

Title 3 - Administration

Chapter 3.30, Bureau of Development Services, Section 3.30.080, Stop Work Orders, is amended as follows:

Chapter 3.30

BUREAU OF DEVELOPMENT SERVICES

3.30.080 Stop Work Orders.

- A. When it is necessary to obtain compliance with this Title, or any violations of provisions administered by the Bureau of Development Services, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, the responsible party activity subject to the order may not resume work until such time as the Director gives specific approval in writing. The stop work order will be in writing and will include:
1. The date of the order is issued;
 2. Permit or registration number, where applicable;
 3. Site address, legal description or project location that is subject to the stop work order;
 4. A description of violations observed; and
 5. The conditions under which the work may resume.
- B. The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered or sent to the property owner (and any person authorized to act on the owner's behalf, if identified) responsible party by Certified regular first-class mail. ~~Where the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.~~
- C. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D. A stop work order is effective upon posting.
- E. When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice as provided under Section A, above, within one working day ~~24 hours~~.

F. ~~Stop work orders for work commenced without a permit. 1.~~ —The Director may issue a stop work order for work commenced without a required permit.

G.2. The Director may impose a penalty as set forth in the Enforcement Fee and Penalty Schedule adopted by the City Council when a stop work order is issued. The stop work order penalty may be assessed daily for each day the violation or condition giving rise to the order continues. ~~for commencing work without a required permit.~~

H. Review of Stop Work Order by the Director.

1. If a property owner (and any person authorized to act on the owner's behalf) has received a stop work order as described in this Section and the property owner (and any person authorized to act on the owner's behalf) believes the order has been issued in error, the property owner (and any person authorized to act on the owner's behalf) may request that the order be reviewed by the Director. The property owner (and any person authorized to act on the owner's behalf) must submit a written request to the Director within 15 calendar days of the date of the order. The written request shall be submitted together with all evidence that supports the request. Work subject to a stop work order may not be resumed until approved according to Subsection A of this Section. Following review, the Director will issue a written determination. The Director's determination will be served on the property owner (and any person authorized to act on the owner's behalf) by regular mail.
2. A property owner (and any person authorized to act on the owner's behalf) may appeal the Director's written determination to the Code Hearings Officer in accordance with Portland City Code Chapter 22.10.
3. Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22.

Title 24 - Building Regulations

187432

Chapter 24.10

ADMINISTRATION AND ENFORCEMENT

Chapter 24.10, Administration and Enforcement, is amended as follows:

24.10.020 Purpose.

The purpose of this Title is to provide minimum performance standards to safeguard the health, safety, welfare, comfort, and security of ~~the residents of this City who are~~ occupants and users of buildings and structures within the City, and will provide for the use of modern methods, devices, materials, techniques, and practicable maximum energy conservation by regulating and controlling the design, construction, quality of materials, use, and occupancy, location and maintenance of all buildings, structures and land within this jurisdiction.

24.10.060 Enforcement

- C. ~~Whenever any work related to construction, for which a permit is required from the Bureau of Development Services, is being done contrary to the provisions of the Code of the City of Portland, the Director may order the work stopped by notice in writing served on any persons engaged in the doing or causing of such work and any such persons shall forthwith stop such work until authorized by the Director to proceed.~~ Stop Work Orders. When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.
- F. In the event the property owner, permit holder or ~~his~~the owner's agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the Director may gain compliance by any of the remedies outlined in ~~Title~~Chapter 3.30.015 of the Code of the City of Portland.

24.10.070 Application for Permits

- A. Permits required. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any

of the same to be done without first obtaining a building permit, or where appropriate a minor structural label as outlined in Section 24.10.095. The limitations of Oregon Revised Statutes 455.020 notwithstanding, permits are required to construct, alter, repair or move any structure not specifically exempted by the Oregon Structural Specialty Code or Oregon Residential Specialty Code, as adopted in Chapter 24.10 of this Title. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City Engineer or BES Chief Engineer. This work shall be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.

- E. Compliance with ~~Section~~ Chapter 17.88-010 (Street Access) of this Code is required prior to issuance of this permit.

