Code amendment summary:
Chapter 1 of the 2019 Oregon Structural Specialty Code (OSSC) has been amended to resolve ambiguity, remove conflicts between the various codes, clarify authority, and harmonize certain code provisions.

These amendments replace all the provisions of Chapter 1.

Effective April 1, 2021

Insert page instructions:
These amendments have been formatted as insert pages for the 2019 OSSC.

When inserted into the code, amendments will face the page containing the existing code language. Some pages have been left blank for this purpose.

1. Print these pages double-sided in “book” format.
2. Insert the pages facing the page number in the bottom corner.
3. The amended language is depicted as follows:

**Strikethrough** text represents deleted language.
**Underlined** text represents added language.
This page is intentionally blank
CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the Oregon Structural Specialty Code and may be cited as such and will be referred to herein as “this code.”

101.2 Scope. The scope of this code is as provided in ORS 455.020(1).

ORS 455.020 is not part of this code but is reprinted here for the reader’s convenience:

455.020 Purpose; scope of application; exceptions; scope of rules; fees by rule.

(1) This chapter is enacted to enable the Director of the Department of Consumer and Business Services to promulgate a state building code to govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein, and to require the correction of unsafe conditions caused by earthquakes in existing buildings. The state building code shall 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, and will provide for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §11; 2001 c.710 §8]

The Oregon Structural Specialty Code as adopted by the State of Oregon, Building Codes Division, includes portions of the International Building Code, the International Fire Code and other nationally adopted codes.

It does not include provisions of the “State Fire Code” adopted under the State Fire Marshal’s statutory authority. Unlike the “State Fire Code,” the provisions of the Oregon Structural Specialty Code shall apply to the construction, reconstruction, alteration, repair and installation of materials and equipment in or a part of buildings and structures covered under the state building code.

Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the Residential Code.

101.2.1 Optional local adoption. In addition to the work exempt from building permit in Section 105, the following matters are exempt from building permits unless specifically required by a municipality’s local ordinance. If a municipality adopts an ordinance to require a permit for any of the items below, the construction standards of this code shall be applicable:

1. Protection of adjoining property.
2. Retaining walls. Statewide, retaining walls that provide safeguards for the users of buildings; support accessible parking; support a regulated building; or retain material, which if not restrained, could impact a regulated building, shall require a building permit. A municipality may adopt an ordinance to regulate other retaining walls, provided that the threshold established for requiring a permit does not include retaining walls 4 feet (1219 mm) or less in height, when measured from the bottom of the footing to the top of the wall, except where the retaining wall supports ascending slopes exceeding 3:1 or where the retaining wall supports a nonsoil surcharge. A local height threshold greater than 4 feet (1219 mm) is allowed.
3. Fences, other than required swimming pool barriers, constructed of wood, wire mesh or chain link. Statewide, fences serving as a swimming pool barrier, or as a portion of a swimming pool barrier, for swimming pools accessory to not more than four dwelling units shall require a building permit. A municipality may adopt an ordinance to regulate the construction of other fences constructed of wood, wire mesh or chain link, provided that the threshold established for requiring a building permit does not include fences that are 7 feet (2134 mm) or less in height. A municipality may adopt an ordinance to regulate fences constructed of materials other than wood, wire mesh or chain link, regardless of height. A local height threshold greater than 7 feet (2134 mm) is allowed, regardless of which materials are used.
4. Tanks that are located exterior to and not attached to or supported by a regulated building.
5. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
6. Flagpoles not attached to or supported by a regulated building. A local municipality may adopt an ordinance to require a permit for these structures provided that a permit is not required for these structures that are 25 feet (7620 mm) or less in height. A local height threshold greater than 25 feet (7620 mm) is allowed.
7. **Ground-mounted photovoltaic systems.** A local **municipality** may adopt an ordinance requiring a **building permit** for these structures, provided that a **permit** is not required where these structures are 10 feet (3048 mm) or less in height measured to the highest point of the installation and no public access is permitted beneath the structures. A local height threshold greater than 10 feet (3048 mm) is allowed.

