

Oregon Structural Specialty Code

2025 edition

Chapter 1 – Scope and administration

PART 1—SCOPE AND APPLICATION

SECTION 101—SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the *Oregon Structural Specialty Code* and may be cited as such and will be hereinafter referred to 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.

This code, as adopted by the State of Oregon, Building Codes Division, includes portions of the *International Building Code*, the *International Fire Code*, the *International Existing Building Code* and other nationally adopted codes.

This code does not include provisions of the *Oregon Fire Code* adopted under the State Fire Marshal's statutory authority.

Unlike the *Oregon Fire Code*, the provisions of this code shall apply to the construction, reconstruction, *alteration*, *repair* and installation of materials and equipment in, or part of *buildings* and structures governed by the *state building code*. Detached one- and two-family *dwelling units* 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*. See Section R101.2.1 for the scope and application of the *Residential Code*.

101.2.1 Optional local adoption to require a building permit. 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 building *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, measured from the bottom of the footing to the top of the wall, except where the retaining wall supports ascending slopes exceeding 3:1 (33 percent) 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.

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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. Rodentproofing, in accordance with Appendix F.
13. 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 this 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 statutory authority of this code. Any references to these matters retained in this code are for the convenience of the reader.

101.2.2.1 Matters outside the statutory authority of this code. The following matters are not regulated by this code and are outside the statutory authority of this code. Local *municipalities* may not regulate these matters under the authority of this code. A *municipality* may have authority outside of this code to regulate these matters locally, where not preempted:

1. Post-occupancy lease or rental arrangements of dwellings, short-term rentals of dwellings, dwelling vacation rentals and similar uses.
2. 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.
3. Abatement of nuisances and dangerous buildings.
4. Portable fire extinguishers.
5. Fire safety during construction.
6. Public utility towers and poles.
7. Building or structure encroachments into the public right-of-way.
8. Demolition.
9. Hydraulic flood control structures, including but not limited to dams and levees.
10. Mechanical equipment not specifically regulated in the *state building code*.
11. Temporary use of streets, alleys and public property.
12. Floating structures.
13. Detached *tents* and other *membrane structures* erected for periods of 180 days or less.
14. Administration and implementation of a National Flood Insurance Program (NFIP).
15. Transitional housing accommodations.
16. Construction located in the public right-of-way.
17. Employee qualifications, in accordance with Appendix A.
18. Fire districts, in accordance with Appendix D.
19. Flood-resistant construction, in accordance with Appendix G.
20. Grading, in accordance with Appendix J.

101.2.2.2 Matters preempted by the state building code. The following matters and appendices are not adopted by the State of Oregon, Building Codes Division, as part of this code, but the referenced 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).
3. Appendix K (Administrative Provisions).
4. Appendix L (Earthquake Recording Instrumentation).

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

6. Appendix N (Replicable Buildings).

7. Appendix P (Sleeping Lofts)

101.2.3 Appendices adopted. The following appendices are adopted as part of this code:

1. Appendix C (Group U—Agricultural Buildings).
2. Appendix I (Patio Covers).
3. Appendix O (Performance-based Application).

101.2.4 Appendices approved for local adoption. The following appendices are not adopted as part of this code and are only enforceable where approved by the local fire service and adopted by the local *municipality*. These appendices may be adopted without application of ORS 455.040.

1. Appendix Q (Single-Exit Provisions for Buildings Containing Group R-2 Dwelling Units).

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*, stability, sanitation, light and *ventilation*, energy conservation, and for providing a reasonable level of life safety and property protection from the hazards of fire, *explosion* or *dangerous* conditions 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 or accepting an alternate method to the requirements of this code. When waiving a requirement 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.

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.

Statutes referenced may be obtained from the Building Codes Division, 1535 Edgewater St. NW, Salem, OR 97304 or P.O. Box 14470, Salem, OR 97309 at a nominal cost or read online at: *Oregon.gov/bcd*.

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.

(3) OAR 918-008-0000 to OAR 918-008-0070 provides the process for adopting and amending the state building code that is consistent across all program areas.

(4) The state building code is derived from the most appropriate version of base model codes, which are updated periodically.

(5) The Oregon specialty code amendment process begins approximately midway into a code cycle.

