



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT CITY COUNCIL

Council Chambers
17 Buchanan Ave. South, Eagle Point, Oregon
September 11, 2018

REGULAR MEETING AGENDA

1. CALL TO ORDER – 6:00 P.M.
2. FLAG SALUTE AND INVOCATION
3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA
4. PRESENTATIONS
5. PUBLIC HEARINGS
 - 5.1 Public Hearing in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.
 - 5.2 Public Hearing in the matter of updating Mobile Home Placement Fee.
6. CONSENT CALENDAR
 - 6.1 Presentation of Regular Meeting Minutes of August 28, 2018.
7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
8. PRESENTATION OF BILLS TO BE PAID
9. OLD BUSINESS
10. NEW BUSINESS
 - 10.1 Ordinance No. 2018-10. An Ordinance repealing and replacing Eagle Point Municipal Code (EPMC) Chapter 15.04, Building Codes.
 - 10.2 Ordinance No. 2018-11. An Ordinance modifying Building Program Fees for Manufactured Dwelling Installations.
 - 10.3 Discussion regarding future date for street dance.

City Council Agenda

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11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES
12. STAFF REPORTS
13. INFORMATION
14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
15. ADJOURN

AGENDA AND COUNCIL PACKETS ALSO AVAILABLE ON WEBSITE

www.cityofeaglepoint.org

If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).

**BUSINESS OF THE CITY COUNCIL
EAGLE POINT, OREGON**

AGENDA STATEMENT

Item Number: 5.1 and 10.1

Meeting Date: September 11, 2018

ITEM NO. 5.1: Public Hearing in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.

ITEM NO. 10.1: Ordinance No. 2018-10. An Ordinance in the matter of updating Eagle Point Municipal Code 15.04 Building Codes.

SUBMITTED BY: Henry Lawrence, City Administrator

SUMMARY EXPLANATION: The City of Eagle Point administers and enforces a Building Code Inspection Program under the delegated authority of the State of Oregon, Building Code Division, pursuant to a memorandum of agreement dated December 30, 2016.

The City is required to follow the state building code. The City last adopted building code regulations by ordinance in 1999, with a limited amendment in 2008, as codified in EPMC Chapter 15.04 (attached). The current Chapter 15.04 is outdated and needs extensive revisions.

Building Official Robert Rice, and Northwest Code Pros, worked with city staff to provide a proposed rewrite of Chapter 15.04. The document is attached as Exhibit "A" to the proposed new Ordinance. The new EPMC 15.04.040 (B), also adopts "Appendix J, Grading", by reference, concerning excavation and grading permits which are not addressed under the authority of the building code but may be adopted by local municipalities. Appendix J is attached as Exhibit "B" to the adopting Ordinance.

This new proposed EPMC 15.04 is much lengthier than the current code version and adopts by reference updated editions of the applicable building and specialty codes. It establishes new authority in at least three major areas:

- 1) Authorizes creation of an Excavation and Grading Permit (15.04.035 (A)(2), Appendix J) in cases where a building permit is not part of the project, along with the authority to collect fees for grading inspections by the Building Official or City Engineer.
- 2) Authorizes creation of a construction permit for retaining walls and other non-habitable structures (15.04.060) that may not be governed by the state building code, including the authority to collect fees for inspections.
- 3) Strengthens Building Official authority regarding code violations (15.04.070, 15.04.075, 15.04.080)

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The new code also outlines a due process appeals procedure (15.04.085) for applicants to file disputes.

FINANCIAL IMPACT: None.

APPROVED FOR SUBMITTAL: _____

A 9/12/18

Henry Lawrence, City Administrator

STAFF RECOMMENDATION: Adopt Ordinance No. 2018-10, an Ordinance repealing and replacing Eagle Point Municipal Code (EPMC) Chapter 15.04, Building Codes.

ATTACHMENTS: EPMC 15.04 current adopted version.

Ordinance No. 2018-10 with Exhibit "A" - proposed new Chapter 15.05,
and Exhibit "B" - Appendix J, Grading.

EPMC 15.04 Current Adopted Version**Chapter 15.04
BUILDING CODES****Sections:**

- 15.04.010 One and two family dwelling code adopted.
- 15.04.020 Structural specialty code adopted.
- 15.04.030 Mechanical specialty code adopted.
- 15.04.040 Manufactured dwelling standards adopted.
- 15.04.050 Fire code adopted.
- 15.04.060 Electrical specialty code and residential specialty code adopted.

