6 of the Rules and Regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

- B. The Board of Appeals established by Section 15.04.200 of this Chapter shall hear variances and appeals from **the final** decisions of the Building Official.
- C. In passing upon applications for appeal or variance, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other parts of this Code; and
  - 1. The danger that materials may be swept onto other lands to the injury or loss of others;
  - 2. The danger to life and property due to flooding or erosion damage;
  - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. The importance of the services provided by the proposed facility to the community;
  - 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - 6. The compatibility of the proposed use with existing and anticipated development;
  - 7. The consistency of the proposed use with the policies of the Comprehensive Plan and flood plain management program for that area;
  - 8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and effects of channel movement, if applicable, expected at the site; and
  - 10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- D. Upon consideration of the factors of and the purpose of the Chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
- E. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon approval.
- F. Conditions for Variances:
  - 1. Variances shall not be issued within any designated flood-way if any increase in flood levels during the base flood discharge would result.
  - 2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - 3. Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship for the applicant; and,
    - c. A determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or Ordinances.
  - 4. Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with any increased risk that may result from development for which the variance is issued.

**SECTION 15.10.100 Penalties.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or

causing the violation of any of the provisions of this ordinance has committed an infraction, and upon conviction thereof, is punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code. 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. In addition, violation of this Ordinance shall constitute a public nuisance and may be regarded as such in all actions, suits and proceedings. Said nuisance may be prosecuted in the courts of the State of Oregon.

## CHAPTER 15.16

### PLUMBING CODE

#### SECTIONS:

- 15.16.010 State law adopted.
- 15.16.020 Septic tanks.
- 15.16.030 Drainage system--Public sewer.
- 15.16.040 Privies--Cesspools.
- 15.16.050 Necessary connections.
- 15.16.060 Location of sewer and water lines.
- 15.16.070 Trench for house sewer.
- 15.16.080 Installation of house sewers.
- 15.16.090 Water Test.
- 15.16.100 Pipe testing.
- 15.16.120 Water closet bends.
- 15.16.130 Drainage lines--Sinks--Dishwashers.
- 15.16.140 Cleanouts.
- 15.16.150 Vent offsets.
- 15.16.160 Supports for piping.
- 15.16.170 Lawn sprinklers--Cross connections.
- 15.16.190 Water supply--Sizing of residential piping.
- 15.16.200 Gas pipe installations.
- 15.16.220 Plumbing and sewer business license--Required--Issuance.
- 15.16.240 Permits-Fees.
- 15.16.250 Compliance with plumbing law.
- 15.16.260 Notification of inspector.
- 15.16.300 Plumbing provisions violation--Notice.
- 15.16.310 Control of construction.
- 15.16.320 Plumbing license--Suspension.
- 15.16.330 Hearing--Appeal.
- 15.16.340 Penalty.
- 15.16.350 Liability.
- 15.16.360 Exemptions.
- 15.16.370 Labor by owner.

#### SECTION 15.16.010 State law adopted.

Oregon Revised Statutes 447.010, 447.020, 447.030, 447.033, 447.035, 447.040, 447.050, 447.060, 447.110, 447.120, 447.130 and 447.140 and Articles I to XIII, inclusive, of Regulations Governing Plumbing and Water Supply and Distribution, adopted by the State Board of Health and on file with the Secretary of State, are adopted by reference in this code. All acts declared unlawful by the sections of Oregon Revised Statutes and by the regulations of the State Board of Health enumerated in this section shall be considered offenses against the City when committed within its boundaries. If a provision of the incorporated statutes or regulations conflicts with a specific provision of this chapter, then the provisions containing the most restrictive requirement shall prevail. (Ord. 1376 S1, 1965).

**SECTION 15.16.020 Septic tanks.**

Where connection to a public sewer cannot be made, a septic tank and drain field shall be installed in accordance with Regulations Governing Sewage and Waste Disposal of the State Board of Health, as now or hereafter amended. (Ord. 1376 S2, 1965)

**SECTION 15.16.030 Drainage system--Public sewer.**

It is unlawful for any person to deposit by any means whatsoever into any plumbing fixture, floor drain, sand trap, sump, receptacle or device which is connected to any drainage system, public sewer, private sewer, septic tank or cesspool, any garbage, fruit or vegetable paring, ashes, cinders, solids, rags, inflammable, poisonous or explosive liquids or gases, live steam, oil, grease, or any other substance whatsoever which would or could cause damage to the drainage system or public sewer. This section shall not be construed to prohibit the use of domestic garbage disposal equipment. (Ord. 1376 S3, 1965)