24.10.075 Bureau of Development Services Administrative Appeal Board.

- A. Appointment of Administrative Appeal Board.** The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of this Title and the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Building Code");
 2. review requests for modifications to the strict application of the Building Code; and
 3. review requests to use alternative materials, design or methods of construction and equipment.
- B. Appeals to the Administrative Appeal Board and Final Decisions.** Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Building Code or this Title or who wants to request a modification to the strict interpretation of the Building Code or consideration of an alternative material, design or method of construction or equipment may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Building Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:
1. grant an appeal if the Administrative Appeal Board finds that the Building Code was not correctly interpreted or applied;
 2. grant a modification to the application of the Building Code where special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the

Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or

3. approve an alternative material, design or method of construction and equipment if the Administrative Appeal Board finds that any such alternative complies with the intent of the Building Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Administrative Appeal Board may not waive the requirements of the Building Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.

- C. Reconsideration of Final Decisions and Appeals to the Building Code Board of Appeal.** Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Building Code Board of Appeal in accordance with Section 24.10.080 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Building Code Board of Appeal. The Building Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Building Code Board of Appeal.
- D. Fees for Appeals.** The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

24.10.080 Building Code Board of Appeal.

- A.** ~~In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this Title, there has been created a Board of Appeal, consisting of three members appointed by the Mayor. The Board members must be qualified by experience and training to make decisions on matters pertaining to building construction. All persons shall be appointed for a term of 3 years. At least one member of the Board shall be a competent builder who has engaged in the building business in the City for at least two years immediately preceding his appointment, and at least one member of the Board shall be a competent architect who has practiced his profession for at least 3 years. The Director shall be an ex officio member and shall act as Secretary of the Board.~~ **Appointment of Building Code Board of Appeal.** In order to hear appeals of final decisions of the Building Official made under Section 24.10.075, there has been created a Building Code Board of

Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.

1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Building Code and building construction. At least one member and one alternate member must be competent builders who have engaged in the construction business in the City for at least 2 years immediately preceding their appointments, and at least one member and one alternate member shall be competent architects who have practiced their profession for at least 3 years.
2. Building Code Board of Appeal appointments shall be for 3-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
4. Members of the Building Code Appeal Board shall comply with the State ethics laws applicable to public officials.
5. Members of the Building Code Appeal Board shall serve in a voluntary capacity and without pay.

B. ~~No member may act on or hear a case in which he has an interest. If such a case comes before the Board, the member's alternate shall attend or the Mayor shall appoint a substitute.~~ **Appeals to the Building Code Appeal Board.** The Building Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of this Title or the Building Code. The Building Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 45 days after an interested party submits a written appeal to the Building Code Board of Appeal. A panel of three Building Code Appeal Board members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

C. ~~Meeting of the Board of Appeal. Meetings of the Board of Appeal shall be held at the call of the Chairman or upon notice from the Commissioner In Charge of the Bureau of Development Services of any special appeal.~~ **Powers and**

Limitations of Authority of the Building Code Appeal Board. The Building Code Board of Appeal may provide reasonable interpretations of the requirements of the Building Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret this Title or the Building Code;
2. special individual reasons make application of the strict letter of the Building Code impractical, the modification is in compliance with the intent and purpose of the Building Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. any alternative material, design or method of construction and equipment complies with the intent of the Building Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Building Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Building Code Board of Appeal may not waive the requirements of the Building Code.

Any person aggrieved by a final decision of the Building Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

- ~~D. — Removal from office. Any member of the Board of Appeal may be removed from office by the Mayor for due cause, such as malfeasance in office, incapacity, or neglect of duty.~~
- ~~E. — The Mayor shall appoint a qualified alternate for each member, who shall attend meetings and vote when the member is unavailable.~~
- ~~F. — Appeals to Board. Any person who may have been ordered by the Bureau of Development Services to incur an expense for the alteration, repair, or construction of any building or any person whose application for a permit may have been refused by the Bureau of Development Services may appeal to the Board of Appeal by serving written notice upon the Bureau of Development Services. The notice or a certified copy thereof, shall be transmitted at once to the Board of Appeal. After service of notice upon the persons interested, a hearing shall be held; and the Board may, by a majority vote, affirm, annul, or modify the action of the Bureau of Development Services; provided, however, in any matter relating to or involving fire prevention, fire safety measures, or building construction requirements for safety, any modification of a strict application of this Title shall be made only on condition that substantially equivalent degree of safety is provided generally conforming to national standards concerning fire prevention, fire safety measures, and building construction requirements for safety. The decision of the Board shall have full force and effect. A certified copy of the decision shall be delivered to the appellant.~~