15.04.010 One and two family dwelling code adopted.

The city adopts by reference the State of Oregon "One and Two Family Dwelling Code" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 1, 1999].

15.04.020 Structural specialty code adopted.

The city adopts by reference the "State of Oregon Structural Specialty Code" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 2, 1999].

15.04.030 Mechanical specialty code adopted.

The city adopts by reference the State of Oregon "Mechanical Specialty Code" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 3, 1999].

15.04.040 Manufactured dwelling standards adopted.

The city adopts by reference the State of Oregon "Manufactured Dwelling Standards" and applicable ORS and OAR, when effectively adopted at state level. [Ord. 8-16 § 4, 1999].

15.04.050 Fire code adopted.

The city council of the city of Eagle Point hereby adopts the 2007 Oregon Fire Code. [Res. 2008-23].

15.04.060 Electrical specialty code and residential specialty code adopted.

A. The city of Eagle Point hereby authorizes the administration of the State of Oregon Electrical Specialty Code to be effective as of July 1, 2010.

B. The city of Eagle Point hereby adopts the 2008 Editions of the Oregon Electrical Specialty Code and Oregon Residential Specialty Code and further adopts by reference future editions of both codes as enabled and adopted by the state of Oregon.

C. The city of Eagle Point hereby adopts the administrative provisions for the purpose of administering the electrical specialty code as follows:

1. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations,

policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or statewide code interpretations.

2. The building official shall receive applications, review construction documents and issue permits based upon the requirements of the electrical specialty code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

3. Whenever 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.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing 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.

4. The building official shall have the authority to authorize disconnection of the energy supply to a building, structure, premises or equipment in case of emergency when necessary to eliminate an immediate hazard to life or property. A notice shall be attached to the energy supply or appliance stating the reason for the disconnection. Such notices shall not be removed nor shall the system or appliance be reconnected until authorized by the building official. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

D. Work Exempt from Electrical Permits.

1. **Repair and Maintenance.** A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

E. The building official is hereby authorized to serve a notice of violation or order on persons who start work without permits, fail to call for inspections, fail to make corrections, or otherwise violate the electrical requirements. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Any person who fails to comply with such notice or order shall be subject to penalties as prescribed by law. [Ord. 2010-04].

The Eagle Point Municipal Code is current through Ordinance 2018-06, passed June 12, 2018, and Resolution 2018-37, passed June 26, 2018.

Disclaimer: The City Recorder's Office has the official version of the Eagle Point Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

ORDINANCE NO. 2018-10

AN ORDINANCE REPEALING AND REPLACING EAGLE POINT MUNICIPAL CODE (EPMC) CHAPTER 15.04, BUILDING CODES.

WHEREAS, the City of Eagle Point administers and enforces a Building Code Inspection Program under the delegated authority of the State of Oregon, Building Code Division, pursuant to a memorandum of agreement dated December 30, 2016; and

WHEREAS, local adoption of state building codes were adopted by Ordinance in 1999, with a limited amendment in 2008, codified as EPMC 15.04; and

WHEREAS, the current EPMC 15.04 is outdated and in need of extensive amendment.

Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE POINT, OREGON, THAT:

EPMC 15.04 is hereby repealed and replaced with a new Chapter 15.04, attached and incorporated herein as Exhibits “A” and “B”.

ADOPTED by the City Council and signed in authentication of its adoption this 11th day of September, 2018.

Robert E. Russell, Mayor

ATTEST:

Cindy Hughes, City Recorder

Chapter 15.04
BUILDING CODES

Sections:

15.04.010 Title

15.04.020 Definitions

15.04.030 Building Inspection Program Assumption

15.04.035 State Codes Adopted

15.04.040 Administration

15.04.045 Powers and Duties of the Building Official

15.04.050 Building Permits

15.04.055 Use of Alternative Materials, Designs and Methods; Exceptions; Modifications

15.04.060 Regulation of Buildings and Structures not in the Authority of the Building Inspection Program

15.04.065 Electrical Program Administration

15.04.070 Work without Permits, Investigations, Right of Entry, Corrections and Stop Work Orders

15.04.075 Violation—Penalty—Remedies

15.04.080 Building Official—Authority to Impose Administrative Civil Penalty

15.04.085 Appeal Procedures

15.04.090 Severability

15.04.010 Title

This chapter shall be known as the Building Code ordinance and may also be referred to as “this chapter,” or the “building code.”