**SECTION 15.16.040 Privies--Cesspools.**

Except as provided under Section 2, Article II, of Regulations of the State Board of Health Governing Plumbing and Water Supply, as incorporated in this code by Section 15.16.010, no person shall construct, install, or maintain a privy, outhouse, or cesspool within the city. (Ord. 1376 S4, 1965)

**SECTION 15.16.050 Necessary connections.**

Within time specified by the plumbing inspector, but not to exceed one (1) year after notice from the plumbing inspector, the owner or person having legal control of any building or premises within City shall connect the building or premises with the sanitary sewer if available, or to a septic tank if the sewer is not available. Such connections shall provide outlets for all water closets, wash stands, slop stands, sinks, and any other equipment and devices for the disposal of sewage and drainage from the building or premises. (Ord. 1376 S5, 1965)

**SECTION 15.16.060 Location of sewer and water lines.**

Sewer and water lines shall not be laid in the same trench, unless both of the following conditions exist:

- A. The bottom of the water pipe at all points shall be at least twelve (12) inches above the top of the sewer line.
- B. The water pipe shall be placed on a solid shelf excavated at one side of the common trench. (Ord. 1702 S1, 1971; Ord. 1376 S6, 1965; Ord. 2088 S3, 1980)

**SECTION 15.16.070 Trench for house sewer.**

A house sewer shall be installed in a trench per Section 1006 of the State Plumbing Code (Ord.

**SECTION 15.16.080 Installation of house sewers.**

That part of the horizontal piping of the drainage system beginning ~~five (5)~~**two (2)** feet outside the structure, for the purpose of receiving discharge of the house drain and conveying the same to the public or private sewer, or septic tank, is the house sewer. House sewers must be installed by the owner of the premises or by a journeyman plumber or licensed sewer contractor, and must be constructed by either cast iron pipe, vitrified clay pipe, transit pipe, rubber gasket concrete pipe, bell and spigot cement pipe, or plastic pipe approved by the State Board of Health and the Director of Building Safety. At or near the point of beginning of a house sewer there shall be installed a cleanout which shall be located above or at the surface of the ground. Other cleanouts to grade shall be installed at one hundred (100) foot intervals. No floor drains or other drains for surface or seepage water shall be connected to sanitary sewers, except by consent of the City Engineer (Director of Public Works), when it has been determined there is no other practical means of disposing of the storm water. (Ord. 1702 ss1 and 2, 1971; Ord. 1376 S8, 1965; Ord. 2088 S5, 1980)

**SECTION 15.16.090 Water Test.**

- A. Except for a house sewer or alteration work, every soil waste or drainage system shall receive a water test in the presence of the plumbing inspector. The test shall apply to the entire system, or upon approval of the plumbing inspector, as provided in subsection B of this Section. If the test applies to the entire system, all openings, except the highest opening above the roof or other highest point, shall be tightly closed and the system filled with water to the point of overflow. Whether in sections or in entirety, all dead ends shall be relieved of air during the process of filling.
- B. In multiple story buildings or buildings covering a large ground area, the system, upon approval of the plumbing inspector, may be tested in sections. If the system is tested in sections, each opening shall be closed, except for the highest opening under test, but no section shall be subjected to less than the pressure of a five (5) foot head of water. The pressure shall be maintained for at least fifteen (15) minutes. If air pressure is applied it shall be pressure of five (5) pounds per square inch.
- C. The person installing the soil waste or drainage system shall give notice to the plumbing inspector when the system is completed and ready for testing. Not later than the end of the next business day following the day on which the notice is received, the plumbing inspector shall make the inspection required in subsections A and B of this section. Failure of the inspector to appear for the test within the prescribed time constitutes a waiver thereof. (Ord. 1376 S9, 1965; Ord. 2088 S6, 1980)

**SECTION 15.16.100 Pipe testing.**

- A. Testing of all piping, waste, water or gas, shall be completed before laying any sub-floor. The following procedure shall be followed:
  - 1. Waste, Drain and Vent Piping. Fill with water to elevation required and if leaks are noted, they shall all be caulked or faulty fittings replaced prior to the arrival of inspector.