~~G. Powers of the Board of Appeal. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences, inconsistent with the general purposes of this Title may result from the literal interpretation and enforcement thereof, the Board of Appeals may grant adjustment of variances in a specific case with such conditions and safeguards as it may determine, in harmony with the general purpose, intent, and spirit of this Title, so that the public safety and welfare shall be secured and substantial justice shall be done, upon unanimous vote of the Board. If interpretation of the provisions of this Title is required, decisions thereon may be determined by a majority vote of the Board. Any person aggrieved by the final decision of the Appeals Board as to the application of any provision of this Specialty Code may, within 30 days after the date of the decision, appeal to the appropriate State Specialty Advisory Board. The appellant shall submit the appeal fee with his request for appeal. The decision of the Appeals Board shall be subject to review and final determination by the appropriate State Specialty Advisory Board authorized pursuant to OAR Chapter 8.4, as to technical and scientific determinations related to the application of this Title. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.~~

24.10.085 Structural Engineering Advisory Committee.

A. ~~There is hereby created a Structural Engineering Advisory Committee. Such board members shall be appointed by the Mayor and shall consist of three~~six ~~members and three alternates licensed in Oregon to practice structural engineering, appointed by the Mayor and approved by the City Council.~~

~~Members shall serve 3-year terms and may be appointed to no more than two consecutive 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. In addition, the Director, or designee, shall be an ex-officio member of the board.~~

B. Any member of the board may be removed from office by the Mayor for malfeasance in office or neglect of duty at any time during his or her tenure.

C. ~~The board~~committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. A quorum consisting of at least three members of the committee is required to conduct committee business. Written minutes of all meetings shall be made and kept subject to the requirements and limitations of ORS 192.400610 to ORS 192.500690.

D. It shall be the duty of the board to advise the Director and/or the Appeals Board in structural matters relative to reasonable interpretation and to alternate materials and methods of construction.

- E. Any action of the board shall be in an advisory capacity to the City. Subsequent action taken by the City as a result of advice from the boards shall be the sole responsibility of the City.

24.10.087 Alternative Technology Advisory Committee

- A. **Purpose.** It shall be the duty of the Alternative Technology Advisory Committee to advise the Bureau of Development Services on new or innovative sustainable building technologies and products.
- B. **Membership.** The Alternative Technology Advisory Committee shall consist of a minimum of three and a maximum of seven members. The committee members will be appointed by the Mayor and approved by the City Council~~Director of the Bureau of Development Services~~. The committee shall consist of design professionals, construction contractors, and persons associated with a university with an engineering school. In addition, two designees from the Bureau of Development Services familiar with building code review shall be ex-officio members of the committee.
- C. **Appointment and Terms.**
1. Appointment to the Alternative Technology Advisory Committee shall be for a three-year term. Committee members may be appointed to no more than two consecutive, complete terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. If a position is vacated during a term, it shall be filled for the unexpired term.
 2. Any member of the committee may be removed from the committee by the Mayor~~Director of the Bureau of Development Services~~ for malfeasance in office~~any reason deemed appropriate by the Director~~.
 3. The committee shall elect a chairperson, adopt rules of procedure, and set the time and place for regular meetings. Written minutes of all meetings shall be kept.
- D. **Compensation.** Alternative Technology Advisory Committee members shall serve without compensation.
- E. **Other.** The Alternative Technology Advisory Committee serves only in an advisory capacity to the City. Subsequent action taken by the City as a result of the committee's advice shall be the sole responsibility of the City.

24.10.095 Commercial and Industrial Minor Structural Labels.

- A. **General.** Oregon Revised Statutes Chapter 455.190~~55~~ gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program.~~establishes special alternative inspections programs for commercial and industrial installations for other than new construction. One of these programs is the Minor Label Program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0600. The Bureau, in accordance with OAR 918-100-0060, will conduct inspections and issue necessary correction notices for minor commercial and industrial labels issued pursuant to the statewide minor labels program will operate the Minor Structural Label Program in accordance with the Oregon Administrative Rules. The Minor Structural Label Program utilizes minor labels in lieu of regular building permits. Random inspections are made to ensure compliance of minor work.~~
- B. **Requirements.** Commercial and Industrial Minor Structural Labels may be used in all occupancies (including commercial, industrial, apartment and multi-family installations) except one and two family dwellings. Labels are sold in groups of ten. Labels expire six months from date of purchase and are not refundable. No more than one minor structural label may be used on any single project. A single project is defined as not more than one minor label used per calendar month for each address, suite or tenant space.
- C. **Work Allowed.** The following work may be done under a Minor Structural Label:
1. ~~Alteration, replacement or repair of up to 100 linear feet of nonbearing, non-fire resistive walls and partitions not part of the building shell, an exit or an exit passageway;~~
 2. ~~Window and door replacements or relocations not part of an exit or exit passageway and fit within existing openings. Replacement windows and doors shall comply with the requirements of the current State of Oregon codes, including but not limited to safety glazing requirements;~~
 3. ~~Lightweight interior awnings under 100 pounds total weight;~~
 4. ~~Removal and replacement of acoustical ceiling tiles in nonfire-rated ceilings of less than 1,000 square feet (replacement of supporting grid is not included);~~
 5. ~~Minor roofing repairs not exceeding ten percent of the roofing area.~~

