

ORDINANCE NO. 1481-23

AN ORDINANCE AMENDING THE MUNICIPAL CODE REGARDING SERVICE OF SUMMONS FOR CIVIL INFRACTIONS, STANDARDS APPLICABLE TO BUILDING, GRADING PERMITS, AND STOP WORK ORDERS

WHEREAS, the City has previously adopted by ordinance a Uniform Civil Infraction Procedure, found in Chapter 7-01 of the Tualatin Municipal Code (TMC);

WHEREAS, that code includes a subsection regarding service of summons, which provides that service can be accomplished in the manner described in the 1991 edition of the Oregon Rules of Civil Procedure;

WHEREAS, in order to avoid the need to update that edition reference on a recurring basis each time the Oregon Rules of Civil Procedure are updated, staff has recommended that the code instead set forth specific means by which service can be accomplished, based on the language of the current Oregon Rules of Civil Procedure;

WHEREAS, the City has previously adopted by ordinance various state specialty codes, rules, and standards applicable to building, found in Chapter 4-01 of the TMC;

WHEREAS, it is necessary to update the references to those state specialty codes, rules, and standards to reflect the current versions of each;

WHEREAS, the 2022 Oregon Structural Specialty Code removed the authority for regulation of grading by local building officials under that code;

WHEREAS, it is therefore necessary to remove the reference to such authority from the City's code, found in TMC 4-1-030;

WHEREAS, the 2022 Oregon Structural Specialty Code removed provisions regarding the issuance of stop work orders by building officials;

WHEREAS, it is therefore necessary to adopt such authority in the City's municipal code; and

WHEREAS, it appears to the City Council that the above-described changes are necessary and appropriate.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TMC 7-1-040(6) (Service of Summons) is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto. All other provisions and subsections of TMC 7-1-040 shall remain unchanged and in full force and effect.

**Section 2.** TMC 4-1-010 (Standards Applicable to Building) is hereby amended as set forth in Exhibit A, attached hereto.

**Section 3.** TMC 4-1-030 (Grading) is hereby repealed.

**Section 4.** A new section TMC 4-1-050 (Stop Work Orders) is hereby adopted as set forth in Exhibit A, attached hereto.

**Section 5.** All other provisions and subsections of TMC 4-1 shall remain unchanged and in full force and effect.

**Section 6.** This Ordinance shall take effect on the thirtieth day after its enactment.

ADOPTED by the City Council this \_\_\_\_day of \_\_\_\_\_, 2023.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

Exhibit A

**TMC 7-1-040 (6)**

*Service of Summons.* If a uniform citation is issued under subsection (5) of this section, the City Manager, the enforcement officer or a peace officer, respectively, shall serve or cause to be served, the summons portion of such citation in any manner ~~provided~~ authorized by Rule 7D in of the Oregon Rules of Civil Procedure (1991 Edition) for service of summons and complaint.

**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, 2022~~19~~ edition, adopted by the State in OAR ~~918-750-0100-0010~~ 918-460-0010 and 918-460-0015 (2019~~2022~~);
  - (b) The Oregon Mechanical Specialty Code, 2022~~19~~ edition, adopted by the State in OAR ~~918-440-00102~~ 918-440-0012 (2019~~2023~~);
  - (c) The Oregon Plumbing Specialty Code, 2021 edition, adopted by the State in OAR ~~918-480-0005-0110~~ 918-750-0115 (2021);
  - ~~(d) The Manufactured Dwelling rules adopted by the State in OAR 918-500-510 to 918-500-0595 (2010);~~
  - ~~(e)~~(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;
  - ~~(f)~~(e) The Recreational Parks and Organizational Camps Administrative Rules, 2014 edition, adopted in OAR 918-650-0000 to 918-650-0080~~5~~ (2020~~14~~);
  - ~~(g)~~(f) The Oregon Manufactured Dwelling Installation Specialty Code, 2010 edition, adopted by the State in OAR 918-500-510 to ~~98~~918-500-590 (2010);
  - ~~(h)~~(g) The Oregon Residential Specialty Code, 2021 edition, adopted by the State in OAR ~~918-480-0005~~ and OAR 918-480-0010 (2022~~1~~);
  - (h) The Oregon Energy Efficiency Specialty Code, 2021 edition, adopted by the State in OAR 918-460-0500 (2021); and
  - (i) The Oregon Zero Energy Ready Commercial Code, 2021 edition, adopted by the State in OAR 918-460-0500 (2021); and
  - (i) The Oregon Fire Code, 2022~~19~~ edition, adopted by the State in OAR 837-040-0140-0010 (2022~~19~~), and as adopted and amended by Tualatin Valley Fire and Rescue District Ordinance No. 20-030.
- (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 (7) feet in height.
  - (b) Retaining walls greater than 4 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 which are over twenty-five (25) feet in height.
  - (f) Ground-mounted photovoltaic systems over ten (10) 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.
- (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 (7) feet in height.
  - (b) Retaining walls greater than 4 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 (10) 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.

**~~TMC 4-1-030 – Grading.~~**

~~A person seeking a grading permit must submit a soil report with the permit application. The soils report submitted must be signed and sealed by an Oregon-certified soils engineer and comply with Appendix J of the Oregon Structural Specialty Code, 2014 edition. No grading activities may occur unless and until a person receives a grading permit and complies with this section.~~

### **TMC 4-1-050 – Stop Work Orders.**

- (1) Authority. Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
- (2) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent, or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.
- (3) Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, commits a civil infraction punishable as described in TMC 4-1-080.

## Clean Version

### **TMC 7-1-040 (6)**

*Service of Summons.* If a uniform citation is issued under subsection (5) of this section, the City Manager, the enforcement officer or a peace officer, respectively, shall serve or cause to be served, the summons portion of such citation in any manner authorized by Rule 7D of the Oregon Rules of Civil Procedure for service of summons and complaint.

### **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, 2022 edition, 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, 2021 edition, adopted by the State in OAR 918-750-0110 and 918-750-0115 (2021);
  - (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, 2021 edition, adopted by the State in OAR 918-480-0005 and OAR 918-480-0010 (2022);
  - (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 (7) feet in height.
- (b) Retaining walls greater than 4 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.
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- (e) Flagpoles not attached to or supported by a regulated building and which are over twenty-five (25) feet in height.
- (f) Ground-mounted photovoltaic systems over ten (10) 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.

(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 (7) feet in height.
- (b) Retaining walls greater than 4 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 (10) 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.

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- (3) Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, commits a civil infraction punishable as described in TMC 4-1-080.