(Ord. 2088 S7, 1980)

2. Water Piping. Normal water main pressure at the particular structure applied and its leaks are indicated by a drop in pressure, joints tightened or faulty fittings replaced prior to arrival of inspector.
  3. Gas Piping. Same procedure as for water piping, test ten (10), psi air pressure for fifteen (15) minutes. (Ord. 2088 S7, 1980)
- B. If the above steps have not been taken before the inspector arrives the inspector will not be required to wait, but will return the following work day. (Ord. 1461 (part), 1966; Ord. 1376 S10, 1965)

#### **SECTION 15.16.120 Water closet bends.**

All water closet bends shall be anchored to the bottom of the floor, or to blocking in contact with the floor, so that no movement of the closet bend, in any direction, is possible. (Ord. 1702 S4, 1971, Ord. 1569 (part), 1968; Ord. 1376 S11.1, 1965)

#### **SECTION 15.16.130 Drainage lines--Sinks--Dishwashers.**

- A. All drainage lines for sinks shall be two (2) inches in diameter. (Ord.2088 S7, 1980)
- B. The waste line from a pump-type dishwasher shall, at a high point, touch the bottom of the counter top, and shall be anchored securely thereto. The dishwasher waste shall be connected to a waste fitting above the sink trap, or to a separate trap. The Dishwasher waste may be connected to a garbage disposal or trap serving a garbage disposal. (Ord. 1702 S5, 1971; Ord. 1461 (part), 1966; Ord. 1376 S12, 1965; Ord. 2088 S8, 1980)

#### **SECTION 15.16.140 Cleanouts.**

A run of horizontal waste pipe shall be provided with a cleanout, and the run of piping which is more than one hundred feet (100') in length shall be provided with a cleanout for each one hundred feet (100') of length or fraction thereof. A change in direction of horizontal piping shall have a cleanout if the change is over one hundred thirty-five (135) degrees. Every cleanout shall be installed to open in the direction opposite to the flow of the soil or waste or at right angles thereto, and shall be so installed that there is clearance of not less than eighteen (18) inches in front of the cleanout and in a position making the cleanout readily accessible. Cleanouts shall be placed in every horizontal drainage system including upper end of four (4) inch horizontal soil pipe. Cleanout fittings shall be of the same nominal size as the pipes they serve, up to and including four (4) inch pipe, and not less than four (4) inch for large pipes. There shall be installed an accessible cleanout on sink wastes. (Ord. 1376 S13, 1965; Ord. 2088 S9, 1980)

#### **SECTION 15.16.150 Vent offsets.**

Whenever a vent has a horizontal offset, the height of the offsets shall be as nearly forty (40) to forty-two (42) inches above the floor as possible and in no case shall it be less than six (6) inches above the rim of the fixture. (Ord. 1376 S14, 1965)

**SECTION 15.16.160 Supports for piping.**

In buildings more than two (2) stories in height, stacks shall be secured at each floor with metal floor clamps or other methods approved under state law. Hot and cold water pipe within the building shall be secured at proper grade with hangers of perforated straps spaced not more than ten (10) feet apart, or some other approved method. For soil pipe, heavy hanger iron spaced not more than four (4) feet on centers. (Ord. 2088 S10, 1980)

**SECTION 15.16.170 Lawn sprinklers--Cross connections.**

- A. Lawn Sprinklers. When a lawn sprinkling system is connected to a domestic or water supply there shall be a valve placed so it will shut off the entire sprinkler system and a vacuum breaker placed between this valve and the discharge side of the line.
- B. Cross Connections. No cross connection as between the City water system and such other sources of water supply as Talent Irrigation District, private wells or springs, shall be allowed. (Ord. 1376 S16, 1965)