Chapter 24.20, Special Inspections, is amended as follows:

Chapter 24.20

SPECIAL INSPECTIONS

24.20.010 General.

- A. In addition to the inspections required under Section 1108 of the Oregon Structural Specialty Code, the owner or the owner's agent shall employ a Special Inspector during construction of the types of work specified in Section 1701 Chapter 17 of the Oregon Structural Specialty Code or for cases specifically required by the Director.
- B. The Director shall have the authority to adopt and enforce written rules concerning the conduct and administration of special inspections in the City of Portland.

~~24.20.020 Advisory Board for Special Inspections.~~

- ~~A. There is hereby created an Advisory Board for Special Inspections. Such Board members shall be appointed by the Mayor and shall consist of two members and two alternates licensed to practice structural engineering in the State of Oregon, one member and one alternate licensed to practice architecture in the State of Oregon, one member and one alternate representing a testing laboratory and one member and one alternate who are Class A Special Inspectors. In addition, the Director of the Bureau of Development Services, or his or her designee, shall be an ex-officio member of the Advisory Board for Special Inspections. Members shall serve three-year terms and may be appointed to consecutive terms.~~
- ~~B. Any member of the Board may be removed from office by the Mayor for malfeasance in office or neglect of duty at any time during his or her tenure.~~
- ~~C. The duties of the Board shall include:
 - ~~1. Assist the Director with reviewing the applications for examination of the Special Inspectors;~~
 - ~~2. Assist the Director with the administration of the Special Inspector examinations;~~
 - ~~3. Reviewing the Special Inspections Program of the Bureau of Development Services on a periodic basis for the purpose of recommending procedural improvements to the Director.~~~~
- ~~D. The Board shall elect a chairperson, adopt rules of procedure and set the time and place for meetings. Written minutes of all meetings and results of all~~

~~examinations shall be made and kept subject to the requirements and limitations of ORS 192.410 to ORS 92.500.~~

- ~~E. — A simple majority vote of a quorum present at any meeting shall decide any matter coming before the Board.~~
- ~~F. — The Board may appoint representatives of affected industries or specialists in specific fields to serve in an advisory capacity.~~
- ~~G. — At the end of each fiscal year, a report of work performed shall be sent to the City Council.~~

24.20.030 — Qualifications and Certification of Special Inspectors.

~~Special Inspections shall be either denominated "Class A," "Class B — Trainee," or "Class C" Special Inspectors.~~

- ~~A. — "Class A" Special Inspectors. As minimum evidence for qualification of certification as a Special Inspector, an applicant shall successfully complete a written and oral examination prescribed by the Director as well as providing evidence sufficient to show that the Applicant has met one of the following experience prerequisites:~~
 - ~~1. — At least 3 years of experience in construction inspection, testing or design work, of such nature or character as the Director may by rule provide; or~~
 - ~~2. — Successful completion of a training program of such nature or character as the Director may by rule provide. Application for examination for certification as a Class A Special Inspector shall be made by submission of a completed form furnished by the Director and payment of the certification fee. A separate application shall be submitted for each category of certification desired. When satisfied as to their experience and after satisfactory completion of the examination, the Director shall issue certificates to Class A Special Inspectors. Such certificates will be valid for one year from the date of issuance. Class A Special Inspectors must apply for renewal within 30 days following expiration of an existing certificate.~~
- ~~B. — "Class B — Trainee" Special Inspectors. As minimum evidence of qualification for certification as a Special Inspector, an applicant shall successfully complete a written examination prescribed by the Director as well as participate in a training program of such nature or character as the Director may by rule provide. A "Class B — Trainee" Special Inspector shall work under the supervision of an inspection agency approved by the Director. Upon successful completion of the training program and an oral interview prescribed by the Director, the special Inspector may submit an application to be certified as a "Class A" Special Inspector.~~

