

CHAPTER 8

BUILDING

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CHAPTER 8

BUILDING

BUILDING OFFICIAL

8.001 Building Official.

There is hereby established a code enforcement agency for the City which shall be under the administrative and operational authority of the Building Official. The Building Official shall enforce the provisions of all of the building and structural codes of the City and shall have the power to render written and oral interpretations of these codes and to adopt and enforce administrative procedures in order to clarify the application of their provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purposes of the codes. (Ord. 1997-02, 03/24/1997)

BUILDING CODE

(Ord. 1990-15, 12/10/1990; Ord. 1993-05, 04/12/1993; Ord. 1997-02, 03/24/1997)

8.005 Adoption of Building Code.

The City of Forest Grove adopts the following codes and documents by reference for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City; providing for the issuance of permits and collection of fees; and providing penalties for violation of such codes.

(1) The 1996 Edition, "State of Oregon Structural Specialty Code"; the 1994 Edition of the Uniform Building Code Appendix Chapter 33 as published by the International Conference of Building Officials.

(2) The 1996 Edition, "State of Oregon Mechanical Specialty Code".

(3) The 1996 Edition, "State of Oregon Plumbing Specialty Code".

(4) The 1996 Edition, "State of Oregon One and Two Family Dwelling Specialty Code".

(5) One copy of each of the above shall be on file in the office of the City Recorder. Where any of the above codes or amendments is officially updated with modifications, deletions or revisions that are made mandatory for local administration by the State of Oregon, those modifications shall automatically become the legal code of the City of Forest Grove on the effective date adopted by the State of Oregon.

DANGEROUS BUILDING CODE

(Ord. 2005-20, 11/28/2005)

8.010**Purpose.**

A. Code Sections 8.010 to 8.170 of the Forest Grove Code shall be titled "Dangerous Building Code (DBC)" and shall be to provide a method (cumulative with and in addition to any other remedies available to the City by law) whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or the building's occupants may be required to be repaired, vacated or demolished.

B. Such Section do not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms hereof.

8.015**Scope.**

Code Sections 8.010 to 8.170 shall apply to all "Dangerous Buildings" as herein defined to be they now in existence or which may hereafter become "Dangerous Buildings in the City".

8.020**Definitions.**

For the purpose of this Chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this DBC or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

Director. The Community Development Director or such other person as may be delegated authority under this DBC.

City. The City of Forest Grove.

Building Code. The Uniform Building Code adopted by the City.

Municipal Court. The Municipal Court of the City of Forest Grove.

Dangerous Building. Is any building or structure which has any or all of the conditions or defects hereinafter described provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or the building or structure's occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

8.025 Alternations, Additions & Repairs.

All buildings or structures required to be repaired under the provisions of this DBC shall be subject to the provisions of Section 3403 of the Oregon State Structural Specialty Code as it currently exists or may hereafter be amended.

8.030 Administration.

The Community Development Director (hereinafter Director) is hereby authorized to enforce the provisions of this DBC. The Director may delegate any authority provided in this DBC. The Director shall have the power to render interpretations of this DBC and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose hereof.

8.035**Inspections.**

The Director and other officials such as the Building Official, the Fire Marshal and Washington County Health Department officials are authorized to make such inspections and take such other actions as may be required to enforce the provisions of this DBC, including (but not limited to) the issuance of stop work or similar abatement orders.

8.040**Right of Entry.**

A. When necessary to make an inspection to enforce the requirements imposed by the terms of this DBC, or when the Director has reasonable cause to believe there exists in a building or upon a premises a condition which is contrary to or in violation of this DBC making the building or premises unsafe, dangerous or hazardous, the Director may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this DBC, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. B. If such building or premises be unoccupied, the Director shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

8.045**Dangerous Buildings declared to be Public Nuisances; Abatement.**

All buildings or portions thereof determined after inspection by the Director to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this DBC.

8.050**Violations.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this DBC.

8.055 **Inspections of Work.**

All buildings or structures within the scope of this DBC and all construction or work for which a permit is required shall be subject to inspection by the Director consistent with and in the manner provided by this Chapter and Sections 108 and 1701 of the Oregon State Structural Specialty Code and other relevant provisions of municipal, county or state law.

8.060 **Commencement of Proceedings.**

When the Director has inspected or caused to be inspected any building and has found and determined that such building is a Dangerous Building, the Director shall commence proceedings to cause the repair, vacation or demolition thereof.