**SECTION 15.16.190 Water supply--Sizing of residential piping.**

- A. Sizing of House Pipes and Laterals.
  - 1. When no landscaped area or lawn or garden is to be maintained in conjunction with a single or two (2) family residence, piping size may be reduced one (1) nominal size except that the minimum size in all cases shall be a three-quarter (3/4) inch house pipe and one-half (1/2) inch laterals.
  - 2. Pressure regulating valves shall be installed, if City water pressure exceeds ninety (90) psi. The valve will be installed inside the foundation, if the house has a crawl space. If the valve must be installed outside, it must be enclosed in a casing which is large enough to allow servicing. (Ord. 2088 S11, 1980)
- B. All piping installed under concrete slabs or concrete floors or through or under concrete footings shall be threaded pipe wrapped with approved plastic wrap or painted two (2) coats with an approved asphaltic paint, or approved copper pipe with joints soldered with silver solder and protected as above where passing through concrete.
- C. All copper water pipe shall be type L or type K.
- D. Not more than one (1) dwelling unit and/or building shall be connected to a water meter, except for approved apartment complexes and dwelling groups. A dwelling group is defined in Section 15.16.080. (Ord. 1702 S7, 1971; Ord. 1461 (part), 1966; Ord. 1376 S17, 1965)

**~~SECTION 15.16.200 Gas pipe installations.~~**

~~All gas pipe and fittings shall be black steel, pipe in ASA B36.10—1950. Exception: Connectors~~

~~may be used as specified in the Uniform Building Code, 1991 Edition. (Ord. 1461 (part), 1966; Ord. 1376 S17.1, 1965; Ord. 2088 S12, 1980; Ord. 2712, S6, 1993)~~

**SECTION 15.16.220 Plumbing and sewer business license--Required--Issuance.**

- A. No person shall engage in the business of plumbing without a valid business license issued by the City Recorder as provided in this Section. Upon presentation of a valid state master plumber's certificate the City Recorder shall issue the license. Neither shall any person engage in actual plumbing work without a valid state journeyman's license verified by the City Recorder. Where two (2) or more persons are engaged in a plumbing business as partners, the license shall be issued in the name of the partnership. Any member of the firm or partnership may qualify for the firm or partnership. A person or firm applying for a license must file with the City Recorder the master plumber's certificate of the state and must have a permanent place of business. When a licensed plumber or the member of the firm retires from business or dissolved the partnership, the license shall terminate and no other license shall be issued to the plumber or the firm until the plumber or some member of the firm has been licensed by the City Recorder.
- B. Sewer contractors shall be licensed by the City under the same regulations as plumbing contractors. Upon presentation of a valid state sewer contractor's license, the City Recorder shall issue a business license. (Ord. 1376 S19, 1965; Ord. 2088 S13, 1980)

**SECTION 15.16.240 Permits-Fees.**

For application in this city, the plumbing specialty code fees shall be established by resolution of the city council.

(Ord 2896, Amended, 06/03/2003)

**SECTION 15.16.250 Compliance with plumbing law.**

No person with a permit to do plumbing work shall do the work in a manner other than that set forth in the application for a permit, or contrary to the provisions in this Chapter. All work done pursuant to permit taken out shall be done in a good and workmanlike manner. (Ord. 1376 S22, 1965)

**SECTION 15.16.260 Notification of inspector.**

The plumbing inspector or the building department shall be notified before all new work or remodeled work is covered from view. (Ord. 1376 S23, 1965)

**SECTION 15.16.300 Plumbing provisions violation--Notice.**

When a licensed plumber or employee of a licensed plumber or a member or employee of a licensed plumbing partnership commits a violation of this chapter, the Building Inspection Superintendent shall cause written notice of the violation to be personally served upon the

licensee or upon any member of the licensed partnership which requires the licensee to correct the violation within ten (10) days after the notice is given. (Ord. 1376 S27, 1965)

**SECTION 15.16.310 Control of construction.**

Whenever work is being done contrary to the permit or to the requirements of this chapter, the Building Inspection Superintendent or Plumbing Inspector is empowered to stop further work until the violation is corrected. (Ord. 1376 S28, 1965)

**SECTION 15.16.320 Plumbing license--Suspension.**

The licensee shall comply with the notice prescribed in Section 15.16.300. If the licensee does not correct the alleged violation within the period prescribed in Section 15.16.300, the Building Inspection Superintendent may rescind or suspend the license of the licensee subject to a review of the Board of Appeals (if activated). No person or partnership shall conduct a plumbing business or perform any plumbing work while their license is suspended. For the purposes of this section the term "proved violation" means any violation specified in the Building Inspection Superintendent's notice on which no appeal is taken within the ten (10) day correction or appeal period, or by the City court in prosecution, therefore, to be supported and proved by the evidence. (Ord. 1376 S29, 1965)