- ~~C. — “Class C” Special Inspectors. Upon approval of the Director, the Oregon registered professional engineer or architect of record and persons under their direct supervision may provide the required special inspection as otherwise provided by this Chapter.~~
 The duties and responsibilities for a “Class C” Special Inspector are the same as a “Class A” and “Class B Trainee” Special Inspector, and the name(s) of any such person(s) performing inspections shall appear on the permit documents.
- ~~D. — The Bureau of Development Services will maintain a current list of “Class A” and “Class B Trainee” Special Inspectors available for public inspection.~~

24.20.040 — ~~Revocation or Suspension of Certification of Special Inspectors.~~

- ~~A. — The Director may revoke, suspend or refuse to renew the certification of a Class A or Class B Trainee Special Inspector or may revoke or suspend the approval of a Class C Special Inspector, if the Director determines that the Special Inspector:~~
- ~~1. — Willfully failed to perform any duties of a Special Inspector; or~~
 - ~~2. — Incompletely or ineffectively performed any duties of a Special Inspector.~~
- ~~B. — If the Director believes that an inspector has failed, incompletely or ineffectively performed their duties, the Director shall hold a hearing on the matter. The Director will give notice of this hearing to the inspector charged with the violation by mailing to them, at least 10 days prior to the time set for a hearing, a list of the allegations, as well as the time, date and place set for the hearing, when the inspector shall have an opportunity to be heard and present matter in their defense. Not later than 10 days thereafter, the Director shall issue a decision along with the type of action, if any, that is to be taken.~~
- ~~C. — An inspector adversely affected by the Director’s determination may have review pursuant to ORS 34.010 to 34.100.~~

24.20.0520 — Selection of the Special Inspectors and/or Agencies.

With the approval of the Director, Special Inspectors and approved inspection and/or testing agencies shall be chosen and paid by the owner, and will report to the licensed architect or engineer whose signature and seal appear on the design drawings and to the Bureau of Development Services. No changes of Special Inspectors or inspection/testing agency approved by the Director shall be made without obtaining approval of the responsible architect/engineer and the Director.

24.20.0630 — General Duties of the Special Inspector.

- A. The Special Inspector shall observe the work assigned for conformance with the approved ~~permit~~construction documents.
- B. The Special Inspector shall keep records of inspections and shall furnish inspection reports to the Director, the engineer and architect of record, the contractor and other designated individuals~~the Registered Design Professional, as that term is defined in Chapter 2 of the Oregon Structural Specialty Code.~~ All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the Director.
- C. The Special Inspector/Inspection Agency shall submit a final signed summary report stating whether the work requiring special inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions in the State Building Code.

Chapter 24.35, Historical Buildings, is deleted in its entirety.

Chapter 24.35

HISTORICAL BUILDINGS

Sections:

24.35.010 — ~~Historical Review Board.~~

24.35.020 — ~~Special Approval.~~

24.35.010 — Historical Review Board.

~~The Historical Building Review Board shall consist of the members of the Board of Appeal referred to in Section 24.10.080 plus the Chairman of the Portland Historical Landmarks Commission, or his designee with the power to waive any provision of the combined State Building Code.~~

~~Any person who may have been ordered by the Bureau of Development Services to incur an expense for the alteration or repair of any building defined as an historical building under Chapter 41 of the State Building Code, 1982 Edition, or any person whose application for a permit to alter or repair an historical building may have been refused by the Director may appeal to the Historical Building Review Board by serving written notice upon the Bureau of Development Services. The notice, or certified copy thereof, shall be transmitted at once to the Historical Building Review Board. After service of notice upon the persons interested, a hearing shall be held; and the Board may by unanimous vote, waive the provisions of the combined State Building Code, if, in their opinion, such historic buildings are not hazardous to life or health or the proposed variance does not conflict with the public interest. The Board shall consider the historic performance of the building, the structural stability, and the occupancy classification. Any variances granted by the Board shall be subject to the established occupancy classification, and any changes in occupancy classification occurring after the Board's decision shall terminate the Board's order thus subjecting the building or structure to be~~

~~resubmitted for reconsideration or abated. The Board shall adopt reasonable rules and regulations for conducting its business. In any matter relating to or involving fire prevention, fire safety measures, or building construction requirements for safety, any modification by the Board of a strict application of this Title shall be made only on condition that a substantially equivalent degree of safety is provided generally conforming to national standards concerning fire prevention, fire safety measures, and building construction requirements for safety. A certified copy of the Board's decision shall be delivered to the appellant. The fee for each appeal shall be stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.~~

24.35.020 — Special Approval.

