

CHAPTER 1 ADMINISTRATION

101.0 Title, Scope, and General.

101.1 Title.

This document shall be known as the “Oregon Plumbing Specialty Code,” may be cited as such, and will be referred to herein as “this code.”

101.2 Purpose.

This code ~~is an administrative rule providing~~ **provides** minimum **plumbing** requirements and standards for the protection of the public health, safety, and welfare.

The purpose of this code is not 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.

101.2.1 Statutory and Administrative Rule references. This code is adopted pursuant to Oregon Revised Statute (ORS) and the administrative rules adopted thereunder (OAR). Where in any specific case this code and the statutes or rules specify different requirements, the statute or rule shall govern. Statutes related to this code include, but are not limited to, ORS chapters 447, 455 and 693.

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 <http://www.BCD.oregon.gov/statutes.html>.

101.3 Plans Required.

The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to require the submission of plans, specifications, drawings, and such other information as required by OAR 918-780-0040, prior to the commencement of, and at any time during the progress of, any work regulated by this code.

The issuance of a permit upon plans and specifications shall not prevent the ~~Authority Having Jurisdiction~~ **building official** from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or of any other pertinent rule or from revoking any certificate of approval when issued in error.

101.3.1 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 ~~authority having jurisdiction~~ **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, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

101.3.2 Request for ruling. ORS 455.060 provides for state rulings on acceptable materials, designs and methods of construction. When a ruling has been issued, ORS 455.060(4) applies.

ORS 455.060 is not part of this code but is reproduced here for the reader's convenience:

455.060 Rulings on acceptability of material, design or method of construction; effect of approval; fees.

(1) Any person who desires to use or furnish any material, design or method of construction or installation in the state, or any building official, may request the Director of the Department of Consumer and Business Services to issue a ruling with respect to the acceptability of any material, design or method of construction about which there is a question under any provision of the state building code. Requests shall be in writing and, if made by anyone other than a building official, shall be made and the ruling issued prior to the use or attempted use of such questioned material, design or method.

(2) In making rulings, the director shall obtain the approval of the appropriate advisory board as to technical and scientific facts and shall consider the standards and interpretations published by the body that promulgated any nationally recognized model code adopted as a specialty code of this state.

(3) A copy of the ruling issued by the director shall be certified to the person making the request. Additional copies shall be transmitted to all building officials in the state. The director shall keep a permanent record of all such rulings, and shall furnish copies thereof to any interested person upon payment of such fees as the director may prescribe.

(4) A building official or inspector shall approve the use of any material, design or method of construction approved by the director pursuant to this section if the requirements of all other local ordinances are satisfied. [Formerly 456.845]

101.4 Scope.

101.4.1 The provisions of this code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, ~~or use, or maintenance~~ of plumbing systems ~~within this jurisdiction~~ **as provided in ORS 447.020 and OAR 918-008-0000.**

ORS 447.020 is not part of this code but is reproduced here for the reader's convenience:

447.020 Plumbing to conform to state building code; rules; enforcement.

(1) All installations of plumbing and drainage in buildings and structures in this state and all potable water supply, drainage, and waste installations, within or serving buildings or structures, except in temporary construction camps, and except as otherwise provided in ORS 447.010 to 447.156 and 447.992, shall be made in accordance with the requirements of ORS 447.010 to 447.156 and 447.992 and ORS chapter 455.

(2) The Director of the Department of Consumer and Business Services with the approval of the State Plumbing Board shall make rules pursuant to ORS chapter 183 for the purpose of setting standards for plumbing and defining compliance with the provisions of ORS 447.010 to 447.156 and 447.992 particularly pertaining to installation of piping, protection and adequacy of the water supply, workmanship and materials, traps and cleanouts, domestic hot water storage tanks and devices, drinking fountains, solar heating and cooling systems, approval of devices, equipment and fixtures, hangers and supports, drainage and venting, house drains and house sewers, storm water drains, special wastes, light and ventilation of water closets and bathrooms, and excavation and grading.

(3) The director shall appoint an adequate staff experienced and trained to serve as plumbing inspectors to enforce rules adopted under this section. [Amended by 1957 c.300 §2; 1971 c.753 §48; 1973 c.734 §2; 1973 c.835 §222; 1981 c.438 §29; 1993 c.744 §66; 2001 c.683 §26]

OAR 918-008-000 is not part of this code but is reproduced here for the reader's 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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020, 455.030 & 479.730

Stats. Implemented: ORS 447.020, 455.030 & 479.730

Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2014, f. 1-22-14, cert. ef. 4-1-14

Municipalities, as defined in ORS 455.010(5), may establish administrative procedures in accordance with ORS 455.020(4), and may amend specific sections of Chapter 1, as identified throughout this chapter. When the requirements of this Chapter conflict with any administrative requirements through out this code this Chapter shall prevail.