**~~SECTION 15.16.330 Hearing--Appeal.~~**

~~Any licensee receiving a violation notice under the terms of Section 15.16.300, may appeal the claimed violation to the Board of Appeals (if activated). No appellant or person interested in the business of an appellant shall sit as a member of the Board of Appeals in determination of the issues presented by the appeal of the appellant, and, in this event, the interested member of the Board shall disqualify himself and the remaining members of the Board shall appoint a person to act as a member pro tem, which person has the qualifications required for a member of the Board in the first instance. The finding or recommendation of the Board as to the existence of a violation is binding upon the Building Inspection Superintendent, but the question of whether or not to suspend the license is within the sole discretion of the Superintendent acting upon the decision of the Board of Appeals. In the event no Board of Plumbing Appeals is activated, the Council may sit as the Appeals Board. (Ord. 1376 S30, 1965)~~

**SECTION 15.16.340 Penalty.**

Any person refusing or neglecting to comply with the requirements of this chapter or violating any provisions therein is, upon conviction, punishable as prescribed in Section 1.08.020. (Ord. 1810 (part), 1974; Ord. 1376 S31, 1965; Ord. 2382 S17, 1986)

**SECTION 15.16.350 Liability.**

Any person violating any of the provisions of this chapter is, in addition to the penalties described in Section 15.16.340, liable to the City for any expense, loss or damage occasioned the

City by reason of such violation. (Ord. 1376 S32, 1965)

**SECTION 15.16.360 Exemptions.**

Railroad, electric or communications public utilities are exempt from the permit requirements of this chapter for plumbing work performed or installations made in the exercise of their function as utilities when located outdoors or in buildings used exclusively for that purpose. (Ord. 1569 (part), 1968; Ord. 1376 S33, 1965; Ord. 2712, S7, 1993)

**SECTION 15.16.370 Labor by owner.**

Nothing in this chapter shall prohibit any person from doing plumbing work in a single family dwelling used exclusively for living purposes, including the usual accessory buildings, where such person holds title to or is the land sale contract purchaser of such property, and where such person occupies said premises, and where such person purchases all material and personally performs all labor in connection therewith. Nothing herein shall be construed to excuse such person from complying with any of the construction standards required by this code. The statement required by ORS 701.055(4) shall be submitted on a State of Oregon Construction Contractors Board form prior to installation under this provision. (Ord. 1376 S34, 1965; Ord. 2712, S8, 1993)

## CHAPTER 15.20

### ELECTRICAL CODE

#### SECTIONS:

- 15.20.010 Purpose.
- 15.20.020 Code Adoption.
- 15.20.030 Powers and Duties of Building Official.
- 15.20.040 Fee Schedule.
- 15.20.050 Permit format.
- 15.20.060 Electrical permits generally.
- 15.20.070 Minor Electrical Installation Label.
- 15.20.080 Inspections Required.
- 15.20.090 Violation--Penalty.

#### SECTION 15.20.010 Purpose.

The purpose of this chapter is to establish a municipal electrical program by the City of Ashland for the administration and enforcement of the State of Oregon Electrical Specialty Code. Pursuant to ORS 479.855, such administration and enforcement may be delegated by the State to the City provided certain minimum standards are met.

#### SECTION 15.20.020 Code Adoption.

Adopted as a part of this chapter and further referred to in this chapter as "the electrical code" are the following:

- A. The Electrical Specialty Code as defined in Oregon Administrative Rule 918-290-010,
- ~~B. The Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, and~~
- ~~C. B~~ The electrical code requirements for ~~One and Two Family~~ Dwellings under the Oregon ~~Two Family Dwelling Code One Residential Specialty Code~~ and in OAR 918, Division 480.

#### SECTION 15.20.030 Powers and Duties of Building Official.

The Building Official is authorized and directed to enforce all the provisions of the electrical code.

#### SECTION 15.20.040 Fee Schedule.

The fee schedule for electrical shall be established by resolution of the city council as the fee schedule for the City in the administration of the electrical code.  
(Ord 2896, Amended, 06/03/2003)

#### SECTION 15.20.050 Permit format.

The permit format established in OAR 918-260-031 is adopted as the permit format for the City is the administration of the electrical code.

**SECTION 15.20.060 Electrical permits generally.**

Permits shall be issued in compliance with ORS 479.560 and OAR 918-301-060.

