

ORDINANCE NO. 1453-25

AN ORDINANCE AMENDING CHAPTER 4-01- BUILDING CODES, OF THE TUALATIN MUNICIPAL CODE TO ADOPT STATE OF OREGON BUILDING CODES BY REFERENCE

WHEREAS, the City serves as the local administrator for the State Building Codes and administers a municipal building inspection program consistent with state law, which includes the Oregon Structural Specialty Code, Oregon Mechanical Specialty Code, Oregon Plumbing Specialty Code, Manufactured Dwelling and Parks Specialty Code, Recreational Parks and Organizational Camps Administrative Rules, Oregon Manufactured Dwelling Installation Specialty Code, Oregon Residential Specialty Code, Oregon Energy Efficiency Specialty Code, and Oregon Fire Code; and

WHEREAS, the City Council has previously adopted these codes by reference to specific editions in Title 4, Chapter 4-01 of the Tualatin Municipal Code; and

WHEREAS, the State of Oregon Department of Consumer and Business Services Building Codes Division regularly updates these codes and refers to the most current edition in the Oregon Administrative Rules; and

WHEREAS, ORS 455.040 mandates that the City apply the state's adopted version of the building codes, and referencing the current edition of each building code in City Code is redundant and state statute does not allow the City to delay adoption or adopt a different edition; and

WHEREAS, the City wishes to administer the most current codes as adopted by the State Building Codes into Tualatin Municipal Code Chapter 4-01; and

WHEREAS, the process to amend the Tualatin Municipal Code is time consuming, and the City will save staff and Council time by amending Chapter 4-01 of the Tualatin Municipal Code to reference the state administrative rules that do not identify the specific editions and effective dates for each building code; and

WHEREAS, Exhibit A of this ordinance lists the entire Chapter 4-01 Building Codes with the proposed changes and Exhibit B of this ordinance identifies the proposed changes in a redlined version.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 4-1-010 is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto.

Section 2. All other provisions and subsections of TMC 4-1 shall remain unchanged and in full force and effect.

Section 3. This Ordinance shall take effect on the thirtieth day after its enactment.

ADOPTED by the City Council this ____ day of October, 2025.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit A

TMC 4-1-010 - Standards Applicable to Building.

- (1) The City adopts the following specialty codes, rules, and standards:
 - (a) The Oregon Structural Specialty Code adopted by the State in OAR 918-460-0010 and 918-460-0015;
 - (b) The Oregon Mechanical Specialty Code adopted by the State in OAR 918-440-0010 and 918-440-0012;
 - (c) The Oregon Plumbing Specialty Code adopted by the State in OAR 918-750-0110 and 918-750-0115;
 - (d) The Manufactured Dwelling and Parks Specialty Code adopted by the State in OAR 918-600-0010;
 - (e) The Recreational Parks and Organizational Camps Administrative Rules, adopted in OAR 918-650-0000 to 918-650-0080;
 - (f) The Oregon Manufactured Dwelling Installation Specialty Code adopted by the State in OAR 918-500-510 to 918-500-590;
 - (g) The Oregon Residential Specialty Code adopted by the State in OAR 918-480-0005 and OAR 918-480-0010;
 - (h) The Oregon Energy Efficiency Specialty Code adopted by the State in OAR 918-460-0500; and
 - (i) The Oregon Fire Code adopted by the State in OAR 837-040-0010.
- (2) The provisions in subsection (1) apply to all building and related activities conducted within the City and are in addition to all other applicable provisions of the Tualatin Municipal Code and the Tualatin Development Code.
- (3) In accordance with Section 101.2.1 of the Oregon Structural Specialty Code, the City has elected to require permits for the following and the construction standards of the Oregon Structural Specialty Code, as administered by the City, shall apply:
 - (a) Fences, other than required swimming pool barriers, over seven feet in height.
 - (b) Retaining walls greater than four feet in height, measured from the bottom of the footing to the top of the wall, or where the retaining wall supports a nonsoil surcharge.
 - (c) Tanks that are located exterior to and not attached to or supported by a regulated building.
 - (d) Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.

- (e) Flagpoles not attached to or supported by a regulated building and are over 25 feet in height.
 - (f) Ground-mounted photovoltaic systems over ten feet in height measured to the highest point of the installation or where public access is permitted beneath the structure.
 - (g) Signs not located in a public right-of-way and not attached to or supported by a regulated building. The city adopts Appendix H of the Oregon Structural Specialty Code with regard to said signs.
 - (h) In-ground swimming pools accessory to not more than four dwelling units.
 - (i) Demolition
- (4) In accordance with Section R101.2.2 of the Oregon Residential Specialty Code, the City has elected to require permits for the following and the construction standards of the Oregon Residential Specialty Code, as administered by the City, shall apply:
- (a) Fences, other than required swimming pool barriers, over seven feet in height.
 - (b) Retaining walls greater than four feet in height, measured from the bottom of the footing to the top of the wall, or where the retaining wall supports a nonsoil surcharge.
 - (c) Tanks that are located exterior to and not attached to or supported by a regulated building.
 - (d) Freestanding radio, television, and other telecommunication antennae and towers, not attached to or supported by a regulated building.
 - (e) Ground-mounted photovoltaic systems over ten feet in height measured to the highest point of the installation or where public access is permitted beneath the structure.
 - (f) In-ground swimming pools accessory to detached one- and two-family dwellings and individual townhouse dwelling units.
 - (g) Demolition