(6) An appropriate advisory board approves or forwards the adoption of the Oregon specialty code and amendments to the Department for adoption.

(7) Notwithstanding sections (3) through (6) of this rule, the division may adopt supplemental code amendments as authorized by OAR 918-008-0028.

102.4.3 ASCE Standard 24, Flood Resistant Design and Construction. The following ASCE 24 tables are not adopted as part of this code, as the subject matter encompasses *Freeboard*, *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 State of Oregon, Building Codes Division.

Per ORS 455.210(3)(c), local *municipalities* 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.

102.6.1 Existing building regulation. The *repair, alteration, change of occupancy*, addition and relocation of *existing buildings*, regardless of occupancy, shall comply with Chapter 34 of this code.

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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 State of Oregon, Building Codes Division's 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 of Oregon, 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.

102.6.2 Local seismic rehabilitation plans. 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.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103—CODE COMPLIANCE AGENCY

Not adopted by the State of Oregon, Building Codes Division, as part of this 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.

104.2 Determination of compliance. The *building official* shall have the authority to determine compliance with this code, 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:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

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 or accepting an alternate method to the requirements of this code. When waiving a requirement 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.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an *approved* listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the *building official*.

104.2.2 Technical assistance. Where prescribed by this code, the *building official* is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the *municipality*.

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104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the *building official*. The *building official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional where required by state law*.

104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the *building* or premises and the *facilities* and appurtenances situated thereon to identify and propose necessary recommendations.

104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *building official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *building official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *building official*.

104.2.3 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 is not specifically prohibited by this code and has been *approved*.

Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the *International Code Council Performance Code*. This exception shall not apply to alternative structural materials or to alternative structural designs.

104.2.3.1 Approval authority. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *building official* for approval. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons the alternative was not *approved*.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, *other than fire safety*.
6. Fire *safety*.

104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *building official*.

104.2.3.5.1 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *building official*.

104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the *building official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *building official*.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the *building official*. The *building official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

104.2.3.7 Peer review. The *building official* is authorized to require submittal of a *peer review* report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is *approved* by the *building official*.

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104.2.4 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, provided that the *building official* shall first find that one or more special individual reasons make the strict letter of this code impractical, and that the modification is in compliance with the intent and purpose of this code and that such modification does not 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 the written request for and action granting modifications shall be recorded and entered in the files of the *municipality*.

104.2.4.1 Flood hazard areas. This section is not adopted by the State of Oregon, Building Codes Division, as part of this code.

104.3 Applications and permits. The *building official* shall receive applications, review *construction documents*, issue *permits*, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3.1 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.

104.4 Right of entry. This section is not adopted by the State of Oregon, Building Codes Division, as part of this code.

104.5 Reserved.

104.6 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

104.7 Official records. The *building official* shall keep official records according to the applicable retention requirements set forth in OAR 166-150-0020 for locations where the county has jurisdiction, in OAR 166-200-0250 for locations where a city has jurisdiction, and in OAR 166 Division 300, for locations where the State of Oregon has jurisdiction. 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.

104.7.1 Tests. The *building official* shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

104.7.2 Fees. The *building official* shall keep a record of fees collected and refunded in accordance with Section 109.

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

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

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved. Used or salvaged dimensional lumber shall be permitted to be used.

SECTION 105—PERMITS

105.1 Required. Any *owner* or *owner's* authorized agent who intends to construct, enlarge, alter, *repair*, move or change the occupancy of a *building* or *structure*, that 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*. Any *owner* or *owner's* authorized agent who intends to *repair* an existing *fire protection system* or *life safety system* shall first notify the local *building official* and obtain any necessary building *permit*, where required by the *municipality*. 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 *municipality* shall be notified of this work within 72 hours and *permit* application for the temporary work shall be submitted within the next 5 business days.

105.2 Work exempt from permit. For the application and scope of this code, see Section 101. For *repairs* in *existing buildings*, see Chapter 34. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as trash enclosures, provided that the gross floor area is not greater than 120 square feet (11 m²).
2. One-story detached *nonoccupied Group U* structures, provided that the gross floor area is not greater than 200 square feet (18.58 m²), provided that the structure is not used as a trash enclosure.