101.4.1.1 Repairs and Alterations.

101.4.1.1.1 In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, deviations from the provisions of this code are permitted, provided such deviations are found to be necessary and are first approved by the ~~Authority Having Jurisdiction~~ **building official**.

101.4.1.1.2 Existing building sewers and building drains shall be permitted to be used in connection with new buildings or new plumbing and drainage work only when they are found on examination and test to conform in all respects to the requirements governing new work, and the proper Authority Having jurisdiction shall notify the owner to make any changes necessary to conform to this code. No building, or part thereof, shall be erected or placed over any part of a drainage system that is constructed

of materials other than those approved elsewhere in this code for use under or within a building.

101.4.1.1.3 Openings into a drainage or vent system, excepting those openings to which plumbing fixtures are properly connected or which constitute vent terminals, shall be permanently plugged or capped in an approved manner, using the appropriate materials required by this code.

101.4.1.3 Existing Construction. No provision of this code shall be deemed to require a change in any portion of a plumbing or drainage system or any other work regulated by this code in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except when any such plumbing or drainage system or other work regulated by this code is determined by the ~~Authority Having Jurisdiction~~ **building official** to be in fact dangerous, unsafe, insanitary, or a nuisance and a menace to life, health, or property.

101.4.1.4 Conflicts between Codes. When the requirements ~~within the jurisdiction~~ of this plumbing code conflict with the requirements of the other codes, this code shall prevail.

101.4.2 Additions, alterations, repairs, and replacement of plumbing systems shall comply with the provisions for new systems except as otherwise provided in Section 101.5 and 101.4.1.1.

101.4.3 The provisions in the appendices ~~are intended to supplement the requirements of this code and~~ shall not be considered part of this code unless formally adopted as such.

101.5 Application to Existing Plumbing System.

101.5.1 Additions, Alterations, or Repairs. Additions, alterations, or repairs shall be permitted to be made to any plumbing system without requiring the existing plumbing system to comply with all the requirements of this code, provided the addition, alteration, or repair conforms to that required for a new plumbing system. Additions, alterations, or repairs shall not cause an existing system to become unsafe, insanitary, or overloaded.

101.5.2 Health and Safety. Whenever compliance with the provisions of this code fails to eliminate or alleviate a nuisance, or any other dangerous or insanitary condition that may involve health or safety hazards, the owner or the owner's agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the ~~Authority Having Jurisdiction~~ **building official**.

101.5.3 Existing Installation. Plumbing systems lawfully in existence at the time of the adoption of this code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such plumbing system.

101.5.4 Changes in Building Occupancy. Plumbing systems that are a part of any building or structure undergoing a change in use or occupancy, as defined in the Structural Code, shall comply to the requirements of this code that may be applicable to the new use or occupancy.

101.5.6 Moved Buildings. Plumbing systems that are part of buildings or structures moved into this jurisdiction shall comply with the provisions of this code for new installations, except as provided for in Section 103.5.5.2.

Moved buildings or structures containing plumbing regulated by this code shall comply with the provisions of the code for new installations, except that required plumbing testing shall not require the removal of existing walls and floors. Drainage waste and vent systems shall be tested by running or flooding of the piping system or by an equivalent means of testing acceptable to the ~~authority having jurisdiction~~ **building official**. Plumbing systems and fixtures serving buildings or structures moved within the state shall comply with ORS 455.410.

ORS 455.410 is not part of this code but is reproduced here for the reader's convenience:

455.410 Relocated buildings; substantial compliance required; permits.

(1) Existing buildings or structures which are removed from their foundation and relocated to another site within this state shall be in substantial compliance as defined in subsections (2) and (3) of this section.

(2) "Substantial compliance" means compliance with local construction codes in effect as of the original permit date of the building or structure, or where there was no permitting required at the time of original construction, with basic health and safety standards, as described in the closest dated Uniform Housing Code, as published by the International Conference of Building Officials as of the date of construction. Only the insulation, overhead and underneath the structure, shall be upgraded to the current insulation requirements of the state building code, or to the maximum extent possible subject to the design of the structure. Nothing in this statute shall be construed to mean that all heating, plumbing and electrical systems shall be replaced with systems meeting current standards for new construction, except that any life-threatening deficiencies in those systems shall be repaired, notwithstanding that the cost of rehabilitation may exceed 50 percent of the value of the structure before rehabilitation.

(3) All foundation and basement construction on the structure and any remodeling at the new location shall be constructed subject to all applicable local current building and safety codes, or where none exist, with the applicable standards as described in the Uniform Housing Code described in subsection (2) of this section.

(4) All moved houses shall be provided with either battery-operated or hard-wired smoke detection devices located in accordance with the provisions of the state building code.

(5) Nothing in this section is intended to permit any person to move a structure unless the person first consults the appropriate building inspection authority and obtains all required permits. [Formerly 456.756; 1989 c.1068 §1]

102.0 Organization and Enforcement.

Note: Unless amended by a municipality under authority of ORS 455.040, Section 102 applies.