8. **Signs not located in a public right-of-way, and not attached to or supported by a regulated building, which may include local adoption of Appendix H.**

9. **Fixed docks, piers or wharves with no superstructure.**

10. Equipment shelters not intended for human occupancy with a **building area** of 250 square feet or less, designated as **Risk Category I or II.**

11. **Unoccupied grain elevators and silos not exempted by ORS 455.315.**

12. **Tsunami loads, in accordance with Appendix O.**

13. **Rodentproofing, in accordance with Appendix F.**

14. **The design and construction of in-ground swimming pools accessory to not more than four dwelling units.**

**101.2.2 Matters not available for local regulation under the statutory authority of the state building code.** While the following matters may be included in the published national model code, they may not be regulated by the local **municipality** under the authority of the state building code. Any references to these matters in this code have been retained for the convenience of the reader.

**101.2.2.1 Matters outside the statutory authority of the state building code.** The following matters are outside the statutory authority of the state building code in Oregon. Local municipalities may not regulate these matters under the state building code. A municipality may have additional authority outside of the state building code to regulate these matters locally, where not preempted:

1. Pursuant to the regulation of dangerous buildings, a **municipality** may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings.

2. **Abatement of nuisances and dangerous buildings.**

3. **Portable fire extinguishers.**

4. **Fire safety during construction.**

5. **Public utility towers and poles.**

6. **Building or structure encroachments into the public right-of-way.**

7. **Demolition.**

8. **Hydraulic flood control structures, including but not limited to dams and levees.**

9. **Mechanical equipment not specifically regulated in the state building code.**

10. **Temporary use of streets, alleys and public property.**

11. **Floating structures.**

12. **Detached tents and other membrane structures erected for periods of 180 days or less.**

13. **Administration and implementation of a National Flood Insurance Program (NFIP).**

14. **Transitional housing accommodations.**

15. **Employee qualifications, in accordance with Appendix A.**

16. **Fire districts, in accordance with Appendix D.**

17. **Flood-resistant construction, in accordance with Appendix G.**

18. **Grading, in accordance with Appendix J.**

19. **Construction located in the public right-of-way.**

**101.2.2.2 Matters preempted by the state building code.** The following matters are preempted by the state building code and may not be adopted by a local **municipality:**

1. Appendix B (Board of Appeals).

2. Appendix E (Supplementary Accessibility Requirements).


4. Appendix L (Earthquake Recording Instrumentation).

5. Appendix M (Tsunami-generated Flood Hazard).

6. Appendix N (Replicable Buildings).

**101.2.3 Appendices adopted.** The following appendices are adopted by the State of Oregon, Building Codes Division, as part of the state building code:

1. Appendix C (Agricultural Buildings).

2. Appendix I (Patio Covers).

3. Appendix P (Tall Wood Buildings).

**101.3 Purpose.** The purpose of this code, as provided in ORS 455.020(1) and noted in Section 101.2, is to establish the minimum requirements to provide a reasonable level of safety, health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations. It is not the purpose of this code to 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 of this code. **Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.**

**SECTION 102 APPLICABILITY**

102.1 **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. **Consistent with discretionary decision-making powers granted to building officials, a building official may take any action including but not**
limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of the state building code. When waiving or accepting a modification, a building official shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to the state building code except where additional code requirements are specified by the terms of an alternate method approval.

102.1.1 Statutory references. This code is adopted pursuant to Oregon Revised Statutes (ORS). Where this code and the statutes specify different requirements, the statute shall govern. Statutes related to this code include, but are not limited to, ORS 455.010 through 455.895 and ORS 447.210 through 447.310.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code shall take precedence over the provisions in the referenced code or standard.

OAR 918-008-0000 is not part of this code but is reprinted here for the readers’ convenience:

918-008-0000 Purpose and Scope
(1) The Department of Consumer and Business Services, Building Codes Division, adopts model building codes, standards and other publications by reference, as necessary, through administrative rule to create the state building code. When a matter is included in a specialty code or referenced publication that is in conflict with Oregon Revised Statutes or Oregon Administrative Rules, the statute or rule applies and the code or standard provision does not. All remaining parts or application of the code or standard remain in effect.

(2) Unless required by law, matters generally not authorized for inclusion in a specialty code or referenced standard include, but are not limited to: licensing or certification requirements, or other qualifications and standards for businesses or workers; structures or equipment maintenance requirements; matters covered by federal or state law; and matters that conflict with other specialty codes or publications adopted by the department.

102.4.3 ASCE Standard 24, Flood Resistant Design and Construction. The following ASCE 24 tables are not adopted by the State of Oregon, Building Codes Division, as part of the state building code, as the subject matter encompasses Free Board, Base Flood Elevation and Design Flood Elevation. The authority to establish the same is reserved for local government.