15.04.020 Definitions

For the purposes of this chapter, the following terms shall be defined as follows:

A. **“Building Official”** means the designee appointed by the City who is responsible for building inspections and enforcement of the building code.

B. State Building Code (Building Code) Building Code means those provisions of the State Building Code, and any modifications thereof, adopted by the City pursuant to ORS 455.040(1), that are part of the building inspection program administered and enforced by the City.

Including, but not limited to, the following State of Oregon codes administered and enforced by the City: Oregon Structural Specialty Code, Oregon Reach Code, Oregon Residential Specialty Code, Oregon Mechanical Specialty Code, Oregon Plumbing Specialty Code, Oregon Electrical Specialty Code, Oregon Energy Efficiency Specialty Code and the Oregon Manufactured Home Installation Specialty Code.

C. “Permittee” means the person holding any permit authorized by this Chapter, or that person’s authorized representative.

D. “Person” means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, or other entity in law or fact.

E. “Building Inspection Program” means the administration and enforcement of the Building Code, pursuant to ORS 455.150, for all buildings, structures, equipment and appliances described in the scope of the building codes and in accordance with the authority defined in ORS 455.020 and as further described in Statewide Statutory Interpretation 14-03.

F. “Specialty code(s)” means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

G. “Statewide Statutory Interpretation” means a Statewide Code Interpretation issued by the State of Oregon, Building Codes Division, interpreting a specific provision of the state building or specialty codes. Statewide Code Interpretations are published on the Building Codes Division web site at the following link: <https://www.oregon.gov/bcd/codes-stand/Pages/code-interps.aspx>

15.04.030 Building Inspection Program Assumption

Assumption of Building Inspection Program; Scope.

A. Pursuant to ORS 455.150, the City of Eagle Point hereby implements and assumes a Building Inspection Program for the City of Eagle Point, which shall be comprised of the administration and enforcement of the State Building Code.

B. The Building Inspection Program shall be administered and enforced according to the procedures set forth in the State Building Code for all buildings, structures, equipment, fixtures and appliances described in the scope of the building codes and in accordance with the authority defined in ORS 455.020 and as further clarified in Statewide Statutory Interpretation 14-03 that describes the stated purpose of the state building code, as provided in ORS 455.020, which is to establish uniform performance standards providing reasonable safeguards for health, safety,

welfare, comfort and security of the residents of this state who are occupants and users of buildings.

C. If there is a conflict between any provision of the State Building Code and any provision of this Chapter adopted pursuant to ORS 455.040(1), the provision adopted pursuant to ORS 455.040(1) shall govern.

D. Administration and enforcement for buildings and structures outside of the scope of the Building Inspection Program described in section (A) and (B) are regulated by the City of Eagle Point in accordance with section 15.04.060.

15.04.035 State Codes Adopted

A. Except as otherwise provided in this chapter, the following codes, standards and rules are adopted and shall be in force and effect as part of this municipal code. The provisions of these codes, in addition to their individual scoping provisions found therein, shall also apply to demolition of structures, structures described in section 15.04.060, and equipment and systems regulated by such codes.

1. **The Oregon Specialty Codes** adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545.

2. **Appendix Chapter J** of the most currently published International Building Code as adopted the State of Oregon Building Codes Division, as published by the International Code Council, regarding excavation, including the recognized standards for Appendix Chapter J listed in Chapter 35 of the International Building Code; Excavation and Grading Permits.

3. **AN109.4.2 through AN109.4.3** of the State of Oregon Structural Specialty Code for alternate fire sprinkler system requirements. Pursuant to the authorization by the Director of the Department of Consumer and Business Services under ORS 455.040(1), Section AN 109.4 through AN 109.4.2.1 of the State Building Code relating to fire sprinkler system requirements are hereby adopted.

B. At least one copy of each of these specialty codes shall be kept by the building official and the public may view digital versions of the most current codes on the Oregon Building Codes Division Web site. City copies shall be available for inspection upon request at City Hall.

15.04.040 Administration

A. The City provides a program of building code administration, including plan review, permit issuance and inspection for structural, electrical, mechanical, and plumbing work. The program is administered by the building official. The program operates pursuant to the state specialty codes listed in Section 15.04.020(B), 15.04.035 and the remainder of this chapter.

B. **Administration and enforcement of Appendix Chapter J**, Excavation and Grading, as adopted by Section 15.04.035.A.2, shall be regulated by the Building Official or City Engineer. Where the term "Building Official" is used in Appendix Chapter J, it shall mean either the

Building Official or City Engineer. Excavation and Grading permits will not be issued as building permits but will be issued by the City. Permit fees shall be in accordance with established fee schedules. Associated fees and expenditures, including personnel, shall not be part of the dedicated fund permit revenues of the Building Inspection Program.