8.065 **Notice and Order.**

To commence proceedings under this DBC, the Director shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

- A. The street address and a description sufficient for identification of the premises upon which the building is located.
- B. A statement that the Director has found the building dangerous with a brief factual description of the conditions found to render the building dangerous.
- C. A statement of the action(s) required to be taken by the Director:
 1. If the building must be repaired, the notice and order shall require all required permits be secured; therefor, and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Director shall determine reasonable under all of the circumstances.
 2. If the building must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the Director to be reasonable.
 3. If the building or structure is to be demolished, the order shall require that the building be vacated within such time as the Director determines reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 30 days of the date of the order; and that the demolition be completed within 30 days thereafter.

- D. A statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Director:
1. will order the building vacated and posted to prevent further occupancy until the work is completed;
 2. may proceed to cause the work to be done and charge the costs thereof against the property or its owner; and
 3. may issue a citation and impose fines pursuant to Section 8.170 for failure to conduct the repair or demolition.

E. Statements advising:

1. that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Director to the Municipal Court provided the appeal is made in writing as provided in this DBC and filed with the Director within 14 days from the date of service of such notice and order; and
2. that failure to appeal will constitute a waiver of all rights to a hearing and judicial review of the matter.

8.070

Service of Notice and Order.

The notice and order (and any amended or supplemental notice and order) shall be served upon the record owner and posted on the property with a copy thereof being served on each of the following (if known to the Director or disclosed from official public records):

- A. the holder of any mortgage or deed of trust or other lien or encumbrance of record;
- B. the owner or holder of any lease of record; and
- C. the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure of the Director to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.

8.075

Method of Service.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, to each such person at their address as it appears in the Washington County tax records or as otherwise known to the Director. If no address of such person appears or is known to the Director, then a copy of the notice and order shall be mailed (addressed to such person) at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

8.080

Proof of Service.

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Director.

8.085

Repair, Vacation and Demolition.

A. Any building declared a Dangerous Building under this Chapter shall be made to comply with one of the following:

1. The building shall be repaired in accordance with the current Building Code or other current Code applicable to the type of substandard conditions requiring repair; or
2. The building shall be demolished consistent with subsection below.

B. If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

C. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the building's occupants, it shall be ordered vacated, secured and maintained against entry.

D. If a building or structure is found to be or becomes dangerous such that the life, property or safety of the public is thereby jeopardized and if in the opinion of the Director, the building or structure is not, under current circumstances is not likely to be repaired such that it will be habitable within 120 days, it may be ordered demolished, with the cost thereof to be borne by the owners.

In the event the Director determines that a building is to be demolished, the Director shall make a written order which includes the circumstances supporting demolition. The order shall be served on all persons entitled to notice provide under Code Section 8.070 and is subject to a 21 day appeal consistent with the provisions of Code Section 8.100.

8.090 Notice to Vacate – Posting.

Every notice to vacate shall, in addition to being served, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is unlawful to occupy this building or to remove or deface this notice.

**Community Development Director
City of Forest Grove, Oregon**

8.095 Compliance with Notice to Vacate.

A. Whenever such notice is posted, the Director shall include a notification thereof in the notice and order issued under Code Section 8.065 reciting the emergency and specifying the conditions which necessitate the posting.

B. No person shall remain in or enter any building which has been so posted except that entry may be made to repair, demolish or remove such building under permit.

C. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and all lawful requirements been met.

8.100

Form of Appeal.

A. Any person entitled to notice under Code Section 8.065 may appeal from any notice and order or any action of the Director under this DBC by filing with the Municipal Court a written appeal containing:

1. A heading in the words: "Before the Municipal Court of the City of Forest Grove, Oregon".
2. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the building or the land involved in the notice and order.
3. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested order or action should be reversed, modified or otherwise set aside.
4. The signatures of all parties named as appellants and their official mailing addresses.
5. The verification by declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal shall be filed within 21 days of the date of service of the Director's order or action; provided that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Code Sections 8.090 and 8.095, such appeal shall be filed within 10 days from the date of the service of the notice and order of the Director.

8.105

Scheduling Appeal for Hearing.

As soon as practicable after receiving the written appeal, the Municipal Court shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than 10 nor more than 60 days from the date the appeal was filed with the Director. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Court either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

8.110**Effect of Failure to Appeal.**

Failure of any person to file an appeal in accordance with the provisions of Section 8.100 shall constitute a waiver of the right to a hearing and judicial review of the notice and order or any portion thereof.