1. Table 2-1, Minimum elevation of the top of lowest floor.
2. Table 4-1, Minimum elevation of bottom of lowest supporting horizontal structural member of lowest floor.
3. Table 5-1, Minimum elevation below which flood damage-resistant materials shall be used.
4. Table 6-1, Minimum elevation of floodproofing.
5. Table 7-1, Minimum elevation of attendant utilities and equipment.

National Flood Insurance Program (NFIP)
Each local community participating in the National Flood Insurance Program (NFIP) designates a local flood plain administrator who is responsible to make sure communities meet their insurance program obligations. Certain matters comprised within the NFIP program may conflict with or overlap with the state building code. Certain decisions such as sill plate height and other NFIP criteria fall under the authority and responsibility of the flood plain administrator. Once decisions under the NFIP program are made, then the appropriate requirements of this code for the construction of the building are applied.

Local communities may choose to designate their local building official as the flood plain administrator or may designate other staff. When a building official functioning in the capacity of flood plain administrator exercises authority under the NFIP, such decisions are not part of this code nor subject to the building official duties and responsibilities as adopted by the Oregon Building Codes Division.

Per ORS 455.210(3)(c), local communities are prohibited from using building permit monies for any matter other than administration and enforcement of the state building code. Administration and implementation of a local NFIP program are not part of the state building code.
102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code.

---

Occupied and existing structures under state law related to building inspection programs

Note: This information is provided for building official use and is not intended to provide direction to any other form of government outside of a building official operating under Oregon Building Codes Division’s state laws and rules. Questions regarding this information should be addressed through local counsel.

Under ORS 476.030 and Chapter 455, building officials are prohibited from requiring corrections or any changes to an existing structure that is maintained in conformity with the state building code regulations in effect at the time of construction.

Under ORS Chapters 476 and 455, occupied structures that have no valid certificate of occupancy do not fall under the delegated authority from the state Building Codes Division. No state authority exists for building officials to access buildings or require corrections for structures unless a permit application is on file.

References within the state building code that provide access and investigative authority to building officials are rescinded and are not valid.

---

102.6.1 Compliance. The repair, alteration, change of occupancy, and addition to existing buildings shall comply with the International Existing Building Code as amended by Chapter 34 of this code.

102.6.1.1 Local seismic rehabilitation. See ORS 455.020 (4).

ORS 455.020 (4) is not part of this code but is reprinted here for the readers’ convenience:

455.020 Purpose; scope of application; exceptions; scope of rules; fees by rule.

(4) This chapter and any specialty code does not limit the authority of a municipality to enact regulations providing for local administration of the state building code; local appeal boards; fees and other charges; abatement of nuisances and dangerous buildings; enforcement through penalties, stop-work orders or other means; or minimum health, sanitation and safety standards for governing the use of structures for housing, except where the power of municipalities to enact any such regulations is expressly withheld or otherwise provided for by statute. Pursuant to the regulation of dangerous buildings, a municipality may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §11; 2001 c.710 §8]

---

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103

DEPARTMENT OF BUILDING SAFETY

Not adopted by the State of Oregon Building Codes Division as part of the state building code.

---

SECTION 104

DUTIES AND POWERS OF BUILDING OFFICIAL

The requirements of Sections 104.1 and 104.3 shall apply unless specifically amended by a local municipality under the authority of ORS 455.020.

104.1 General. 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. Consistent with discretionary decision-making powers granted to building officials, a building official may take any action including but not limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of this code. When waiving or accepting a modification, a building official shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, and may not enforce requirements that are in addition to this code except where additional code requirements are specified by the terms of an alternate method approval.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas established by the flood plain administrator, the flood plain administrator shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the flood plain administrator determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612.

104.3 Notices and orders. The building official shall issue necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.
104.5 Right of entry. (Not adopted by the State of Oregon, Building Codes Division, as part of the state building code.)

104.6 Department records. The building official shall keep official records according to applicable retention requirements, as dictated by See OAR 166-150-0020 for locations where a county has jurisdiction; OAR 166-200-0250 where a city has jurisdiction; and OAR Chapter 166 Division 300, et al., for the cities and counties where the State of Oregon has jurisdiction. Such records shall be retained in the official records for the period indicated in the respective OAR sections noted in this section. The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section 1612.