102.1 Duties and Powers of the ~~Authority Having Jurisdiction~~ **Building Official.**

The ~~Authority Having Jurisdiction~~ **building official** shall be the Authority duly appointed to enforce this code.

~~102.2 Duties and Powers of the Authority Having Jurisdiction.~~

102.2.1 The Authority Having Jurisdiction shall be permitted to appoint such assistants, deputies, inspectors, or other employees as necessary to carry out the functions of the department and this code **building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall**

not have the effect of waiving requirements specifically provided for in this code or statewide code interpretations.

In accordance with the ORS chapter 455 and 693 the building official shall have the authority to appoint inspectors and plan examiners and other employees.

102.2.2 Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the ~~Authority Having Jurisdiction~~ **building official** has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of this code that makes the building or premises unsafe, insanitary, dangerous, or hazardous, the ~~Authority Having Jurisdiction~~ **building official** shall be permitted to enter the building or premises at all reasonable times to inspect or to perform the duties imposed ~~upon the Authority Having Jurisdiction~~ by this code, provided that if such building or premises is occupied, the ~~Authority Having Jurisdiction~~ **building official** shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the ~~Authority Having Jurisdiction~~ **building official** shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the ~~Authority Having Jurisdiction~~ **building official** has recourse to every remedy provided by law to secure entry.

When the ~~Authority Having Jurisdiction~~ **building official** shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry herein by the ~~Authority Having Jurisdiction~~ **building official** for the purpose of inspection and examination pursuant to this code.

102.2.3 Stop Orders. Whenever any work is being done contrary to the provisions of this code, the ~~Authority Having Jurisdiction~~ **building official** shall be permitted to order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work until authorized by the ~~Authority Having Jurisdiction~~ **building official** to proceed with the work.

102.2.4 Authority to Disconnect Utilities in Emergencies. The ~~Authority Having Jurisdiction~~ **building official** shall have the authority to disconnect a plumbing system to a building, structure, or equipment regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property.

102.2.5 Authority to Condemn. Whenever the ~~Authority Having Jurisdiction~~ **building official** ascertains that any plumbing system or portion thereof, regulated by this code, has become hazardous to life, health, or property, or has become insanitary, the ~~Authority Having Jurisdiction~~ **building official** shall order in writing that such plumbing either be removed or placed in a safe or sanitary condition, as appropriate. The order shall fix a reasonable time limit for compliance. No person shall use or maintain defective plumbing after receiving such notice.

When such plumbing system is to be disconnected, written notice shall be given. In cases of immediate danger to life or property, such disconnection shall be permitted to be made immediately without such notice.

102.2.6 Liability. ~~The Authority Having Jurisdiction charged with the enforcement of this code, acting in good faith and without malice in the discharge of the Authority Having Jurisdiction's duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of duties.~~ See ORS 30.265 for regulations relating to liability.

ORS 30.265 is not part of this code but is reproduced here for the reader's convenience:

30.265 Scope of liability of public body, officers, employees and agents; liability in nuclear incident.

(1) Subject to the limitations of ORS 30.260 to 30.300, every public body is subject to civil action for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598.

(2) The sole cause of action for a tort committed by officers, employees or agents of a public body acting within the scope of their employment or duties and eligible for representation and indemnification under ORS 30.285 or 30.287 is an action under ORS 30.260 to 30.300. The remedy provided by ORS 30.260 to 30.300 is exclusive of any other action against any such officer, employee or agent of a public body whose act or omission within the scope of the officer's, employee's or agent's employment or duties gives rise to the action. No other form of civil action is permitted.

(3) If an action under ORS 30.260 to 30.300 alleges damages in an amount equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273, the sole cause of action for a tort committed by officers, employees or agents of a public body acting within the scope of their employment or duties and eligible for representation and indemnification under ORS 30.285 or 30.287 is an action against the public body. If an action is filed against an officer, employee or agent of a public body, and the plaintiff alleges damages in an amount equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273, the court upon motion shall substitute the public body as the defendant. Substitution of the public body as the defendant does not exempt the public body from making any report required under ORS 742.400.

(4) If an action under ORS 30.260 to 30.300 alleges damages in an amount greater than the damages allowed under ORS 30.271, 30.272 or 30.273, the action may be brought and maintained against an officer, employee or agent of a public body, whether or not the public body is also named as a defendant. An action brought under this subsection is subject to the limitations on damages imposed under ORS 30.271, 30.272 or 30.273, and the total combined amount recovered in the action may not exceed those limitations for a single accident or occurrence without regard to the number or types of defendants named in the action.

(5) Every public body is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission of an officer, employee or agent of a public body when such officer, employee or agent is immune from liability.

(6) Every public body and its officers, employees and agents acting within the scope of their employment or duties, or while operating a motor vehicle in a ridesharing arrangement authorized under ORS 276.598, are immune from liability for:

(a) Any claim for injury to or death of any person covered by any workers' compensation law.