~~**SECTION 15.20.070 Minor Electrical Installation Label.**~~

~~The program for minor electrical installation labeling established by OAR 918-310 to 918-310-110 is adopted as the City's program.~~

**SECTION 15.20.080 Inspections Required.**

Inspections shall be called for and made as provided in the electric code and OAR 918-302-010 to 918-302-040. The general contractor will notify the Building Official when ready for inspections as listed on the inspection card. Inspections will be made within 48 hours after notification, Saturdays, Sundays and Holidays excepted.

**SECTION 15.20.090 Violation--Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and each such person shall be deemed guilty of separate offense on each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continue or permitted and upon conviction of any such violation such person shall be punished as prescribed in Section 1.08.020.

## CHAPTER 15.24

### UNDERGROUND ELECTRICAL SERVICE

#### SECTIONS:

**15.24.010 Residential Service Authorized.**

**15.24.020 Contract--Required.**

**15.24.030 Contract--Form.**

**15.24.040 Denial of Obligation.**

#### **SECTION 15.24.010 Residential Service Authorized.**

Underground electric service may be provided by the Electrical Department of the City to service residential lots within the City if determined feasible by the Electric Superintendent with the approval of the City Council. (Ord. 1392 S1, 1965)

#### **SECTION 15.24.020 Contract--Required.**

Such service will be provided upon contract with the adjoining property owners, the form of which shall receive prior approval of the City Council. Said contract shall provide for the amount or proportion of cost to be paid by the adjoining property owners. (Ord. 1392 S2, 1965)

#### **SECTION 15.24.030 Contract--Form.**

A copy of the contract form approved as of the date of the ordinance codified in this Chapter is on file in the office of the City Recorder, and by this reference made a part thereof; provided, however, that said form may be revised at any time hereafter upon approval of the City Council. (Ord. 1392 S3, 1965)

#### **SECTION 15.24.040 Denial of Obligation.**

The City shall under no circumstances be compelled to furnish such underground electrical distribution service, but shall, within its sole discretion, determine the financial feasibility of the installation of such service. (Ord. 1392 S4, 1965)



## CHAPTER 15.28

### FIRE PREVENTION CODE

#### SECTIONS:

- 15.28.010 Adoption Of Uniform Fire Code And Uniform Fire Code Standards.**
- 15.28.020 Establishment of Duties.**
- 15.28.030 Definitions.**
- 15.28.040 Above-ground Storage of Flammable or Combustible Liquids.**
- 15.28.050 Storage of Liquefied Petroleum Gases - Restricted.**
- 15.28.060 Storage of Explosives - Prohibited.**
- 15.28.070 Amendments to the Uniform Fire Code**
- 15.28.080 Appeals.**
- 15.28.090 New Materials, Processes, or Occupancies - Permits Required.**
- 15.28.100 Penalties.**
- 15.28.110 Severability.**
- 15.28.120 Firefighting Outside City - Authorized.**
- 15.28.130 Firefighting Outside City - Resources.**
- 15.28.140 Firefighting Outside City - Assessment.**

#### **SECTION 15.28.010 Adoption Of Uniform Fire Code And Uniform Fire Code Standards.**

One copy of this code and appendices shall be filed in the office of the City Recorder. The Oregon Uniform Fire Code and all appendices adopted in this section will be referred to in the Ashland Municipal Code as the Uniform Fire Code. (ORD 2827, S1 1998)

#### **SECTION 15.28.020 Establishment of Duties.**

- A. The Uniform Fire Code shall be enforced by the Fire Department of the City of Ashland which shall be operated under the supervision of the Chief of the Fire Department.
- B. The Fire Chief may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Fire Chief shall recommend to the City Administrator the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal for cause.

#### **SECTION 15.28.030 Definitions.**

- A. Wherever the word "jurisdiction" is used in the Uniform Fire Code, it is the City of Ashland. Wherever the words "Chief of the Bureau of Fire Prevention" are used, they shall mean "Fire Marshal." Wherever the words "Bureau of Fire Prevention" are used, they shall mean "Fire Department."

**SECTION 15.28.040 Above-ground Storage of Flammable or Combustible Liquids.**

The limits referred to in Section 7902.2.2.1 of the Uniform Fire Code in which the storage of flammable or combustible liquids is restricted are established as follows: All City of Ashland residential and historical district areas as defined in the Comprehensive Plan. (Ord. 2785, 1996)

**SECTION 15.28.050 Storage of Liquefied Petroleum Gases - Restricted.**

The limits referred to in Section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are established as follows: All City of Ashland residential and historical district areas as defined in the Comprehensive Plan. (Ord. 2785, 1996; Ord 2827, S2 1998)

**SECTION 15.28.060 Storage of Explosives - Prohibited.**

The limits referred to in Appendix VI-E of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are established as follows: All areas within City of Ashland limits.