8.115**Scope of Appeal Hearing; Stay of Order.**

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

B. Except for vacation orders made pursuant to Section 8.090, enforcement of any notice and order of the Director issued under this DBC shall be stayed during the pendency of an appeal there from which is properly and timely filed.

8.120**Form of Notice of Hearing to Appellant.**

The notice of hearing to the appellant(s) shall be substantially in the following form:

“You are hereby notified that a hearing will be held before the Forest Grove Municipal Court on the _____ day of _____, 20_____ at the hour _____ upon the notice and order served upon you for alleged violation(s) of Forest Grove Dangerous Buildings Code. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present relevant evidence and will be given full opportunity to examine witnesses.”

8.125**Record.**

A record of the hearing shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the court.

8.130 **Conduct of Hearings.**

Hearings need not be conducted according to the technical rules relating to evidence and witnesses. Oral evidence shall be taken on oath or affirmation. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in Oregon. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in Oregon. Irrelevant and unduly repetitious evidence shall be excluded.

8.135 **Rights of Parties at Hearings.**

The City and the appellant(s) shall be able to:

- A. Call and examine witnesses on matters relevant to the issues of the hearing;
- B. Introduce documentary and physical evidence;
- C. Cross-examine opposing witnesses;
- D. Rebut evidence; and
- E. Be represented by anyone lawfully permitted to do so.

8.140 **Judicial Notice.**

In reaching a decision, judicial notice may be taken (either before or after submission of the case for decision) of any fact which would be judicially noticeable by Oregon courts. Parties present at the hearing shall be informed of the matters to be noticed which is to be noted in the record. Parties present at the hearing shall be given a reasonable opportunity to refute the noticed matters by evidence or by written or oral presentation of authority.

8.145 **Inspection of the premises.**

The Court may inspect any building involved in an appeal during the course of the hearing provided that: notice of such inspection shall be given the parties before the inspection is made; the parties are given an opportunity to be present during the inspection; and, the judge shall state for the record after said inspection the material facts observed and the conclusions drawn therefrom.

8.150 Form of decision; Judicial review.

A. With appeals heard by the Municipal Court, the Court shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) prepare a written decision which shall contain findings of fact, a determination of the issues presented and the requirements, if any, to be complied with. The effective date of the decision shall be as stated therein. A copy of the decision shall be delivered to the City and appellant by regular mail, postage prepaid.

B. Judicial review of the Court's decision shall be by way of writ of review as provided for in ORS 34.010 to ORS 34.100.

8.155 Enforcement of Orders.

After any order of the Director or Municipal Court made pursuant to this DBC has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If the person to whom such order is directed fails, neglects or refuses to comply with any such order, the Director may take any and all necessary actions deemed by him/her, in consultation with the City Manager and City Attorney, to be appropriate including the issuance of a citation or the filing of supplementary enforcement or compliance action(s) in a court of competent jurisdiction. In addition, the Municipal Court may use contempt of court proceedings to enforce such orders.

8.160 Failure to Commence Work.

Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this DBC becomes effective:

A. The Director shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING
DO NOT OCCUPY**
It is unlawful to occupy this building or to remove or deface this notice.
Community Development Director
City of Forest Grove, Oregon

B. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Director have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

C. The Director may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris there from removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provide for the collective of assessment liens. Any surplus realized from the sale of any such building or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

8.165

Interference with Repair or Demolition Work Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this DBC, or with any person to whom such building has been lawfully sold pursuant to the provisions of this DBC, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this DBC, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Chapter.

8.170

Penalty Imposed.

A person responsible for failure to repair or demolish a dangerous as determined through the process established by this Code may be subject to the imposition of a civil penalty in an amount of not less than \$100.00 per day for the violation. The penalty shall be established either through the issuance of a citation pursuant to Section 8.155 or by the Municipal Court.

MOVING BUILDINGS**8.200 Moving Permit.**

(1) No person shall move any building, structure or exceedingly heavy objects over, along or across any public street without first obtaining a permit from the manager.

(2) The applicant for a permit shall file with the City Manager a bond with one or more qualified sureties to be approved by the manager under the following conditions:

(a) The obligor will repair all damage done to any public street, public property, or private property caused either directly or indirectly by the moving of a building, structure or other exceedingly heavy object over, across or along any public street;

(b) The obligor will hold the City harmless from all claims, demands, suits or actions by any person for damages done to them or to their property by the negligent or careless moving of a building, structure or other exceedingly heavy object over, across or along the public streets.