C. Operational Plan, The Building Official maintains an operating plan in the City complying with OAR 918-090-0300. The plan is available for review during normal business hours of the City.

D. Cooperation with other Agencies: Pursuant to OAR 918-020-0020, plans for buildings that the Fire Marshal inspects for occupancy standards under ORS 476.030 are made available during regular city business hours at the City. Copies of all permits of such buildings or structures are available to the Fire Marshal's office for their information upon review of such plans. The Fire Marshal may provide opinions to city plan review staff. Meetings may be held between the Fire Marshal and plan review staff to allow the Fire Marshal's office to review plans and provide their input. The Fire Marshal's office may request an approved copy of all plans that include fire suppression or early warning fire detection systems, or other design features that are inspected by their office.

Any alternate materials or methods of construction are forwarded to their office upon request in conformance with OAR 918-020-0020. If any alternate method relates to portions that the Fire Marshal is required to inspect, it shall be reviewed and approved by both the Fire Marshal and Building Official. Comments received from the Fire Marshal will be evaluated by the Building Official prior to the issuance of the permit.

In conformance with OAR 918-480-0125, the building official may choose to allow one or more of the Uniform Alternate Construction Standards (UACS) to address concerns identified by the fire marshal, and/or other jurisdictions, for inadequate apparatus access or water supply.

The Building Official reviews plans for conformity to the provisions contained in Appendix N of the Oregon Structural Specialty Code (Referenced Construction Provisions of the Fire Code), as it relates to new construction. This includes fire department access (during construction and permanent access), fire flow, fire hydrant number, and location.

Pursuant to ORS 455.010 and ORS 455.020, the final authority for interpreting and applying the specialty codes and regulations for construction, additions and alterations is retained by the Building Official until the certificate of occupancy has been issued.

15.04.045 Powers and Duties of the Building Official. The Building Official shall administer and enforce the Building Inspection Program, and shall have the authority to render written and oral interpretations of the Building Code and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of the Building Code.

A. License Verification. Per ORS 455.080, notwithstanding ORS 455.630 (2), any inspector, including a specialty code inspector licensed under ORS 455.457, authorized by ORS 455.150 or

455.153 to determine compliance with the requirements of the state building code or any specialty code under this chapter may, in accordance with a compliance program as described in ORS 455.153 (2), require any person who is engaged in any activity regulated by the state building code to demonstrate proof of compliance with the applicable licensing, registration or certification requirements of ORS chapters 446, 447, 455, 460, 479, 480, 693 and 701.

15.04.050 Building Permits. A person shall, prior to undertaking or causing to be undertaken any work for which a permit is required under any provision of the Specialty Codes, obtain a building permit as required in the applicable Oregon Specialty Code.

A. Exemptions from Permits. Refer to the administrative chapters of the Oregon Specialty Codes for Statewide permit exemptions.

B. Application for Permit. Plans, specifications, computations and other data filed by an applicant for a building permit shall be reviewed by the Building Official, and may be reviewed by other departments of the City to verify compliance with the Building Code and any other applicable laws. If the Building Official finds that the work described in an application for a permit and the plans, specifications, computations and other data filed there with conform to the requirements of the Building Code and any other applicable laws, and that all required fees have been paid, the Building Official shall issue a building permit to the applicant.

C. Abandoned Applications. An application for a building permit shall be deemed abandoned 180 days after the date of filing, unless the applicant continues to pursue the application in good faith. The Building Official may grant not more than one extension, for an additional period not to exceed one hundred and eighty days. The applicant must request the extension, in writing, setting forth good and sufficient cause for the extension to the satisfaction of the Building Official prior to the date the application is deemed abandoned pursuant to this subsection.

D. Approved Plans. If plans and specifications are required for the issuance of a building permit, the Building Official shall, at the time the permit is issued, approve the plans and specifications by endorsement in writing or official stamp. All work shall be done in accordance with the approved plans, specifications and specialty code requirements, and shall not be changed, modified or altered without prior authorization from the Building Official.

E. Approved Plans Retention. One set of approved plans and specifications shall be retained by the Building Official for the period specified under rules promulgated by the Oregon State Archivist, and one set of approved plans and specifications shall be returned to the applicant and kept on the work site at all times while the work authorized by the building permit is in progress.

