

Private utilities

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Code reference: 2023 Oregon Plumbing Specialty Code (OPSC) – Sections 311 and 721.2

Date: May 2025

Subject: Private utilities

Questions:

1. The exception in OPSC Section 311.1, allows a lot, as defined in OPSC Section 214.0, situated behind another to tie the utilities into the front lot's structure, does this exception allow multiple buildings on the same lot to run utilities through buildings within that same lot?
2. OPSC Section 721.2 requires an easement to be submitted to the Building Official, does the Building Official have the authority to require an easement before issuing a permit or finalizing a permit?

Answers:

1. No, OPSC Section 311.1 requires each building to have a separate connection to a private sewer or public sewer.
2. No, OPSC Section 721.2 does not delegate authority to the Building Official to require a legal easement.

Analysis:

The exception in OPSC Section 311.1 states that an interior lot may run its utilities into the front lot's building, this is the only place in code that it's allowed. A single lot is not allowed to run its utilities through adjoining buildings, there is no allowance for this practice. Section 311.1 initially states that all buildings must run to a public or private sewer independently, not through any other building. A private sewer, as defined in OPSC Section 218.0, is a building sewer that receives discharge from one or more buildings and conveys to a public sewer. All buildings on a single lot must tie-into a private sewer (common sewer) on that lot.

The OPSC only covers up to two properties when encompassing private utilities using another lot for access. The exception in OPSC Section 311.1 states that an interior lot may have access to the front lot for private utilities. OPSC Section 721.2 allows utilities to share an abutting lot for access. Private utilities on more than two lots may have to comply with other regulatory agencies, including DEQ, OHA, or local standards. If there are more than two lots wanting to share private utilities, this will require an approval at the local level, there should be latitude for creative and economical strategies for development.

While the code provides a path for the use of an additional lot for utility access, there is no statutory language that encompasses delegated Building Official authority to require a legal easement allowing the use of someone else's property for utilities. Municipalities may have independent regulatory authority over easements and private utilities feeding more than two lots. Any authority allowing or requiring easements at the local level needs to come from a local source independent of the building code.

Contact: Visit the division website to [contact a building code specialist](#).