(b) Any claim in connection with the assessment and collection of taxes.

(c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.

(d) Any claim that is limited or barred by the provisions of any other statute, including but not limited to any statute of ultimate repose.

(e) Any claim arising out of riot, civil commotion or mob action or out of any act or omission in connection with the prevention of any of the foregoing.

(f) Any claim arising out of an act done or omitted under apparent authority of a law, resolution, rule or regulation that is unconstitutional, invalid or inapplicable except to the extent that they would have been liable had the law, resolution, rule or regulation been constitutional, valid and applicable, unless such act was done or omitted in bad faith or with malice.

(7) This section applies to any action of any officer, employee or agent of the state relating to a nuclear incident, whether or not the officer, employee or agent is acting within the scope of employment, and

provided the nuclear incident is covered by an insurance or indemnity agreement under 42 U.S.C. 2210.
(8) Subsection (6)(c) of this section does not apply to any discretionary act that is found to be the cause or partial cause of a nuclear incident covered by an insurance or indemnity agreement under the provisions of 42 U.S.C. 2210, including but not limited to road design and route selection. [1967 c.627 §§2,3,10; 1969 c.429 §1; 1975 c.609 §12; 1977 c.823 §2; 1981 c.490 §4; 1985 c.731 §31; 1987 c.705 §7; 1991 c.861 §1; 2005 c.22 §19; 2007 c.803 §4; 2011 c.270 §1]

102.3 Violations and Penalties.

102.3.1 Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, ~~or use, or~~ maintain any plumbing or permit the same to be done in violation of this code. **The building official is authorized to serve a notice of violation or order on the person responsible for violation of this code. Prohibited acts are described in ORS 455.450.**

ORS 455.450 is not part of this code but is reproduced 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 of 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 those 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. [Formerly 456.885 (1); 2007 c.306 §3]

102.3.2 Penalties. Any person, firm, or corporation violating any provision of this code shall be deemed guilty and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense **subject to penalties as described in ORS 445.895 or as adopted by the municipality. Municipal authority to levy penalties is limited to violations of code application only.**

ORS 445.895 is not part of this code but is reproduced here for the reader's convenience:

445.895 Civil penalties.

(1)(a) The State Plumbing Board may impose a civil penalty against a person as provided under ORS 447.992 and 693.992. Amounts recovered under this paragraph are subject to ORS 693.165.

(b) The Electrical and Elevator Board may impose a civil penalty against a person as provided under ORS 479.995. Amounts recovered under this paragraph are subject to ORS 479.850.

(c) The Board of Boiler Rules may impose a civil penalty against a person as provided under ORS 480.670. Amounts recovered under this paragraph are subject to ORS 480.670.

(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. [1991 c.792 §4; 1991 c.734 §111; 1999 c.1045 §19; 2001 c.411 §21; 2003 c.14 §286; 2003 c.655 §76; 2007 c.549 §6; 2007 c.898 §1; 2013 c.324 §11]

103.0 Permits and Inspections.

Note: Unless amended by a municipality under authority of ORS 455.040, Section 103 applies.

103.1 Permits.

103.1.1 Permits Required. It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel any plumbing system regulated by this code except as permitted in Section 103.1.2, **OAR chapter 918, division 100**, and OAR 918-780-0035, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

OAR 918-780-0035 is not part of this code but is reproduced here for the reader's convenience:

918-780-0035

Exempt Ordinary Minor Plumbing Repairs

(1) Effective April 1, 2006, state building code provisions for permit or inspection of ordinary minor plumbing repairs follow:

(a) A registered plumbing contractor and any person exempt from licensing under ORS 693.020 are exempted from permit or inspection for ordinary minor plumbing repairs as defined in section (2) for residential and commercial structures:

(b) The term "any person" is defined by ORS 693.020 and includes but is not limited to individuals, corporations, partnerships, public and municipal corporations, political subdivisions, any Oregon state and federal government agencies.

(2) The term "ordinary minor plumbing repairs" is defined as follows:

(a) Includes repair, replacement or maintenance of existing plumbing fixtures, appliances, appurtenances and related water supply and drain attachments for the purpose of restoring a plumbing installation to a safe and sanitary operating condition.

(b) Does not include new construction, replacement of water heaters, or underground plumbing.

(3) In addition to the exemption in section (1), a registered plumbing contractor does not need a permit or inspection for emergency repair or replacement of the following: freeze-damaged, leaking-exposed, or concealed piping not exceeding five feet of new piping per structure for a period of 180 days, provided the repair or replacement does not involve any changes or alterations to the existing plumbing system.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.072 & 447.076

Stats. Implemented: ORS 447.072 & 447.076

Hist.: BCD 21-2003, f. 12-31-03, cert. ef. 1-1-04; BCD 6-2006, f. & cert. ef. 4-4-06

103.1.2 Exempt Work. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. A permit shall not be required for the following:

103.1.2.1 The stopping of leaks in drains, soil, waste, or vent pipe, provided, however, that should more than five (5) feet of any drainpipe, soil, waste, or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.