~~Any permit application for exterior remodeling or alteration, construction of a new building, or demolition of a building, which involves an historical building or site so designated by the City Council, shall be submitted to the Portland Historical Landmarks Commission for approval, conditional approval or rejection prior to the issuance of any permit, to the extent required by the provisions of the planning and zoning regulations of the City. Issuance of the permit shall be subject to the terms and provisions of the planning and zoning regulations relative to the historical buildings or sites.~~

Section 24.90.090, Manufactured Dwelling Installations and Accessory Structures, Manufactured Dwelling Parks, Recreational Parks, Recreational Park Trailers Installation and Accessory Structures, is amended as follows:

24.90.090 Appeals.

~~Any person, firm or corporation aggrieved by a decision of the Bureau related to the application and interpretation of the Codes listed in Section 24.90.030 of under this Chapter may request an administrative appeal with the Administrative Appeal Board in accordance with Section 24.10.075 and pay the appeal fee. An internal administrative appeal committee consisting of persons appointed by the Director who are especially qualified to provide expert opinions in matters of this Chapter under appeal shall act in an advisory capacity to the Director. Committee review shall culminate in a finding by the Director. Further~~Any person aggrieved by a final decision of the Building Official made under Section 24.10.075 may appeal the decision to ~~appeal may be made without fee to~~ the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.030~~1~~. Within 30 days of the final appeal finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

Title 25 - Plumbing Regulations

Chapter 25.04, Administrative Regulatory Provisions, is amended as follows:

Chapter 25.04**ADMINISTRATIVE REGULATORY PROVISIONS****25.04.010 Conformity Required.**

Every plumbing system, rainwater harvesting system, water supply system, and sewage and drainage system coming within the jurisdiction of the City of Portland and covered by this Title and the Oregon Plumbing Specialty Code shall be installed, constructed, altered, renovated, repaired, and maintained in a manner which shall meet the requirements of this Title and the Oregon Plumbing Specialty Code. No pipes or piping or parts of any plumbing system shall be cut into, disturbed, or moved unless it is done in conformity with the provisions of this Title and the Oregon Plumbing Specialty Code. No person shall place in use, or maintain a plumbing, rainwater harvesting system, water, sewage, or drainage system which has been installed, constructed, altered, renovated, or repaired in violation of the provisions of this Title ~~and~~ the Oregon Plumbing Specialty Code. Any portion of such an installation, construction, alteration, renovation, or repair made in violation of this Title ~~and~~ the Oregon Plumbing Specialty Code shall be immediately removed and corrected to comply with provisions of this Title and upon notice from the Plumbing Inspector.

25.04.015 Stop Work Orders.

~~When any plumbing work is being done contrary to the provisions of this Code, the Director of the Bureau of Development Services may 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 such work until authorized by the Director to proceed with the work.~~ When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

25.04.040 Minor Plumbing Labels.

- A. **General.** ORS 455.155 gives the Department of Consumer and Business Services the authority to create a statewide permit and inspection system for

minor construction work. The Oregon Building Codes Division under the Department of Consumer and Business Services has created a mandatory statewide minor labels program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0060. The Bureau, in accordance with OAR 918-100-0060, shall conduct inspections and issue necessary correction notices for minor plumbing labels issued pursuant to the statewide minor labels program. ~~The Bureau will operate the Minor Plumbing Label program in accordance with the Oregon Administrative Rules. The Minor Plumbing Label Program utilizes minor labels in lieu of regular plumbing permits and random inspections to ensure compliance of minor work.~~

- ~~**B. Requirements for Minor Labels.** Minor Plumbing Labels may be used in all occupancies (including commercial, industrial, apartment, multi-family installations and one and two family residential dwellings). As provided by Oregon law, the Tri-County Service Center sells minor plumbing labels. The Bureau will refer all requests for minor plumbing labels to the Tri-County Service Center.~~
- ~~**C. Inspection and Enforcement Authority.** The Bureau, in accordance with Oregon Administrative Rule 918-100-0060, shall conduct inspections and issue necessary correction notices for labels issued by the Tri-County Service Center.~~
- ~~**D. Violations.** It is unlawful to violate the requirements of this section. Any violation of this section may be sanctioned by application of the remedies provided in Portland City Code 3.30.040.~~