(3) The bond shall be in the sum of \$5,000. The sureties shall qualify in the same manner and form provided for sureties for bail upon arrest to qualify by the general laws of the State of Oregon.

8.205 Obstructing Intersections.

No person shall permit any building, structure or exceedingly heavy object to remain upon any street crossing or at the intersection of any street between dusk and dawn.

8.210 Clearance Under Wires.

No building, structure or exceedingly heavy object shall be moved under any electric, telephone or telegraph wires where there is not ample clearance, without having present an authorized employee of the owner of the wires to move or disconnect any wires as necessary to provide clearance.

8.215 Warning Lights.

Any building, structure or exceedingly heavy object which is permitted to remain on the streets or in any public place between dusk and dawn shall be protected by red lanterns in sufficient number to warn the public of the obstruction.

8.300

FOREST GROVE CODE

8.305

8.300– 8.305

UNIFORM SIGN CODE

Repealed (ORD No. 2009-12, 11/23/2009)

SWIMMING POOLS**8.400 Compliance.**

No person shall construct, maintain, install or enlarge any swimming pool in the City except in compliance with provisions of this code.

8.405 Private Pool.

"Swimming pool" is defined as a receptacle, including all appurtenant equipment, for water having a depth at any point of more than 18 inches, intended for the immersion or partial immersion of persons. This definition includes any hot tub meeting the above criteria.

8.410 Permit Required.

No person shall construct, install, enlarge or alter any private residential swimming pool within the City unless a permit is obtained from the building inspector. The permit fee shall be as provided in the Building Code of the City of Forest Grove.

8.415 Enclosure of Swimming Pool.

(1) Every outdoor swimming pool shall be completely surrounded by a fence or wall which shall be set back from the pool five feet and be not less than 4 feet in height. If the fence is constructed less than five feet from the pool, the fence shall be six feet in height. The fence or wall shall not have openings, holes, or gaps larger than 4 inches in any dimension except for doors and gates. If a picket fence is erected or maintained, the horizontal dimension shall not exceed 4 inches. A dwelling house or accessory building may be used as part of the enclosure.

(2) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. This requirement applies to all new swimming pools, other than indoor pools, and applies to all existing pools which have a minimum depth of 18 inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or licensee, upon which is situated a swimming pool having a minimum depth of 18 inches shall fail to provide and maintain the fence or walls as provided in this code.

- (3) The building inspector may approve modifications to the height, nature or location of the fence, wall, gates or latches, provided the protection as sought under this code is not reduced. The building inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described in this code. The building department shall allow 30 days' notice within which to comply with the requirements of this section. Notice to comply with the provisions of this code shall be in writing and given by certified mail.
- (4) In the case of existing pools or structures, the building inspector may grant a variance from the provisions of this code as to the height of the fence or setback requirements; however, the protective devices and safeguards installed must comply with the safety precautions intended to be provided by this code.
- (5) Hot tubs may use a secured cover instead of a fence.

8.420**Penalties.**

Penalties for violation of Sections 8.400 to 8.415 of this code shall be as provided by Code Section 1.095. (Ord. 1991-09, 09/09/1991)

HOUSING CODE**8.500 Adoption of Uniform Housing Code.**

In order to establish rules and regulations relating to the conservation and rehabilitation of housing, the City adopts the housing code known as the "Uniform Housing Code, 1991 Edition," as published by the International Conference of Building Officials, except portions as are deleted, modified or amended by this code. One copy of the Uniform Housing Code, 1991 Edition, as amended, shall be kept on file in the office of the City Recorder. (Ord. 1990-15, 12/10/1990; Ord. 1993-05, 04/12/1993)

8.505 Amendments.

The Uniform Housing Code, 1991 Edition, is amended as follows:

- (1) Section 1609 is deleted.
- (2) Section 1610. If the county assessor and the county tax collector assess property and collect taxes for the City, a certified copy of the assessment shall be filed with the county auditor on or before July 15. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year. (Ord. 1990-15, 12/10/1990; Ord. 1991-09, 09/09/1991; Ord. 1993-05, 04/12/1993)

BUILDING CODE BOARD OF APPEALS**8.600****Board of Appeals.**

(1) General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of Building Codes as adopted by the City (as set forth in Municipal Code 8.005 through 8.505), there shall be and is hereby created a Building Code Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex-officio member of and shall act as secretary to said Board, but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(2) Limiting of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the Building Codes nor shall the Board be empowered to waive requirements of the Building Codes.