103.1.2.2 The clearing of stoppages, including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

~~Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the code or any other laws or ordinances of this jurisdiction.~~

103.1.3 Licensing. ~~Provision for licensing shall be determined by the Authority Having Jurisdiction.~~

103.2 Application for Permit.

103.2.1 Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the ~~Authority Having Jurisdiction~~ **building official** for that purpose. Every such application shall:

103.2.1.1 Identify and describe the work to be covered by the permit for which application is made.

103.2.1.2 Describe the land upon 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.

103.2.1.3 Indicate the use or occupancy for which the proposed work is intended.

103.2.1.4 Be accompanied by plans, diagrams, computations, and other data as required in Section 103.2.2.

103.2.1.5 Be signed by the permittee or the permittee's authorized agent, who may be required to submit evidence to indicate such authority.

103.2.1.6 Give such other data and information as may be required by the ~~Authority Having Jurisdiction~~ **building official**.

103.2.2 Plans and Specifications. When required under OAR 918-780-0040, plans, engineering calculations, diagrams, and other data shall be submitted in ~~one (1)~~ **two (2)** or more sets with each application for a permit. The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to require plans, computations, and specifications to be prepared by, and the plumbing designed by, an engineer and/or architect licensed by the state to practice as such.

OAR 918-780-0040 is not part of this code but is reproduced here for the reader's convenience:
918-780-0040

Plumbing Plan Reviews

(1) A jurisdiction providing plumbing code plan review services may only require plumbing plan review for a complex structure. For purposes of this rule, a "complex structure" is a plumbing system designed, constructed or reconstructed to accommodate any of the following:

- (a) The installation or alteration of a medical gas and vacuum system for health care facilities;**
- (b) The installation or alteration of chemical drainage waste and vent systems containing chemical agents potentially detrimental to the integrity of a plumbing system;**
- (c) The installation or alteration of wastewater pretreatment systems for building sewers;**
- (d) The installation of vacuum drainage waste and vent systems;**
- (e) The installation or alteration of reclaimed wastewater systems;**
- (f) The installation of a commercial booster pump system needed to maintain a minimum residual water pressure in a structure supplied by a municipal source;**
- (g) The installation of a plumbing system requiring a building water service line with an interior diameter or nominal pipe size of two inches or greater except those two inch systems which have been designed and stamped by a licensed engineer;**
- (h) The installation of any multi-purpose sprinkler system under standards adopted by the department.**

(2) If a jurisdiction providing plumbing code plan review services requires a plumbing code plan review as authorized by section (1) of this rule, the jurisdiction may require the submission of complete specifications, piping layout and fixture location drawings of the proposed system or alteration before issuing a permit. Plans and specifications must indicate the nature and extent of the work proposed and show in detail that the work will conform to provisions of the Plumbing Specialty Code.

(3) A jurisdiction requiring plumbing code plan review may not require plan review on more than one building or structure under construction or reconstruction at the same jobsite, as long as:

(a) The plumbing systems of the buildings or structures are materially alike; and
(b) A person obtains plumbing permits for the buildings or structures within a reasonable time.
(4) Any required plumbing code plan review service may be waived by a jurisdiction if the nature of the work applied for is such that reviewing of plans is not necessary to determine compliance with the Plumbing Specialty Code.
(5) When the plumbing plan review is completed by a qualified plumbing plan reviewer and a plumbing permit issued, the plans must be endorsed in writing and stamped "Approved." The approved plans cannot be changed without authorization from the jurisdiction providing plumbing code plan review services.
(6) Issuance of a permit or approval of plans will not prevent the jurisdiction providing plumbing code plan review services from
(a) requiring the correction of errors in plans and specifications; or
(b) preventing construction operations when in violation of the Plumbing Specialty Code or of any other ordinance; or
(c) revoking any certificate of approval when issued in error.
(7) Nothing in this rule prevents a jurisdiction from providing plan review services for utility systems situated outside the building exterior of a particular jobsite.
(8) Nothing in this rule prevents a jurisdiction from requiring information on grease processing equipment systems.
(9) Where applicable, the Department of Consumer and Business Services' fees for plan review on complex structures will be based on the time required to review the plans, but must not exceed 30 percent of the total plumbing permit fee for the building or structure under review. When plans are incomplete or substantially changed to require additional plan review services, the department may charge an additional fee based on the time required for the additional review.
(10) Nothing in these rules shall prohibit the owner or owner's agent from requesting and receiving a plan review for non-complex structures.
[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 455.483
Stats. Implemented: ORS 455.483
Hist.: DC 39, f. 1-6-75, ef. 2-1-75; DC 13-1981, f. 10-30-81, ef. 11-1-81; Renumbered from 814-021-0115; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98, Renumbered from 918-760-0020; BCD 21-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 7-2006, f. 6-7-06, cert. ef. 10-1-06

Exception: The Authority Having Jurisdiction building official shall be permitted to waive the submission of plans, calculations, or other data if the Authority Having Jurisdiction building official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance within the code.