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3. Fences, other than required swimming pool barriers, not over 7 feet (2134 mm) high.
4. 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*.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
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 elements not greater than 5 feet 9 inches (1753 mm) in height that do not alter any portion of the required means of egress, including but not limited to: cases, racks, counters, and partitions such as cubicle and workspace walls.
9. Farm- and forest-use *agricultural buildings* exempted in ORS 455.315 (also see Appendix C).
10. Buildings and 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.

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.

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the *municipality* for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed *building* or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

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 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. *Permits* presuming to give authority to violate or cancel the provisions of this code or other laws 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. 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.

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 laws 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.

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Purple denotes new IBC language

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—CONSTRUCTION DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report, *design calculations*, and other data as needed to demonstrate that the proposed design and construction conforms to the provisions of this code and relevant laws, shall be submitted in two or more sets, or in a digital format where specified by the *municipality*, with each *permit* application. Where special conditions exist, the *building official* is authorized to require that additional *construction documents* be submitted. The *construction documents* shall be prepared by a *registered design professional* where required by ORS 671 and 672.

Exception: 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.

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. 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 systems* 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 assembly* 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 barrier* 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 assembly*. The supporting documentation shall fully describe the *exterior wall assembly* 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 have *weather-exposed surfaces*, 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. Nothing in this code limits a local *municipality's* ability to require application of its own ordinances, or to enforce its own ordinances.

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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*.

ORS 455.467 is 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.

(1) Except as provided in subsection (2) of this section, for specialty code plan reviews of simple low-rise residential dwellings, the Department of Consumer and Business Services or a municipality that administers a building inspection program under ORS 455.148 or 455.150 shall approve or disapprove the specialty code building plan:

(a) For a jurisdiction with a population that is less than 300,000, within 10 business days of receiving a complete application, or shall implement the process described in ORS 455.465.

(b) For a jurisdiction with a population that is 300,000 or more, shall implement the process described in ORS 455.465.

(2) The 10-day and 15-day requirements in subsection (1) of this section do not apply if:

(a) The plan requires approval by federal, state or local agencies outside the jurisdiction of the issuing agency;

(b) The plan is for a complex structure that requires additional review as determined by the department or municipality; or

(c) Based on conditions that exist in the affected municipality, the Director of the Department of Consumer and Business Services authorizes a different plan review schedule as described in a building inspection program submitted under ORS 455.148 or 455.150.

(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.

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 from the top surface of the lowest flooring to the highest interior overhead finish of the structure, or with a basement.
3. Group E occupancies.
4. Group F occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height from the top surface of the lowest flooring to the highest interior overhead finish of the structure, or with a basement.
5. Group H occupancies over 1,500 square feet (139 m²) or more than 20 feet (6096 mm) in height from the top surface of the lowest flooring to the highest interior overhead finish of the structure, or with a basement.
6. Group I occupancies.
7. Group M occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height from the top surface of the lowest flooring to the highest interior overhead finish of the structure, 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 from the top surface of the lowest flooring to the highest interior overhead finish of the structure, 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 from the top surface of the lowest flooring to the highest interior overhead finish of the structure, or with a basement.
10. Group U occupancies over 4,000 square feet (372 m²) or more than 20 feet (6096 mm) in height from the top surface of the lowest flooring to the highest interior overhead finish of the structure, or with a basement.

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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.

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 efficiency requirements of the code except as they affect requirements included on the list.)

Chapters 1 through 10.

Chapter 11 (egress).

Chapter 14.

Chapter 15.

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 that dictated by OAR 166-150-0020 where a county has jurisdiction; OAR 166-200-0250 where the city has jurisdiction; or OAR 166 Division 300, 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.

SECTION 108—TEMPORARY STRUCTURES

108.1 General. The *building official* is authorized to issue a *permit* for temporary structures. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

See Chapter 31 for additional requirements. Detached *tents* and other *membrane structures* erected for a period of 180 days or less are regulated by the fire official.

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

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

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SECTION 109—FEES

The requirements of Section 109 shall apply unless specifically amended by a *municipality* under the authority of ORS 455.020.

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. Where a *permit* is required, 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.

ORS 455.210(3)(a) is not part of this code but is reprinted 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 under ORS 294.426.