RAINWATER HARVESTING SYSTEMS

ORD No. 2007-19, 11/26/2007

8.700**Adoption of Rainwater Harvesting Systems.**

The requirements of Ordinance No. 2007-19 are adopted by the City of Forest Grove as an alternate method of rainwater usage in commercial building applications. The Rainwater Harvesting Systems, Ordinance No. 2007-19, is by this reference incorporated into this Code and made a part hereof as the Rainwater Harvesting Systems Ordinance of the City. (Note: A copy of Ordinance No. 2007-19, enacted November 26, 2007, can be found at the back of this Section.

ORDINANCE NO. 2007-19

“EXHIBIT A”

RAINWATER HARVESTING SYSTEMS

The requirements of this ordinance are adopted by the City of Forest Grove as an alternate method of rainwater usage in commercial building applications.

RWH1 Preliminary Information.

RWH1.1. Harvested rainwater is untreated rainwater collected for limited use in specific plumbing systems. Harvested rainwater is not considered drinkable (potable) water. It may not be used for any purpose other than irrigation, hose bibs, water closets or urinals. The City of Forest Grove does not oversee the maintenance and therefore safety of your system. It is the sole responsibility of the owner of the system to maintain and use the system in a safe and responsible manner. This ordinance is intended to set out construction standards dealing with the initial installation of the system components and recommended materials as prescribed in the Oregon Plumbing Specialty Code. This ordinance deals specifically with commercial building applications only. Following the standards of this ordinance will provide proper cross connection protection, system maintenance and system marking which are critical for the prevention of contamination to occupants and the municipal water system. The proper system design, maintenance and use are the responsibility of the building owner.

RWH2 General

RWH2.1. All components of the system not specifically addressed by this ordinance shall meet all applicable Oregon Plumbing Specialty Code sections, or where plumbing system drawings or specifications are prepared by an Oregon-registered engineer and approved by the City, and such systems meet or exceed the requirements of the Oregon Plumbing Specialty Code, such systems shall be installed in accordance with the requirements of the approved engineered drawings and specifications.

RWH2.2. To ensure proper system installation, the plumbing code, this ordinance and any applicable manufacturer’s installation instructions must be followed.

RWH2.3. All commercial applications require an engineer designed system. Such system shall be installed per the City of Forest Grove approval and per the plans and specifications of the engineer of record.

RWH2.4. Harvested rainwater may only be used for irrigation purposes, urinals and water closets.

a) Any plumbing fixture utilizing a storage holding tank, i.e. water closet, must have a locking device to prevent unauthorized access to the tank or, the plumbing fixture must be of the tank less variety.

RWH2.5. Rainwater shall only be harvested from roof surfaces, not from any bodies of standing water, surface water runoff or any vehicular or pedestrian area.

RWH2.6. The first 10 gallons generated by the rainwater harvesting system during any rain event shall be diverted away from the cistern or storage tank.

RWH2.7. Discharge of any diverted water shall be piped to a location that will not cause damage to property or erosion.

RWH3 System Components

RWH3.1. Roof Surface

Rainwater used for plumbing fixtures shall only be collected from roof surfaces. Roof surfaces shall be constructed of slate, metal, tile, concrete, fiberglass or other approved material. Roofing of wood, tar, gravel, and asbestos or asphalt shingles shall not be used. Painted roof surfaces shall be prohibited.

RWH3.2. Gutters & Downspouts

Gutters and downspouts shall meet material specifications as found in plumbing portion of the code. Gutters shall be screened (opening 0.5 inch or less) with an approved material over there entire opening to keep out leaves, debris and other large contaminants. Gutter screens shall not have an opening greater than one-quarter (1/4) inch (6 mm).

RWH3.3. Roof Washers

All rainwater harvesting systems using impervious roof surfaces shall have at least one roof washer or an engineered alternate. A roof washer is not required for pervious roof surfaces such as eco-roofs. Roof washers shall meet the following design requirements:

- a.) All collected rainwater shall pass through a roof washer before the water enters the cistern(s).
- b.) If more than one cistern is used, a roof washer shall be provided for each cistern.
- c.) The following requirements apply to all roof washers:
 - 1) The inlet to the roof washer shall be provided with a debris screen that protects the roof washer from the intrusion of waste and vermin. The debris screen shall be corrosion resistant and shall have openings no larger than .5 inches and no smaller than .25 inches nominal.
 - 2) The roof washer shall automatically divert a minimum of the first 10 gallons from each rainfall event away from the cistern. The device shall not rely on manually operated valves or other devices to do the diversion.
 - 3) The roof washer shall have minimum dimensions of 30 inches tall, and be 24 inches in diameter or 24 inches square.