**SECTION 15.28.070 Amendments to the Uniform Fire Code**

The Uniform Fire Code is amended in the following respects:

- A. Section 903.2 : Delete entire section and replace with the following: Distances to an approved water supply may be increased, as approved by the chief, when the structure to be protected has an approved automatic fire sprinkler system.
- B. Sections 7902.1.7 through 7902.1.7.4.2 are deleted in their entirety.
- C. Appendix III-A, section 5.1: Replace the entire section as follows: "Notwithstanding the requirements in Appendix III-A of the Oregon Uniform Fire Code, within the City of Ashland the minimum fire flow and flow duration requirements for one and two-family dwellings having a fire area which does not exceed 3,600 square feet shall be 750 gallons per minute. Fire flow and flow duration for one and two-family dwellings having a fire area in excess of 3,600 square feet shall not be less than that specified in Table No. A-III-A-1."

**"EXCEPTIONS":**

- 1. A reduction in required fire flow of 50 percent, as approved by the chief, is allowed when the building is provided with an approved automatic fire sprinkler system.
  - 2. One and two-family dwellings in excess of 3,600 square feet, when equipped with an approved automatic sprinkler system, may have a minimum flow of at least 375 gallons per minute.
  - 3. Additions or remodels to dwellings after the date this provision is adopted shall be permitted unless the addition or remodel creates a new dwelling unit or the dwelling and the addition have a fire area in excess of 3,600 square feet.
- D. Section 902.2.2.4 Dead Ends: Change 150 feet in length to 250 feet in length.
  - E. Sections 902.2.2.2 and 902.2.2.5: Replace entire sections as follows: Fire apparatus access roads and bridges shall be designed and maintained to support up to 44,000 lbs. gross vehicle weight and shall be provided with a surface so as to provide all-weather

driving capabilities. (Ord 2827, S3 1998)

- F. Section 1102.1 through 1102.2.5: Delete in its entirety.
- G. Section 1102.3.1: Replace the first sentence as follows: Permission to burn shall be in accordance with Ashland Municipal Code chapter 10.30.
- H. Section 7701.1: Notwithstanding the exceptions listed in this section, the sale of DOT classification 1.4G (Class C common fireworks) is prohibited within the City of Ashland. The use of common fireworks within the City of Ashland is prohibited during any declared fire season except when the sale of fireworks is permitted within the State of Oregon pursuant to ORS 480.127 (June 22 to July 6 of each year). (Ord 2871, 2001; Ord 2876, 2002)
- I. Appendix III-C, section 1: Replace entire section as follows:  
Inspection, testing and maintenance of water-based fire protections systems regulated herein shall be conducted annually, in accordance with Standard A-III-C-1, or when an inspection by the chief indicates that there is reason to believe that the system or device would fail to operate properly in an emergency. Before any existing fire detection and/or suppression system is removed, the chief shall be notified.(Ord. 2785, 1996; Ord 2827, S3 1998)

(Ord 2876, Amended, 09/04/2001; Ord 2871, Amended, 08/07/2001)

#### **SECTION 15.28.080 Appeals.**

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Ashland Appeals Board within 30 days from the date of the decision appealed.

#### **SECTION 15.28.090 New Materials, Processes, or Occupancies - Permits Required.**

The Building Official, the Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Oregon Uniform Fire code. The Building Official, in accordance with section 104.2.7 of the Uniform Building Code, shall record and enter in the files of the building department any action granting approval of new or alternate materials. (Ord 2827, S4 1998)

#### **SECTION 15.28.100 Penalties.**

- A. Any person who violates any of the provisions of this chapter, the Uniform Fire Code or Uniform Fire Code Standards as adopted in this chapter or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Ashland Appeals Board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and

every such violation and noncompliance, respectively, be guilty of a violation punishable by a fine as set forth in Ashland Municipal Code, Section 1.08.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue: and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**SECTION 15.28.110 Severability.**