104.7 Liability. See ORS 30.265 for regulations relating to liability.

104.8 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.8.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official. Used or salvaged dimensional lumber shall be permitted to be used.

104.9 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner’s authorized agent, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements create an unsafe or dangerous condition regarding fire and life safety, and does not enforce requirements that are in addition to the state building code except where additional code requirements are specified by the terms of an alternate method approval. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.9.1 Flood hazard areas. (Not adopted by the State of Oregon, Building Codes Division, as part of the state building code.) The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

104.10.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.10.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made without expense to the municipality. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 105

PERMITS

105.1 Required. Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, change the character or use of the occupancy, or change the occupancy of a building or structure, which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. See ORS 455.020(2).

Exceptions:

1. Construction subject to minor labels and master permits when authorized by the inspection authority under OAR Chapter 918, Division 100.
2. Temporary (180 days) structural supports, structural replacement or repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next five business days.
105.2 Work exempt from permit. See Section 101 for the application and scope of this code. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).

2. Oil derricks.

3. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

5. Temporary motion picture, television and theater stage sets and scenery.

6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

8. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

9. Farm and forest use agricultural buildings exempted in ORS 455.315 (also see Appendix C).

10. Equine facilities exempted in ORS 455.315.

Note: Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the exempted items listed in this section. Additionally, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section 105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 Validity of permit. The issuance or granting of a permit 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 any other laws or ordinances of the municipality. Permits presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the municipality shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other laws or ordinances of the municipality. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

The requirements of Sections 105.3 through 105.6 shall apply unless specifically amended by a local municipality under the authority of ORS 455.020.
105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project. The building official may adopt local policies approving specific permit and inspection recording methods.

SECTION 106
FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner’s authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107
SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by ORS 671 and 672. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exceptions:

1. The building official may waive the submission of plans, calculations, construction inspection requirements and other data and the related plan review fee if it is found that the nature of the work applied for is such that review of plans is not necessary to obtain compliance with this code.

2. Plans, specifications, calculations, diagrams and other data prepared and designed by an engineer or architect licensed by the state to practice as such are not required for the following work, provided the building official determines that the work is not of a highly technical nature or there is no unreasonable potential risk to life and/or safety of the structure:

   2.1. The erection, enlargement or alteration of any building, or any appurtenance thereto, where the resulting building has a ground area of 4,000 square feet (372 m²) or less and is not more than 20 feet (6096 mm) in height from the top surface of the lowest floor to the highest interior overhead finish (see ORS 671.030).

   2.2. A detached single-family dwelling; farm agricultural building; nonfarm agricultural building; or accessory building to a single-family dwelling, farm agricultural building, or nonfarm agricultural building.

   2.3. Alterations or repairs that do not involve the structural parts of the building.

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.8.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

107.2.2 Fire protection system shop drawings. Shop drawings, plans, specifications or sketches for the fire protection system(s) shall be submitted to the building official pursuant to the requirements of the state building code and ORS Chapter 455 or ORS 479.155 to determine compliance with the state building code, including but not limited to fire and life safety standards that are part of the state building code. Shop drawings, plans, specifications or sketches shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9. The issuance of permits and inspections shall be the authority of the building official to administer under ORS Chapter 455.

107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer’s installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
107.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

107.2.7 Structural information. The construction documents shall provide the information specified in Section 1603.

107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws and ordinances. Nothing in this code limits a local municipality's ability to require application of its own ordinances, or to enforce its own ordinances.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. Construction documents shall be approved in the timelines specified in ORS 455.467.

107.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner’s authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner’s authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner’s authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

107.3.4.1 Deferred submittals. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. See ORS 455.467(3).
Two copies of a plot plan for the occupancies listed in this section shall be submitted for the placing of prefabricated structures to show the relationship of all adjacent buildings and their exit ways.

ORS 455.467(3), (4), (5) & (6) are not part of this code but are reprinted here for the reader’s convenience:

455.467 Timelines for approval or disapproval of certain specialty code building plans; exceptions; phased permit systems; failure to adhere to timelines.

(3) For specialty code plan reviews of commercial structures, a municipality shall include in its building inspection program submitted under ORS 455.148 or 455.150 a process for plan review services. The municipality shall include in its program detailed reasons supporting the proposed plan review process. The plan review services provided by the municipality shall:

(a) Allow an applicant to defer the submittal of plans for one or more construction phases for a commercial construction project in accordance with the state building code; and

(b) Allow an applicant to receive permits for each of the phases of a commercial construction project as described in the state building code when the plan review for that phase is approved.