4) The roof washer shall contain 6 inches of pea gravel. The entire surface of the gravel shall be covered with filter fabric (LINQ 125EX; LINQ TYPAR3201; TNS E040; TNS R 040; AMOCO 4535 or Marafi 140NL). The filter fabric shall be topped with 18 inches of sand conforming to OAR 340-71-295(3) (e) or silica sand meeting either NSF 61 or AWWA B100-53, Section A 2.4.

5) The outlet for the initial rainfall discharge shall be located in the side of the roof washer at or near the bottom. The outlet pipe shall be .5 inches nominal, capped with a 3/16 inch drain hole and the discharge shall be directed to a City of Forest Grove approved location.

6) The outlet pipe to the cistern shall be located in the pea gravel layer of the roof washer. The pipe shall be 4 inch nominal and fitted with an approved clean-out fitting. Access to the cleanout fitting shall be provided.

7) The outlet pipe entering the cistern shall terminate in a return elbow a minimum of 12 inches above the cistern floor.

8) Roof washers shall be accessible for maintenance and service.

RWH3.4. Cisterns/Storage Tanks

a. General

1) All cisterns/storage tanks shall be listed for use with potable water.

2) Cisterns/storage tanks shall be capable of being filled from both the rainwater harvesting system and the municipal water system. The municipal system shall be protected from cross contamination by the following:

a) A reduced pressure backflow assembly listed on the Approved Backflow Prevention Assembly List published by the Oregon Health Division (OHD); and

b) An air gap.

Backflow devices shall be maintained and tested on a yearly basis. Test results shall be provided to the Building Division.

b. Size

1) Any cistern, or total of cisterns used, shall have a minimum capacity of 1,500 gallons.

2) For above grade cisterns, the ratio of the cistern size shall not be greater than 1:1 height to width. The ratio for below grade cisterns is not limited.

c. Location.

1) Cisterns may be installed either above or below grade. All cisterns shall be listed for their intended use.

2) Below grade cisterns shall be provided with manhole risers a minimum of 8 inches above surrounding grade.

3) Above grade cisterns may be located in the following places:

a.) Basements or crawl spaces

b.) Garages

c.) Sheds

d.) Specially constructed sun barriers

4) All cisterns shall be installed in accordance with the manufacturer's installation instructions. Where the installation requires a foundation, the foundation shall be flat and shall be capable of supporting the cistern weight when the cistern is full.

d. Protection.

Cisterns shall be protected from direct sunlight. Trees or other vegetation shall not constitute acceptable protection.

e. Inlets, outlets and openings.

1) All cistern openings shall be protected from unintentional entry by humans or Vermin. Manhole covers shall be secured and locked to prevent tampering.

2) Where an opening is provided that could allow the entry of personnel, the opening shall be marked, "DANGER – CONFINED SPACE".

3) Cistern outlets shall be located at least 12 inches above the bottom of the cistern.

f. Overflow.

The cistern shall be equipped with an overflow device.

1) The overflow device shall consist of a pipe 4 inches in diameter located within 2 inches of the top of the cistern.

2) The overflow outlet shall be protected with a screen having openings no greater than .25 inches.

3) The City of Forest Grove shall approve the discharge location of the overflow water.

RWH3.5. Pumps.

Where a pump is provided in conjunction with the rainwater harvesting system the pump shall meet the following provisions:

a.) The pump and all other pump components shall be listed and approved for use with potable water systems.

b.) The pump shall be capable of delivering a minimum of 15-psi residual pressure at the highest outlet served. Minimum pump pressure shall allow for friction and other pressure losses. Maximum pressure shall not exceed 80-psi.

RWH3.6. Piping.

a.) Piping for rainwater harvesting systems shall be separate from any domestic potable piping system.

b.) There shall be no direct connection of any rainwater harvesting pipe system and any domestic potable water pipe system.

c.) Materials.