Chapter 25.05, Permits, is amended as follows:

Chapter 25.05

PERMITS

25.05.010 Required.

Excepting fire systems provided for in Title 31, Fire Regulations, a permit, or minor label as outlined in Section 25.04.040, shall be obtained for the installation, construction, alteration, or repair of any plumbing or sewage system, fire hose valve, water supply system, water supply well, rainwater harvesting system, sewage holding tank, fire hose cabinet, or the installing of any device if the device requires either water supply, or waste connection to drainage system or both; ~~or for plugging or capping of a sewer where a building has been wrecked or demolished or moved; and for removing plumbing fixtures and sealing openings; all~~ for plugging or capping of a sewer where a building has been wrecked or demolished or moved; and for removing plumbing fixtures and sealing openings; all ~~All~~ of the above work is covered by ~~existing~~ existing under the regulations of this Title and the Oregon Plumbing Specialty Code. As used in this Section, the word "repair" does not apply to ordinary repairs to faucets or valves, or to the clearing of obstructions from a fixture, sewer, or waste pipe, if ~~there be no disconnecting of the fixture or device is not disconnected~~, or if there ~~be~~ is no opening of, or cutting into, the sewer or waste pipe or fittings.

25.05.020 Permit and Report Required To Do Plumbing Work on Water System.

It is unlawful for any plumber or other person to make connections, installations, replacements, extensions, or repairs to any City water service pipe, or to extend a water pipe from one building to another building, or to connect one service pipe with another service pipe without first obtaining the proper plumbing permit or minor label if applicable, unless making emergency repairs as allowed in Section 25.05.025 – Temporary Permits. ~~Permits for emergency repairs to water lines must be obtained within 48 hours (except weekends and holidays) of commencing the repair work.~~ Every plumbing system in the City of Portland shall be connected to a City water main or water supply furnished by the City of Portland or other State approved surveyor.

25.05.025 Temporary Permits.

The Bureau may issue temporary permits for emergency plumbing work or repairs. Temporary permits will only be issued to licensed plumbers. Temporary permits are valid for 7 days. When work is done under a temporary permit, the permit application and fees must either be received by the Bureau within 7 calendar days of the start of work, or, if mailed, be postmarked within 7 calendar days of the start of work.

25.05.070 Repairs, Replacements, and/or Completions.

- A. A regular fee shall be charged on all work for the finishing of any plumbing installation for which a permit was secured and which installation was roughed in only; ~~nor shall any~~ Any such original permit will not cover any person other than the original permittee.
- B. The fees for alterations, replacements, or repairs shall be the same as for new work.
- C. If any work on the construction, alteration, repair, replacement, or completion of a plumbing system ~~be~~ is commenced without a plumbing permit having first been secured, ~~the regular fee shall be doubled when the plumbing permit is issued~~ the Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Oregon Plumbing Specialty Code and this Title, provided that when a person performing the work notifies the ~~Plumbing Inspector's office~~ Bureau of Development Services before any work is commenced at a given location, and the permit is secured within 24 hours, not including Sundays or holidays, the ~~additional~~ investigation fee shall not be ~~charged~~ exacted. Payment of such fee, however, shall in no way relieve such person of the penalties imposed for violation of this Title.

25.05.080 Revocation.

If, upon inspection, it is found that the workmanship or material employed does not in all respects conform to the statements given in the plumbing permit application or does not

comply with the provisions of this Title and the Oregon Plumbing Specialty Code, the Bureau will issue a stop work order as set forth in Section 25.04.015 of this Title and ~~Plumbing Inspector shall, in writing, notify the permittee that~~ all additional plumbing work under the permit ~~shall~~will be suspended until permission to deviate from the specific terms of the permit is obtained or until the work already installed is corrected to comply fully with the terms of the permit. If the permittee fails to comply with the requirements outlined in the stop work order~~such notice immediately upon its service~~, the ~~Plumbing Inspector of the Bureau of Development Services shall forthwith~~will cancel the permit, informing the permittee in writing of the action, and posting a notice announcing such revocation at the site of the work. Thereafter it is unlawful for any person to perform any plumbing work upon such premises without first securing a new plumbing permit. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