(4) For a phased commercial construction project as described in subsection (3) of this section, the municipality shall inform the applicant of the detailed plans necessary for each phase of the project and the estimated time for initial and phased review of the building plans for conformance with the state building code.

(5) An applicant submitting plans under subsection (3) of this section is responsible for ensuring that the project meets all specialty code requirements and that the project does not proceed beyond the level of approval authorized by the building official.

(6) A municipality that repeatedly fails to meet the plan review period described in this section or otherwise authorized in its building inspection program submitted under ORS 455.148 or 455.150 shall be considered to be engaging in a pattern of conduct of failing to provide timely plan reviews under ORS 455.160. [1999 c.1045 §21; 2001 c.384 §1; 2001 c.573 §13; 2003 c.675 §28]

107.3.5 Fire and life safety plan review, occupancies to be reviewed. ORS 479.155(2) requires submission of plans for review and approval of certain occupancies.

Unless exempted by the Building Codes Division through delegation of the fire and life safety plan review program, the owner shall submit to the building codes administrator two copies (or, where required, an additional copy shall be submitted for local government use) of a plan or sketch drawn clearly and to scale showing information as set forth in Section 107.3.5.1 for review and approval prior to beginning construction or alteration. Fire and life safety plan review is required for the following occupancies:

1. Group A occupancies.
2. Group B occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
4. Group F occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
5. Group H occupancies over 1,500 square feet (139 m²) or more than 20 feet (6096 mm) in height, or with a basement.
7. Group M occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
8. Group R, Division 1, 2 and 4 occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement over 1,500 square feet (139 m²).
9. Group S, Division 1, 2 and 3 occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.
10. Group U occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height, or with a basement.

ORS 479.155(2) is not part of this code but is reprinted here for the reader’s convenience:

479.155 Plan of proposed construction or alteration; declaration of value; approval of plan; effect of approval; rules.

(2) Prior to construction or alteration of a hospital, public building as defined in ORS 479.168, public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school, institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute, the owner shall submit to the director two copies of a plan or sketch showing the location of the building or structure with relation to the premises, distances, lengths and details of construction as the director shall require. A filing is not required with respect to any such building or structure in any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. Approval of the plans or sketches by the director is considered approval by the State Fire Marshal and satisfies any statutory provision requiring approval by the State Fire Marshal. [1965 c.602 §14; 1967 c.417 §20; 1973 c.834 §33; 1977 c.821 §4; 1987 c.414 §158; 1993 c.744 §116; 1999 c.1082 §13; 2005 c.22 §364]

107.3.5.1 Fire and life safety plan review limits. The following portions of this code shall be used to review the plans submitted under this subsection. (These requirements are not intended to apply to structural, architectural, light and ventilation, accessibility and energy conservation requirements of the code except as they affect requirements included on the list.)

Chapter 1, except Sections 103, 104, 105, 109, 110 and 113.
Chapters 2 through 10.
Chapter 11 (egress signage).
Chapters 14.
Chapter 15 (except Sections 1503 and 1504);
Chapter 24.
Chapter 26.
Chapters 30 through 32.
Chapter 34.
Appendix C.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
107.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than dictated by OAR 166-150-0020 where a county has jurisdiction; OAR 166-200-0250 where the city has jurisdiction; and OAR 166-300, et al., for the jurisdictions where the State of Oregon has jurisdiction. One set of approved plans and specifications shall be returned to the applicant and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

ORS 455.020(2) is not part of this code but is reprinted here for the reader’s convenience:

455.020(2) Purpose: scope of application; exceptions; scope of rules; fees by rule.

(2) The rules adopted pursuant to this chapter shall include structural standards; standards for the installation and use of mechanical, heating and ventilating devices and equipment; and standards for prefabricated structures; and shall, subject to ORS 455.210, prescribe reasonable fees for the issuance of building permits and similar documents, inspections and plan review services by the Department of Consumer and Business Services. The department may also establish, by rule, the amount of any fee pertaining to the state building code or any specialty code that is authorized by statute, but for which an amount is not specified by statute. [Formerly 456.755; 1991 c.227 §2; 1991 c.310 §2; 1995 c.304 §1; 1995 c.400 §5; 1999 c.1045 §13; 1999 c.1082 §9; 2001 c.673 §1; 2005 c.833 §3; 2007 c.604 §6; 1997 c.856 §107.1

108.3 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109
FEES

ORS 455.210(3)(a) is not part of this code but is reprinted here for the reader’s convenience:

ORS 455.210 Fees; appeal of fees; surcharge; reduced fees; rules.