1) Pipe used to convey harvested rainwater shall be:

a) Purple in color and shall conform to ASTM D-2737 (PE3408); or

b) Meet the requirements for potable water distribution pipe and be continuously wrapped with purple mylar tape meeting the following requirements:

(1) Minimum nominal thickness of .0005 inches,

(2) Minimum width of 2 inches,

- (3) Made of PVC with a synthetic rubber adhesive,
- (4) Have a clear polypropylene protective coating, and
- (5) Include the wording in ½ inch high (12.7 mm), black uppercase letters, "CAUTION: HARVESTED RAINWATER , DO NOT DRINK"
- 2) Fittings and other system components shall be listed for use in conjunction with specified piping.
- 3) Both piping and fittings shall be installed as required by applicable code and standards.
- 4) All other products entering into the construction of a rainwater harvesting system shall be listed as required by code for the system.

d) All rainwater pipe shall be marked, "CAUTION: HARVESTED RAINWATER, DO NOT DRINK" every (3) three feet along its length. The lettering shall be black against a purple background, and shall comply with Table 6-1 of the Oregon State Plumbing Specialty Code.

e) Where rainwater harvesting pipe and potable water pipe are installed in the same trench, wall cavity or other location, the potable water pipe shall be separated by a minimum distance of twelve inches (12") above and away from the rainwater harvesting pipe.

RWH3.7. Signs.

a.) Room Entrance Signs

All installations using rainwater for water closets, urinals, hose bibs or irrigation shall

be identified with signs. Each sign shall contain ½ inch (12.7 mm) high letters of a highly visible color on a contrasting background. The location of the sign(s) shall be such that the sign(s) shall be visible to all users. The number and location of the signs shall be approved by the City of Forest Grove and shall contain the following text;

"TO CONSERVE WATER, THIS BUILDING USES HARVESTED RAINWATER
TO FLUSH WATER CLOSETS AND URINALS"

b) Equipment Room Signs

Each equipment room containing harvested rainwater shall have a sign posted with the following wording in 1" (25.4 mm) letters on a purple background:

"CAUTION
HARVESTED RAINWATER, DO NOT DRINK
DO NOT CONNECT TO DRINKING WATER SYSTEM"

"NOTICE
CONTACT BUILDING MANAGEMENT BEFORE PERFORMING ANY WORK
ON THIS WATER SYSTEM"

The sign shall be posted in a location that is highly visible to anyone working on or near harvested rainwater equipment.

c) Where tank-type water closets are flushed with harvested rainwater, the tank shall be labeled:

“HARVESTED RAINWATER-DO NOT DRINK”

RWH4 Inspections/Permits

RWH4.1. Recording System.

Rainwater harvesting system installations shall be recorded against the title deed at the Washington County Recorder’s Office (See attached). A copy of the recorded document shall be supplied to the City of Forest Grove.

RWH4.2. Inspections.

Rainwater harvesting systems shall be inspected according to the following schedule:

- a) Inspection of all elements before they are covered (rough-in inspection).
- b) Other inspections as needed.
- c) **Final inspection** including testing. In addition to other testing required by the code for plumbing systems, the following also apply:
 - 1) **Cisterns.** Cisterns shall be filled with water to the overflow line prior to and during inspection. All seams and joints shall be left exposed and the tank shall remain water tight.
 - 2) **Piping.** A flow test shall be performed through the system to the point of reclaimed water distribution and disposal. In addition, the water distribution system shall be tested and proved tight at the working pressure. Where the manufacturer permits, a 50-psi air test may substitute for the test above. All lines and components shall be watertight.

RWH5 System Maintenance/Abandonment

RWH5.1. System Maintenance.

Rainwater harvesting systems shall be maintained in functioning order, for the life of the system. It is the property owner’s responsibility to maintain the system until the system is abandoned as prescribed in this guide.

RWH5.2. System Abandonment.

If the owner of a rainwater harvesting system elects to cease use of, or fails to properly maintain such system, they shall abandon the system.

To abandon the system one shall:

- a) Remove the system entirely;
- b) Replace the rainwater harvesting pipe system with an approved potable water supply pipe system. Where an existing potable pipe system is already in place, fixtures may be re-connected to the existing system; and

c) Record the abandonment in the County noting the deletion of the system. A copy of the recorded document shall be supplied to the City of Forest Grove. (See Attached)

RWH5.3. Separate Permit

Rainwater harvesting system abandonment and potable water installations require separate permit, inspection(s) and approval(s).