Should any section, paragraph, sentence or word of this ordinance or of the Code or Standards hereby adopted be declared for any reason to be invalid, it is the intent of The City of Ashland that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

**SECTION 15.28.120 Firefighting Outside City - Authorized.**

In accord with ORS 476.290, the Fire Chief or representative is authorized to extinguish uncontrolled fires that are found to be burning in unprotected areas situated outside the boundaries of the City and that are causing or may cause an undue jeopardy to life or property if, in the opinion of the Fire Chief or representative, such fire is causing or may cause an undue jeopardy to life or property. (Ord. 1698 S1, 1971)

**SECTION 15.28.130 Firefighting Outside City - Resources.**

In extinguishing a fire pursuant to Section 15.28.120, the Fire Chief or representative may employ the same means and resources used by them to extinguish similar fires within the City. (Ord. 1698 S2, 1971)

**SECTION 15.28.140 Firefighting Outside City - Assessment.**

Whenever a fire is extinguished or attempted to be extinguished by the fire department outside the City of Ashland, the owner of the property involved in such fire shall pay for the cost of providing such fire suppression service, as follows:

- A. For the first hour or fraction thereof:
  - 1. Pumper apparatus - \$250.00/hour
  - 2. Brush apparatus - \$100.00/hour
  - 3. Rescue standby - \$100.00/hour
  - 4. Staff vehicle - \$ 50.00/hour

For each piece of apparatus per hour following the first hour, payment shall be on a fractional basis to the nearest 15 minutes.

- B. Personnel cost shall be actual cost with a minimum charge of one hour for each person

responding to the fire emergency, plus all personnel costs in excess of regular time for each person performing standby services in place of those who respond, to be billed on a fractional basis to the nearest fifteen minutes after the first hour for any fractional portions of hours of service. (Ord. 2711, 1993)

## CHAPTER 15.36

### NUMBERING OF BUILDINGS

#### SECTIONS:

**15.36.010 Numbering--Required--Generally.**

**15.36.020 Numbering--Placement.**

**15.36.030 Frontage allowed.**

**15.36.040 Numbering--Required--Time Limit.**

#### **SECTION 15.36.010 Numbering--Required--Generally.**

All entrances from the public streets of the City to buildings shall be numbered as provided in this chapter. Numbers and letters shall meet all applicable signage requirements of Chapter 31 of the Oregon Structural Specialty Code. (Ord. 331 S1, 1907; Ord. 2712, S9, 1993)

#### **SECTION 15.36.020 Numbering--Placement.**

- A. In all cases where a building is located on or back of the property line of the street on which the building fronts, the numbers may be placed either at the side of the main entrance of said buildings, over said main entrance, upon the porch or piazza, or said numbers may be placed over or at the side of the gateway of said property, or upon any steps or other structure near and back of the property line thereof, in such a manner that the same may be plainly seen from the street in front of said property.
- B. Whenever houses are located back of the property line, said numbers shall be placed and maintained in such a manner that the same will not be hidden from view from the street by any trees, bushes, shrubs or other obstructions. (Ord. 331 S2, 1907)

#### **SECTION 15.36.030 Frontage allowed.**

- A. Twelve and one-half (12 ½) feet frontage of all lots shall be allowed for each number only on such streets where so specified. The City Recorder shall assign the numbers on either side of the street as designated on the official map of the City, the consecutive even and uneven numbers being opposite each other as far as practicable and shall furnish information on application of the number controlled by each lot.
- B. Said numbers shall be at least two (2) inches in height and of corresponding width. (Ord. 331 S3, 1907)

#### **SECTION 15.36.040 Numbering--Required--Time Limit.**

All owners, agents, occupants, lessees, tenants and subtenants of buildings which may hereafter be erected, who have not provided such buildings with the proper numbers on or before fifteen (15) days after the completion of said buildings shall be subject to notification to do so in writing, at anytime, by the City Engineer and if, within fifteen (15) days from the date of said notice, they neglect or refuse to do so, they are guilty of a misdemeanor and, upon conviction thereof are punishable as prescribed in section 1.08.010 (Ord. 1810 (part) 1974; Ord. 331 S4,

1907)

The foregoing ordinance was read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Barbara Christensen, City Recorder

SIGNED and APPROVED this day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
John W. Morrison, Mayor

Reviewed as to form:

\_\_\_\_\_  
Michael W. Franell, City Attorney