(3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and reasonable to provide for the administration and enforcement of any specialty code or codes for which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality shall give the director notice of the proposed adoption of a new or increased fee under this subsection. The municipality shall give the notice to the director at the time the municipality provides the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time notice of the last budget meeting is published underORS 294.426. [Subsections (1) to (5) formerly 456.760; subsection (6) enacted as 1987 c.604 §6; 1997 c.856 §1; 1999 c.432 §1; 1999 c.1045 §24; 1999 c.1082 §9; 2001 c.573 §9; 2001 c.673 §1; 2005 c.193 §1; 2005 c.833 §3; 2007 c.69 §5; 2011 c.473 §29]

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

ORS 455.210(3)(a)

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. On buildings, structures or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the municipality, under authority of ORS 455.020 and 455.210 or as set forth in OAR Chapter 918, Division 460, where the State of Oregon has jurisdiction.

109.2.1 Plan review fees. Where submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be a percentage of the building permit fee as established under Section 109.2. Additionally, the fee for a fire and life safety plan review, as required by Section 107.3.5, shall be a percentage of the building permit fee established under Section 109.2.

The plan review fees specified in this section are separate from the permit fees specified in Section 109.2 and are in addition to the permit fees. The state surcharge is not applied to plan review fees.

Where submittal documents are incomplete or changed so as to require additional plan review, a fee shall be charged according to the rate established by the municipality. Where the project involves deferred submittal items, as defined in Section 107.3.4.2, an additional plan review fee shall be charged according to the rate established by the municipality in accordance with OAR 918-050-0170.

109.3 Building permit valuations. Structural building permit valuations shall be based on the Uniform Fee Methodologies established by OAR 918-050-0100.

Exception: Work as permitted in Section 105.1.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee. The amount of the investigative fee shall be the average or actual additional cost of ensuring that a building or structure is in conformance with this code and shall be in addition to the required permit fees.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. The building official is authorized to establish a refund policy.
OAR 918-050-0100 is not part of this code but is reprinted here for the reader’s convenience.

Uniform Fee Methodology

918-050-0100 Statewide Fee Methodologies for Residential and Commercial Permits

(2) Commercial construction permit fees shall be calculated using the following methodologies:

(a) A plumbing permit fee shall be calculated based on the number of fixtures and footage of piping, with a set minimum fee.

(b) A mechanical permit fee shall be calculated based on the value of the mechanical equipment and installation costs and applied to the municipality’s fee schedule with a set minimum fee.

(c) A structural permit fee shall be calculated by applying the valuation to the municipality’s fee schedule with a minimum set fee. Valuation shall be the greater of either:

(A) The valuation based on the ICC Building Valuation Data Table current as of April 1 of each year, using the occupancy and construction type as determined by the building official, multiplied by the square footage of the structure; or

(B) The value as stated by the applicant. (C) When the construction or occupancy type does not fit the ICC Building Valuation Data Table, the valuation shall be determined by the building official with input from the applicant.

Stat. Auth.: ORS 455.048 & 455.055
Stats. Implemented: ORS 455.046 & 455.055

ORS 455.058 is not part of this code but is reprinted here for the reader’s convenience.

455.058 Investigation fee for work commenced without permit; rules.

(1) Except as provided in subsection (2) of this section, the Department of Consumer and Business Services, or a municipality administering and enforcing a building inspection program, may assess an investigation fee against a person that is required to obtain a permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other systems of a building or structure if the work is commenced before the permit required for the work is obtained. The amount of the investigation fee shall be the average or actual additional cost of ensuring that a building, structure or system is in conformance with state building code requirements that results from the person not obtaining a required permit before work for which the permit is required commences.

(2) This section does not apply to: (a) An emergency repair required for health, safety, the prevention of property damage or the prevention of financial harm if the required building permit for the repair is obtained no later than five business days after commencement of the repair; or (b) Any project for which construction, alteration, repair, maintenance or installation in a building or structure prior to obtaining a permit is expressly authorized by law.