103.2.3 Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Plans and specifications 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.

103.2.3.1 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

103.2.4 Retention of Plans. One (1) set of approved plans, specifications, and computations shall be retained by the Authority Having Jurisdiction building official until final approval of the work covered therein. This set of approved plans, specifications, and computations 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 166-200-0025 where a city has jurisdiction; and OAR chapter 166, division 300 for the jurisdictions where the State

of Oregon has jurisdiction. One (1) 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 times during which the work authorized thereby is in progress.

103.3 Permit Issuance.

103.3.1 Issuance. The application, plans, and specifications and other data filed by an applicant for a permit shall be reviewed by the ~~Authority Having Jurisdiction~~ **building official**. Such plans shall be permitted to be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the ~~Authority Having Jurisdiction~~ **building official** finds that the work described in an application for permit and the plans, specifications, and other data filed therewith conform to the requirements of the code and other pertinent laws and ordinances, and that the appropriate fees have been paid, the ~~Authority Having Jurisdiction~~ **building official** shall issue a permit therefore to the applicant.

When the ~~Authority Having Jurisdiction~~ **building official** issues the permit where plans are required, the ~~Authority Having Jurisdiction~~ **building official** shall endorse in writing or stamp the plans and specifications “APPROVED.” Such approved plans and specifications shall not be changed, modified, or altered without authorization from the ~~Authority Having Jurisdiction~~ **building official**, and all work shall be done in accordance with approved plans.

Plans and specifications shall be approved in the timelines specified in ORS 455.467.

ORS 455.467 is not part of this code but is reproduced 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, within 15 business days of receiving a complete application, or 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. [1999 c.1045 §21; 2001 c.384 §1; 2001 c.573 §13; 2003 c.675 §28]

The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to issue a permit for the construction of a part of a plumbing system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall be permitted to proceed at the holder’s risk without assurance that the permit for the entire building, structure, or plumbing system will be granted.

ORS 455.467 is not part of this code but is reproduced here for the reader's convenience:

455.467

(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]

103.3.2 Retention of Plans. When required under OAR 918-780-0040, ~~One (1) set of approved plans, specifications, and computations shall be retained by the Authority Having Jurisdiction until final approval of the work covered therein. One (1) 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 times during which the work authorized thereby is in progress.~~

103.3.3 Validity of Permit. The issuance of a permit or approval of plans and specifications 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 ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

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

103.3.4 Expiration. Every permit issued by the ~~Authority Having Jurisdiction~~ **building official** under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one-hundred and eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one-hundred and eighty (180) days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspensions or abandonment has not exceeded one (1) year.

Any permittee holding an unexpired permit shall be permitted to apply for an extension of the time within which work shall be permitted to commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to extend the time for action by the permittee for a period not exceeding one-hundred and eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

103.3.5 Suspension or Revocation. The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of other ordinance or regulation of the jurisdiction.

103.4 Fees.

Note: Unless amended by the municipality under authority of ORS 455.020 and 455.210, Section 103.4 applies.

103.4.1 Permit Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth in the fee schedule of the ~~local jurisdiction~~ **municipality under the authority of ORS 455.210, or as set forth in OAR 918-780-0080 where the State of Oregon has jurisdiction.**

103.4.2 Plan Review Fees. When a plan or other data is required to be submitted under OAR 918-780-0040, a plan review fee shall be paid at the time of submitting plans and specifications for review.

The plan review fees for plumbing work shall be ~~determined and adopted by this jurisdiction~~ **a percentage of the total plumbing permit as set forth in Section 103.4.1.**

The plan review fees specified in this subsection are separate fees from the permit fees specified in this section and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate adopted by the ~~local jurisdiction~~ **municipality under the authority of ORS 455.210, or as set forth in OAR 918-780-0040 where the State of Oregon has jurisdiction.**

103.4.3 Expiration of Plan Review. Applications for which no permit is issued within one-hundred and eighty (180) days following the date of application shall expire by limitation, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the ~~Authority Having Jurisdiction~~ **building official**. The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to exceed the time for action by the applicant for a period not to exceed one-hundred and eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

ORS 455.210 is not part of this code but is reproduced here for the reader's convenience:

455.210.

(1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits issued by the Department of Consumer and Business Services for the construction, reconstruction, alteration and repair of prefabricated structures and of buildings and other structures and the installation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edition, and in the "Uniform Mechanical Code," 1979 Edition, both published by the International Conference of Building Officials. Fees are not effective until approved by the Oregon Department of Administrative Services.