109.2.1 Plan review fees. Where *construction documents* are required by Section 107.1, a plan review fee shall be paid at the time of submittal. The 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 submitted *construction 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 includes deferred submittals, 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 exempted by Section 105.2.

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.

109.4 Work commencing before permit issuance. Any person who commences any work 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.

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.

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.

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*. Inspections presuming to give authority to violate or cancel the provisions of this code or of other laws 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 110.3.12. 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, *fire-blocking* 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 Types IV-A, IV-B and IV-C connection protection inspection. In *buildings* of Types IV-A, IV-B and IV-C construction, where connection *fire-resistance ratings* are provided by wood cover calculated to meet the requirements of Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.

110.3.6 Lath and gypsum panel product inspection. Lath and *gypsum panel product* inspections shall be made after lathing and *gypsum panel products*, interior and exterior, are in place, but before any plastering is applied or *gypsum panel product* joints and fasteners are taped and finished.

Exception: *Gypsum panel products* that are not part of a fire-resistance-rated assembly or a shear assembly.

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110.3.7 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces have *weather-exposed surfaces*, 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.

110.3.8 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*.

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

110.3.10 Other inspections. In addition to the inspections specified in Sections 110.3.1 through 110.3.9, 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 *municipality*.

110.3.11 Special inspections. For *special inspections*, see Chapter 17.

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

110.3.12.1 Flood hazard documentation. If located in a *flood hazard area* as established by the flood plain administrator and in accordance with Section 1612.3, documentation of the elevation of the *lowest floor* or the elevation of dry floodproofing, if applicable, as required in Section 1612.4 shall be submitted to the *building official* prior to the final inspection.

110.3.13 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.

110.3.13.1 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.
3. Geotextile fabric 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.

110.3.13.2 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 110.3.1.

110.3.13.3 Inspection of subslab soil exhaust system duct (SSED). In conjunction with the “frame inspection” required by Section 110.3.4, the *building official* shall conduct SSED inspections. Such inspections shall be made after the placement and identification of all SSEDs 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.

110.3.13.4 Inspection of SSED blower—active soil depressurization systems (ASD). In conjunction with the “final inspection” required by Section 110.3.12, the *building official* shall conduct ASD SSED blower inspections. Such inspections shall be made after the installation of SSED 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 the *permit* holder’s 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*.

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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 a permit was not requested.

111.1 Change of occupancy. A building or structure shall not be used or occupied in whole or in part, and a *change of occupancy* classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of 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. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws shall not be valid.

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 *municipality*, 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, 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. Where 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 suspend or revoke a certificate of occupancy or completion issued under the provisions of this code, in writing, 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 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 this code. *Municipalities* may have independent local authority regarding service utilities.

SECTION 113—MEANS OF APPEALS

113.1 General. The local *municipality* shall establish a process to review appeals of determinations made by the *building official* regarding any provision of the specialty codes the *municipality* administers and enforces, to include a method to identify the local *building official* or designee and to notify a permit applicant of the provisions of ORS 455.475, see OAR 918-020-0090(1)(c).

Where there are practical difficulties in establishing a local appeals board, appeals filed under the provisions of ORS 455.475 shall satisfy this requirement.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. An appeals board, where appointed, shall not have authority to waive requirements of this *code*.

113.3 Qualifications. An appeals board, where appointed, shall consist of members who are qualified by experience and training on matters pertaining to *the provisions of this code* and who are not employees of the *municipality*.

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113.4 Alternative appeal process. ORS 455.475 provides an alternative appeal process to any established by a local *municipality*. An applicant for a building *permit* may choose to appeal a *building official's* decision regarding a particular specialty code to a local appeals board or directly to the appropriate specialty code program chief.

Note: Forms for filing an appeal under ORS 455.475 are available online at: *Oregon.gov/bcd*.

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 this chapter to the department. The appeal must be in writing. A decision by the department on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484.

(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.

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 first 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.

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, 479.510 to 479.945, 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 this code. A *municipality* may have authority outside of this code to regulate these matters locally, where not preempted.

SECTION 116—UNSAFE STRUCTURES AND EQUIPMENT

Not adopted by the State of Oregon Building Codes Division as part of this code. A *municipality* may have authority outside of this code to regulate these matters locally, where not preempted.