(3) The department may adopt rules and establish policies and procedures for use by the department or municipalities in assessing an investigation fee under this section. [2013 c.324 §2]

SECTION 110
INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other laws or ordinances of the municipality. Inspections presuming to give authority to violate or cancel the provisions of this code or of other laws or ordinances of the municipality shall not be valid. It shall be the duty of the owner or the owner’s authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the municipality shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

110.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.11. The building official may adopt local policies approving specific inspection recording methods.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 shall be submitted to the building official as required for building code administration and to the flood plain administrator in the management of any NFIP requirements.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.
Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

110.3.7 Fire-and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3.1 through 110.3.8, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. For special inspections, see Chapter 17.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.12 Radon mitigation inspections. Where radon mitigation systems are required by Section 1811 or 1812, or both, inspections shall be provided in accordance with the methods and frequency prescribed in this section.

110.3.12.1 Inspection of subfloor preparation. In conjunction with the “concrete slab and under-floor inspection” required by Section 110.3.2, the building official shall conduct subfloor preparation inspections. Such inspections shall be made after the placement of the gas-permeable layer in accordance with the compliance method selected in Section 1811.2.1 or 1812, or both. Depending on the method of construction, inspections shall include, but not be limited to:

1. Aggregate type and placement.
2. Sand type and placement.
4. Gas conveyance piping system placement in accordance with Section 1811.3.4.
5. Radon suction pits, including plenum boxes, collection pits, etc.
6. Preparations for installation of subslab soil exhaust ducts.
7. Other inspections as required by the building official to ensure compliance with selected alternate methods or engineered systems.

110.3.12.2 Inspection of walls in contact with soil gas. For designs incorporating walls in contact with soil gas, the building official shall conduct inspections for compliance with Section 1811.2.4. This inspection shall be made in conjunction with the “footing and foundation inspection” required by Section 110.3.

110.3.12.3 Inspection of subslab soil exhaust system duct (SSESD). In conjunction with the “frame inspection” required by Section 110.3.4, the building official shall conduct SSESD inspections. Such inspections shall be made after the placement and identification of all SSESDs as required by Sections 1811.2.5 and 1812.3.7, and where an active soil depressurized system is selected in accordance with Section 1811.3.2.

110.3.12.4 Inspection of SSESD blower—active soil depressurization systems (ASD). In conjunction with the “final inspection” required by Section 110.3.11, the building official shall conduct ASD SSESD blower inspections. Such inspections shall be made after the installation of SSESD blowers in accordance with Section 1811.3.3.

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 111
CERTIFICATE OF OCCUPANCY

Under state authority, buildings occupied without a valid certificate of occupancy or permit are under the enforcement authority of the Office of State Fire Marshal.

Local programs should ensure that adequate local ordinances have been adopted allowing for enforcement action where a certificate of occupancy was not issued or where no permit has been applied for.

111.1 Change of occupancy. A building or structure shall not be used or occupied, and a change in the existing character, use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy for such change in character, use or occupancy therefor as provided herein. Issuance of a certificate of
occupancy shall not be construed as an approval of a violation of the provisions of this code.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

111.2 Certificate issued. After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner’s authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

111.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. Nothing in this code limits a local municipality’s ability to require application of its own ordinances, or to enforce its own ordinances.

### SECTION 112
SERVICE UTILITIES

Not adopted by the State of Oregon Building Codes Division as part of the state building code. Municipalities may have independent local authority regarding service utilities.
ORS 455.475 is not part of this code but is reprinted here for the reader’s convenience:

**455.475. Appeal of decision of building official.**

(1) An applicant for a building permit may appeal a decision made by a building official under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an appeal under this subsection:

(a) An appeal regarding the interpretation or application of a particular specialty code provision shall be made first to the appropriate specialty code chief inspector of the Department of Consumer and Business Services. The decision of the department chief inspector may be appealed to the appropriate advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the applicable specialty code are at issue.

(b) If the appropriate advisory board determines that a decision by the department chief inspector is a major code interpretation, then the inspector shall distribute the decision in writing to all applicable specialty code public and private inspection authorities in the state. The decision shall be distributed within 60 days after the board’s determination, and there shall be no charge for the distribution of the decision. As used in this paragraph, a “major code interpretation” means a code interpretation decision that affects or may affect more than one job site or more than one inspection jurisdiction.