(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. [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]

103.4.4 Investigation Fees: Work without a Permit.

103.4.4.1 Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to an investigative fee. The amount of the investigative fee shall be the average or actual additional cost of ensuring that the work is in conformance with the Oregon Plumbing Specialty Code and shall be in addition to the required permit fees. Fees shall be charged according to the rates established by the municipality, or as established by the state where the State of Oregon has jurisdiction.

An investigative fee does not apply to emergency installations provided the permit application is submitted within the next five business days. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

~~103.4.4.2 An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with other provisions of this code, nor from any penalty prescribed by law.~~

ORS 455.058 is not part of this code but is reproduced 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]

103.4.5 Fee Refunds.

103.4.5.1 The ~~Authority Having Jurisdiction~~ building official shall be permitted to authorize the refunding of any fee paid hereunder that was erroneously paid or collected.

103.4.5.2 The ~~Authority Having Jurisdiction~~ building official shall be permitted to authorize the refunding of not more than a percentage, ~~as determined by this jurisdiction~~ of any fee paid when no work has been done under a permit issued in accordance with this code.

103.4.5.3 The ~~Authority Having Jurisdiction~~ building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not to exceed one-hundred and eighty (180) days after the date of fee payment.

103.5 Inspections.

103.5.1 General. Plumbing systems for which a permit is required by this code shall be inspected by the ~~Authority Having Jurisdiction~~ building official.

No portion of any plumbing system shall be concealed until inspected and approved. Neither the ~~Authority Having Jurisdiction~~ building official nor the ~~jurisdiction~~ municipality shall be liable for expense entailed in the removal or replacement of material required to permit inspection. When the installation of a plumbing system is complete, an additional and final inspection shall be made. Plumbing systems regulated by this code shall not be connected to the water, or the sewer system until authorized by the ~~Authority Having Jurisdiction~~ building official.

103.5.1.1 Inspection. No water supply system or portion thereof shall be covered or concealed until it first has been tested, inspected, and approved.

103.5.1.2 Scope. New plumbing work and such portions of existing systems as may be affected by new work, or any changes, shall be inspected by the ~~Authority Having Jurisdiction~~ building official to ensure compliance with the requirements of this code and to ensure that the installation and construction of the plumbing system is in accordance with approved plans.

A rough-in inspection prior to placement of any concrete, cover, or backfill, or prior to placement of sub-flooring if frame construction must be requested by the permittee.

A cover inspection when all rough-in plumbing is in place prior to being covered.

A final inspection of plumbing fixtures and connections just prior to the building or remodeled area being occupied.

Exception: Rough-in inspections prior to placement of sub-flooring for frame construction may be waived by the building official, if adequate accessibility is available and prior approval is granted.

103.5.1.3 Covering or Using. No plumbing or drainage system, building sewer, private sewer disposal system, or part thereof, shall be covered, concealed, or put into use until it has been tested, inspected, and accepted as prescribed in this code.

103.5.1.4 Uncovering. If any drainage or plumbing system, building sewer, private sewage disposal system, or part thereof, which is installed, altered, or repaired, is covered or concealed before being inspected, tested, and approved as prescribed in this code, it shall be uncovered for inspection after notice to uncover the work has been issued to the responsible person by the ~~Authority Having Jurisdiction~~ **building official**.

103.5.2 Operation of Plumbing Equipment. The requirements of this section shall not be considered to prohibit the operation of any plumbing installed to replace existing equipment or fixtures serving an occupied portion of the building in the event a request for inspection of such equipment or fixture has been filed with the ~~Authority Having Jurisdiction~~ **building official** not more than seventy-two (72) hours after such replacement work is completed, and before any portion of such plumbing system is concealed by any permanent portion of the building.

103.5.3 Testing of Systems. Plumbing systems shall be tested and approved as required by this code or the ~~Authority Having Jurisdiction~~ **building official**.

103.5.3.1 Test. Tests shall be conducted in the presence of the ~~Authority Having Jurisdiction~~ **building official** or the ~~Authority Having Jurisdiction~~ duly appointed representative.

103.5.3.2 Test Waived. No test or inspection shall be required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system.

103.5.3.3 Exceptions. In cases where it would be impractical to provide the required water or air tests, or for minor installations and repairs, the ~~Authority Having Jurisdiction~~ **building official** shall be permitted to make such inspection as deemed advisable in order to be assured that the work has been performed in accordance with the intent of this code.

103.5.3.4 Tightness. Joints and connections in the plumbing system shall be gas-tight and water-tight for the pressures required by test.

103.5.4 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the ~~Authority Having Jurisdiction~~ **building official** that such work is ready for inspection. The ~~Authority Having Jurisdiction~~ **building official** shall be permitted to require that every request for inspection be filed not less than ~~one (1) working day~~ **twenty-four (24) hours** before such inspection is desired. Such request may be in writing or by telephone, at the option of the ~~Authority Having Jurisdiction~~ **building official**.

It shall be the duty of the person requesting inspections required by this code to provide access to and means for proper inspection of such work.