F. Phased Permits. The Building Official may issue phased permits that allow for the construction of part of a building before the plans and specifications for the entire building have been submitted or approved, provided adequate information and detailed statements have been filed with the Building Official that comply with all applicable requirements of the Building Code. The holder of a phased permit shall not, by virtue of a permit issued for any single phase, have any guarantee that plans and specifications for subsequent phases will be approved, or that permits for subsequent phases will be issued.

G. Scope of Permit. The approval of plans and specifications or the issuance of a building permit shall not be construed or deemed to be approval of, or a permit for, any construction, work or activity that violates any of the provision of the Building Code or any other federal, state or local law, statute, rule, regulation or ordinance.

H. Errors in Plans. The issuance of a building permit shall not prevent the Building Official from requiring correction of errors in plans and specifications, or from issuing a stop work order or undertaking enforcement action if any work being carried on violates the Building Code or any other federal, state or local law, statute, rule, regulation or ordinance.

I. Permit Fees. Permit Fees and other related services pursuant to the building code administration program shall be established by resolution of the city council as amended and adopted by established ordinances and shall be in accordance with the Consistent Fee Methodology defined in OAR 918-050-0100.

J. Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The building official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. The building official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
4. The building official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

K. Transfer of Building Permit. A building permit shall only be transferable when authorized by the owner of the property, in writing.

L. Inspection Record Card; Inspections.

1. Work requiring a building permit shall not be commenced until the permittee has posted or otherwise made available an inspection record card on site that allows the Building Official to conveniently make the required entries thereon regarding inspection of the work. The inspection record card shall be maintained on site by the permittee until final approval has been granted by the Building Official. Failure to maintain the Inspection Record Card in a readily visible and available location may result in a reinspection fee equal to the minimum hourly rate noted on the building permit fee schedule adopted by the city-with a minimum 1-hour charge to cover research and staff time to recreate the sign-off records.
2. The permittee shall request all required inspections in a timely manner, provide access to the work site, and provide all equipment deemed necessary or appropriate by the Building Official to perform the inspection. The permittee shall not proceed with construction activity until authorized to do so by the Building Official. The permittee shall cause the work to remain

accessible and exposed for inspection purposes. Any expense incurred by the permittee to remove or replace any material required for proper inspection shall be at the sole cost of the permittee.

3. Job Address Posting. The permittee prior to the commencement of work shall post the job site address in a readily visible location to identify the construction site for inspectors and public safety officials to easily locate the job address. Failure to post the job address in a readily visible location may result in a reinspection fee equal to the minimum hourly rate on the fee schedule adopted by the city.

15.04.055 Use of Alternative Materials, Designs, and Methods; Exceptions; Modifications.

A. The Building Official may authorize the use of alternative materials, designs or methods of construction, provided the material, design or method is, for the purpose intended, the equivalent in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation to the materials, designs or methods prescribed by the Building Code and the use otherwise complies with the provisions of the Building Code. Any person seeking to use alternative materials, designs or methods shall first establish to the satisfaction of the Building Official that the alternative materials, designs or methods are equivalent to those prescribed by the Building Code. The Building Official shall document, in writing, the details of the approval of any such alternative materials, designs or methods prior to the issuance of a building permit.

B. The Building Official may authorize exceptions to the Building Code, if the Building Official determines that there are substantial practical difficulties in carrying out the provisions of the Building Code, that the exception does not lessen any fire protection requirement or lessen the structural integrity of the building, and the proposed construction will satisfy the intent and purpose of the Building Code. The Building Official shall document in writing that the exception meets the criteria set forth in this subsection prior to the issuance of a building permit.

C. If the Building Official determines that an applicant has provided insufficient evidence to authorize the use of any alternative material, method or design, or to support the exception, the Building Official shall deny the request for the use of the alternative material, method or design, or the exception, or may require tests prior to making the determination, to be made at the applicant's sole cost and expense. Any such test shall be performed by a testing agency approved by the Building Official. Reports of such tests shall be retained by the Building Official for the period required for the retention of such public records.

15.04.060 Regulation of Buildings and Structures not in the Scope of the Building Inspection Program

A. Permit Required. In addition to the requirements for permits under the authority of the Building Inspection Program, as described in 15.04.030, a person shall, prior to undertaking or causing to be undertaken any work for which a permit is required under any provision of this section, obtain a construction permit from the City.

The administration and enforcement of permits in this section are subject to the applicable requirements of, and shall comply with, the provisions of this section.