(2) Except as provided in subsection (1) of this section, an applicant for a building permit may appeal the decision of a building official on any matter relating to the administration and enforcement of these provisions without first having obtained such permit, label, license, certificate, registration or other formal authorization.

(3) If an appeal is made under this section, an inspection authority shall extend the plan review deadline by the number of days it takes for a final decision to be issued for the appeal. [1999 c.1045]

**SECTION 114**

**VIOLATIONS**

**114.1 Prohibited acts.** Prohibited acts are as described in ORS 455.450.

**ORS 455.450 is not part of this code but is reprinted here for the reader’s convenience:**

**455.450 Prohibited acts.** A person may not:

(1) Violate, or procure or assist in the violation of, any final order the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector, concerning the application of the state building code in a particular case or concerning a license, certificate, registration or other authorization.

(2) Engage in, or procure or assist any other person to engage in, any conduct or activity for which a permit, label, license, certificate, registration or other formal authorization is required by any specialty code, any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693 or any rule adopted or order issued for the administration and enforcement of these provisions without having obtained such permit, label, license, certificate, registration or other formal authorization.

(3) Violate, or procure or assist in the violation of, any standard, specification, requirement, prohibition or other technical provision set forth in the state building code or an applicable local building code or in any rule or order of the Department of Consumer and Business Services, an advisory board, a local governing body or local building official. [Formerly 456.885 (1); 2007 c.306 §3]

**114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the construction, reconstruction, alteration and repair of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the municipality to institute the appropriate proceeding at law.

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**114.5 Penalties.** Penalty amounts other than those described in Section 109.4 are limited by ORS 455.895. Local authority to levy penalties is limited to violations of code application only.
ORS 455.895 is not part of this code but is reprinted here for the reader’s convenience:

**455.895 Civil penalties.**

(2) The Department of Consumer and Business Services, or an appropriate advisory board, if any, may at its discretion impose a civil penalty against any person who violates the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.945 to 479.949, 479.950 or 480.510 to 480.670, or this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and enforcement of those statutes. Except as provided in subsections (3), (4) and (9) of this section or ORS 446.995, a civil penalty imposed under this section must be in an amount determined by the appropriate advisory board or the department of not more than $5,000 for each offense or, in the case of a continuing offense, not more than $1,000 for each day of the offense.

(3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued under ORS 446.003 to 446.200 or 446.225 to 446.285, constitutes a separate violation with respect to each manufactured structure or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed $1 million for any related series of violations occurring within one year from the date of the first violation.

(4) The department may impose a civil penalty of not more than $25,000 against a public body responsible for administering and enforcing a building inspection program. As used in this subsection, “public body” has the meaning given that term in ORS 174.109.

(5) The maximum penalty established by this section for a violation may be imposed only upon a finding that the person has engaged in a pattern of violations. The department, by rule, shall define what constitutes a pattern of violations. Except as provided in subsections (1) and (10) of this section, moneys received from any civil penalty under this section are appropriated continuously for and shall be used by the department for enforcement and administration of provisions and rules described in subsection (2) of this section.

(6) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the department or the appropriate advisory board considers proper and consistent with the public health and safety. In any judicial review of a civil penalty imposed under this section, the court may, in its discretion, reduce the penalty.

(8) Any officer, director, shareholder or agent of a corporation, or member or agent of a partnership or association, who personally participates in or is an accessory to any violation by the partnership, association or corporation of a provision or rule described in subsection (2) of this section is subject to the penalties prescribed in this section.

(9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person who violates a provision or rule described in subsection (2) of this section may be required by the department or the appropriate advisory board to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the department or advisory board that does not exceed five times the amount by which such person profited in any transaction that violates a provision or rule described in subsection (2) of this section.

(10) If a civil penalty is imposed for a violation of a provision of ORS 446.566 to 446.646 and the violation relates to a filing or failure to file with a county assessor functioning as agent of the department, the department, after deducting an amount equal to the department’s procedural, collection and other related costs and expenses, shall forward one-half of the remaining civil penalty amount to the county in which the manufactured structure is located at the time of the violation.


**SECTION 115 STOP WORK ORDER**

Not adopted by the State of Oregon Building Codes Division as part of the state building code. Municipalities may have independent local authority regarding stop work orders.

**SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

Not adopted by the State of Oregon Building Codes Division as part of the state building code. Municipalities may have independent local authority regarding unsafe structures and equipment.