Exhibit B

Redline version of proposed changes ~~red-strike-through~~ words are proposed to be removed and **bolded** words are proposed to be added:

TMC 4-1-010 Standards Applicable to Building

- (1) The City adopts the following specialty codes, rules, and standards which shall be enforced as part of this code:
 - (a) The Oregon Structural Specialty Code, ~~2022 edition~~, as adopted by the State in OAR 918-460-0010 and 918-460-0015 ~~(2022)~~;
 - (b) The Oregon Mechanical Specialty Code, ~~2022 edition~~, adopted by the State in OAR 918-440-0010 and 918-440-0012 ~~(2023)~~;
 - (c) The Oregon Plumbing Specialty Code, ~~2023 edition~~, adopted by the State in OAR 918-750-0110 and 918-750-0115; ~~(2023)~~;
 - (d) The Manufactured Dwelling and Parks Specialty Code, ~~2002 edition~~, adopted by the State in OAR 918-600-0010; ~~(2002), including the April 1, 2005 amendments~~;
 - (e) The Recreational Parks and Organizational Camps Administrative Rules, adopted in OAR 918-650-0000 to 918-650-0080; ~~(2020)~~;
 - (f) The Oregon Manufactured Dwelling Installation Specialty Code, ~~2010 edition~~, adopted by the State in OAR 918-500-510 to 918-500-590; ~~(2010)~~;
 - (g) The Oregon Residential Specialty Code, ~~2023 edition~~, adopted by the State in OAR 918-480-0005 and OAR 918-480-0010; ~~(2023)~~;
 - (h) The Oregon Energy Efficiency Specialty Code, ~~2021 edition~~, adopted by the State in OAR 918-460-0500 ~~(2021)~~; and
 - (i) The Oregon Fire Code, ~~2022 edition~~, adopted by the State in OAR 837-040-0010. ~~(2022)~~.
- (2) The provisions in subsection (1) apply to all building and related activities conducted within the City and are in addition to all other applicable provisions of the Tualatin Municipal Code and the Tualatin Development Code.
- (3) In accordance with Section 101.2.1 of the Oregon Structural Specialty Code, the city has elected to require permits for the following and the construction standards of the Oregon Structural Specialty Code, as administered by the city, shall apply:
 - (a) Fences, other than required swimming pool barriers, over seven feet in height.
 - (b) Retaining walls greater than four feet in height, measured from the bottom of the footing to the top of the wall, or where the retaining wall supports a nonsoil surcharge.

- (c) Tanks that are located exterior to and not attached to or supported by a regulated building.
- (d) Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
- (e) Flagpoles not attached to or supported by a regulated building and are over 25 feet in height.
- (f) Ground-mounted photovoltaic systems over ten feet in height measured to the highest point of the installation or where public access is permitted beneath the structure.
- (g) Signs not located in a public right-of-way and not attached to or supported by a regulated building. The city adopts Appendix H of the Oregon Structural Specialty Code with regard to said signs.
- (h) In-ground swimming pools accessory to not more than four dwelling units.

(i) Demolition

- (4) In accordance with Section R101.2.2 of the Oregon Residential Specialty Code, the City has elected to require permits for the following and the construction standards of the Oregon Residential Specialty Code, as administered by the City, shall apply:
 - (a) Fences, other than required swimming pool barriers, over seven feet in height.
 - (b) Retaining walls greater than four feet in height, measured from the bottom of the footing to the top of the wall, or where the retaining wall supports a nonsoil surcharge.
 - (c) Tanks that are located exterior to and not attached to or supported by a regulated building.
 - (d) Freestanding radio, television, and other telecommunication antennae and towers, not attached to or supported by a regulated building.
 - (e) Ground-mounted photovoltaic systems over ten feet in height measured to the highest point of the installation or where public access is permitted beneath the structure.
 - (f) In-ground swimming pools accessory to detached one- and two-family dwellings and individual townhouse dwelling units.

(g) Demolition

(Ord. 509-80 §1, 5-12-80; Ord. 801-90, 3-26-90; Ord. 886-93 §1, 2-22-93; Ord. 897-93 §1, 5-24-93; Ord. 980-97 §1, 7-14-97; Ord. 1011-98 §1, 12-14-98; Ord. 1056-00 §1, 9-11-00; Ord. 1132-03, 3-10-03; Ord. 1121-02, 10-28-02; Ord. 1178-05, 1-24-05; Ord. 1235-07 §1, 4-9-07; Ord. 1249-07, 11-26-07; Ord. 1254-08 §1, 3-24-08; Ord. 1303-10 §1, 6-14-10; Ord. 1312-10 §1, 11-22-10; Ord. 1383-15, 07-27-2015; Ord. 1407-18, 01-22-2018; Ord. 1429-19 , §1, 12-9-19; Ord. 1457-21 , §1, 8-9-21; Ord. No. 1481-23 , § 2(Exh. A), 9-25-23)