~~103.5.4.1 Advance Notice.~~ ~~It shall be the duty of the person doing the work authorized by the permit to notify the Authority Having Jurisdiction, orally or in writing, that said~~

~~work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.~~

103.5.4.2 Responsibility. It shall be the duty of the holder of a permit to make sure that the work will stand the test prescribed before giving the notification.

The equipment, material, and labor necessary for inspection or tests shall be furnished by the person to whom the permit is issued or by whom inspection is requested.

103.5.5 Other Inspections. In addition to the inspections required by this code, the ~~Authority Having Jurisdiction~~ **building official** shall be permitted to require other inspections of any plumbing work to ascertain compliance with the provisions of this code and other laws that are enforced by the ~~Authority Having Jurisdiction~~ **building official**.

103.5.5.1 Defective Systems. An air test shall be used in testing the sanitary condition of the drainage or plumbing system of any building premises when there is reason to believe that it has become defective. In buildings or premises condemned by ~~the proper Authority Having Jurisdiction~~ **other municipal authority than the building official** because of an insanitary condition of the plumbing system or part thereof, the alterations in such system shall conform to the requirements of this code.

103.5.5.2 Moved Structures. Parts of the plumbing systems of any building or part thereof that is moved from one (1) foundation to another, or from one (1) location to another, shall be completely tested as prescribed elsewhere in this section for new work, except that walls or floors need not be removed during such test when other equivalent means of inspection acceptable to the ~~Authority Having Jurisdiction~~ **building official** are provided.

103.5.6 Reinspections. A reinspection fee shall be permitted to be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees shall be permitted to be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the ~~Authority Having Jurisdiction~~ **building official**.

To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with those adopted by the ~~local jurisdiction~~ **municipality**.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. **Fees shall be charged according to the rates established by the municipality, or as established by the state where the State of Oregon has jurisdiction.**

103.5.6.1 Corrections. Notices of correction or violation shall be written by the ~~Authority Having Jurisdiction~~ **building official** and shall be permitted to be posted at the

site of the work or mailed or delivered to the permittee or ~~his~~ their authorized representative.

Refusal, failure, or neglect to comply with any such notice or order within thirty (30) days of receipt thereof, shall be considered a violation of this code and shall be subject to the penalties set forth elsewhere in this code for violations.

103.5.6.2 Retesting. If the ~~Authority Having Jurisdiction~~ building official finds that the work will not pass the test, necessary corrections shall be made, and the work shall then be resubmitted for test or inspection.

103.5.6.3 Approval. Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the ~~Authority Having Jurisdiction~~ building official to the permittee on demand.

103.6 Connection Approval.

103.6.2 Other Connections. No person shall make connection from any water-supply line nor shall connect to any sewer system regulated by this code and for which a permit is required until approved by the ~~Authority Having Jurisdiction~~ building official.

103.6.3 Temporary Connections. The ~~Authority Having Jurisdiction~~ building official shall be permitted to authorize temporary connection of the plumbing equipment for the purpose of testing the equipment.

~~103.7 Unconstitutional.~~

~~**103.7.1** If any section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Legislative body hereby declares that it would have passed this code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one (1) or more sections, subsections, sentences, clauses, and phrases are declared unconstitutional.~~

~~103.8~~ 103.7 Validity.

103.8.1 If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

103.8.2 Wherever in this code reference is made to an appendix, the provisions in the appendix shall not apply unless specifically adopted.

103.8 Appeals.

103.8.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the municipality shall establish an appeals procedure.

103.8.2 Limitations on authority. An application for appeal shall be based upon a claim that the true intent of this code or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. An appeals board, when appointed, shall have no authority to waive requirements of this code.

103.8.3 Qualifications. An appeals board, when appointed, shall consist of members who are qualified by experience and training to pass on matters pertaining to plumbing.

103.8.4 Appeal of decision of building official. ORS 455.475 provides an alternative appeals process to that set forth by a municipality.

ORS 455.475 is not part of this code but is reproduced 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. [1999 c.1045 §23; 2001 c.573 §15; 2013 c.528 §13]

Note: Forms for filing an appeal under ORS 455.475 are available online at: www.bcd.oregon.gov.

ORS 445.690 allows an appeal of a municipal appeals board decision to the State Plumbing Board. Appeals to the State Plumbing Board are limited to those that are technical and scientific in nature.

ORS 455.690 is not part of this code but is reproduced here for the reader's convenience:

455.690 Appeal to advisory boards. Any person aggrieved by the final decision of a municipal appeals board or a subordinate officer of the Department of Consumer and Business Services as to the application of any provision of a specialty code may, within 30 days after the date of the decision, appeal to the appropriate advisory board. The appellant shall submit a fee of \$20, payable to the department, with the request for appeal. The final decision of the involved municipality or state officer shall be subject to review and final determination by the appropriate advisory board as to technical and scientific determinations related to the application of the specialty code involved. [Formerly 456.850; 1993 c.744 §98]