A construction permit from the City is required for buildings and structures requiring a permit in the applicable Oregon Specialty Code but are not included in the scope of authority of the Building Inspection Program as defined in ORS 455.020, and as further defined in Statewide Statutory Interpretation 14-03, including retaining walls and other structures that are not part of a building or structure having occupants and users.

B. Building Code Requirements. Construction of buildings and structures as defined in this section shall comply with the building code as defined in section 15.04.20(B) and 15.04.035 including all applicable requirements for design, plan review, inspection and special inspection. For buildings and structures addressed in this section, building code references to *Building Official* shall mean the *City*.

C. Fees. Permit fees shall be determined in accordance with the current fee table adopted by the City for the Building Inspection Program. Fees shall be paid to the City and all revenues and expenditures relative to this section shall be accounted for separate from the Building Inspection Program funds. Building Inspection Program funds shall not be used for administration of permits, including plan review and inspections, required in accordance with this section including, but not limited to, personnel costs.

D. Plan Review and Inspections. The construction documents shall be reviewed by a representative of the City. Inspections during construction shall be in accordance with the requirements of the building code. Inspections shall be done by a representative of the City. Special Inspections are required in accordance with the building code, as applicable. The City shall approve special inspectors and special inspection reports shall be provided to the City.

15.04.065 Electrical Program Administration

A. Permit Required. Except as permitted by OAR 918-261-0000 through 0039 (electrical work exempt from permit, subsection O of this section for minor installations, subsection P of this section for temporary electrical permits and subsection Q of this section for industrial plant electrical permits) no electrical work shall be performed unless a separate electrical permit for each separate building, structure or installation has first been obtained from the building official.

B. Expiration of Permits. Permits shall expire after work has been abandoned for more than 180 days pursuant to OAR 918-309-0000(7). It shall be the duty of the permit holder to notify the building Official that work is in progress by providing a written notice if no inspection requests have been made for 180 days. The Building Official shall have no obligation to notify or contact the permit holder to notify them of a pending permit expiration.

C. Validity of Permit.

1. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

2. The issuance of a permit based upon plans, specifications, computations and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

D. Revocation of Permits. The building official may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of other ordinances or regulation of the jurisdiction.

E. Plan Review Requirements. Electrical plan review requirements and procedures shall be in accordance with OAR 918-311-0000 through 0060.

F. Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. To renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

G. Permit Fees. Fees for electrical permits shall be established by resolution of the city council in accordance with established ordinances and the Consistent Fee Methodology defined in OAR 918-050-0100.

L. Authority to Disconnect Utilities in Emergencies. The building official or the building official's authorized representative shall have the authority to disconnect electrical service to a building, structure, premises or equipment regulated by this section in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

M. Authority to Condemn Equipment.

1. When the building official ascertains that any equipment, or portion thereof, regulated by the Specialty Codes has become hazardous to life, health or property, the building official shall order in writing that the equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice shall contain a fixed time limit for compliance with such order. Defective equipment shall not be used or maintained after receiving a notice.

2. When equipment or an installation is to be disconnected, written notice of the disconnection and causes therefor shall be given within 24 hours to the serving utility, the owner and occupant of the building, structure or premises. When any equipment is maintained in violation of this

section, and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute an appropriate action to prevent, restrain, correct, or abate the violation.

N. Connection after Order to Disconnect. Persons shall not make connections from an electrical service nor supply electrical power to any equipment regulated by this section which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the proper permits have been obtained, inspections approved, and the building official authorizes the reconnection and use of such equipment in writing.

O. Minor Installation Labels. Rules for the use, issuance, and inspection of minor installation labels shall be as stipulated in OAR 918-050-0500 through 0520.

P. Temporary Electrical Permits. Rules for the use of temporary electrical permits shall be as stipulated in OAR 918-309-0080.

Q. Industrial Plant Electrical Permits and Inspection. Rules for the use of industrial plant electrical permits and inspections shall be as stipulated in OAR 918-309-0100.

R. Transfer of Electrical Permit. An electrical permit shall only be transferable when authorized by the owner of the property, in writing and only after verification of required state licenses and in conformance with administrative state rule.

15.04.070 Work without Permits, Investigations, Right of Entry, Corrections, and Stop Work Orders

A. Work Without a Permit.

1. **Investigation.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation, in accordance with established policies, shall be made before a permit may be issued for such work.

2. **Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be determined in accordance with the City fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

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