25.05.090 Partial Refund of Fees.

Permit and plan check fees will, as a general rule, be refunded when the services covered by the fee have not commenced, and the permit or plan review fees were paid incorrectly due to an error on the part of the City. When a permit applicant requests a refund, but the City was not at fault in accepting payment, fees shall be retained to cover the cost of plan review or inspections actually performed and 20 percent of the amount remaining. State surcharge fees are only refundable when a permit was issued in error. Requests for refunds must be made within six months of payment or permit issuance, whichever is later. Refunds ~~will~~are to be made to the same person or firm who paid the fee within three months of the request. Exceptions to the above requirements may be made by the Director or designee.

Chapter 25.07, Board of Appeal, is replaced as follows:

Chapter 25.07

APPEALS

25.07.010 Bureau of Development Services Administrative Appeal Board.

- A. Appointment of Administrative Appeal Board.** The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal, and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of the State of Oregon Plumbing Specialty Code adopted in this Title ("Plumbing Code");
 2. review requests for modifications to the strict application of the Plumbing Code; and

3. review requests to use alternative materials, design or methods of construction and equipment.

- B. Appeals to the Administrative Appeal Board and Final Decisions.** Any person aggrieved by a decision of the Bureau related to the application and interpretation of this Title or the Plumbing Code or who wants to request consideration of an alternative material, design or method of construction may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Plumbing Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:
- 1 grant an appeal if the Administrative Appeal Board finds that the Plumbing Code was not correctly interpreted or applied; or
 2. approve an alternative material, design or method of construction if the Administrative Appeal Board finds that any such alternative complies with the intent of the Plumbing Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Plumbing Code in quality, strength, effectiveness, fire resistance, durability, and safety. The Administrative Appeal Board may not waive the requirements of the Plumbing Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.
- C. Reconsideration of Final Decisions and Appeals to the Plumbing Code Board of Appeal.** Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Plumbing Code Board of Appeal in accordance with Section 25.07.010 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Plumbing Code Board of Appeal. The Plumbing Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Plumbing Code Board of Appeal.
- D. Fees for Appeals.** The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

25.07.020 Plumbing Code Board of Appeal.

- A. Appointment of Plumbing Code Appeal Board.** In order to hear appeals of

final decisions of the Building Official made under Section 25.07.010, there has been created a Plumbing Code Board of Appeal, consisting of three members appointed by the Mayor and approved by the City Council.

1. Each member must be qualified by experience and training to make decisions pertaining to the Plumbing Code and matters pertaining to plumbing. At least one member must be a licensed plumbing contractor qualified through experience and training to decide matters concerning the safety of installations and devices regulated by this Title; one member shall be a person engaged in the design of plumbing installations qualified through experience and training to decide matters concerning the safety of installations and devices regulated by this Title; and one member must be qualified through training and experience to make decisions pertaining to the Plumbing Code and matters pertaining to plumbing.
2. Plumbing Code Board of Appeal appointments shall be for three-year terms. Appeal Board members may serve no more than two complete three-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
4. Members of the Plumbing Code Appeal Board shall comply with the State ethics laws applicable to public officials.
5. Members of the Plumbing Code Appeal Board shall serve in a voluntary capacity and without pay.

B. Appeals to the Plumbing Code Board of Appeal. The Plumbing Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of the Plumbing Code. The Plumbing Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 30 days after an interested party submits a written appeal to the Plumbing Code Board of Appeal. A panel of three Plumbing Code Board of Appeal members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

C. Powers and Limitations of Authority of the Plumbing Code Board of Appeal Board. The Plumbing Code Board of Appeal may provide reasonable

interpretations of the requirements of the Plumbing Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret the Plumbing Code; or
2. any alternative material, design or method of construction and equipment complies with the intent of the Plumbing Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Plumbing Code in quality, strength, effectiveness, fire resistance, durability, and safety. The Plumbing Code Board of Appeal may not waive the requirements of the Plumbing Code.

Any person aggrieved by a final decision of the Plumbing Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

The following is for reference only and shows the current code language that is being replaced:

BOARD OF APPEAL

25.07.010 — ~~Established Terms Vacancies.~~

~~There is hereby created and established a Board of Appeal in the Plumbing Division of the Bureau of Development Services consisting of three members appointed by the Mayor. One member shall be a plumbing contractor whose experience and training qualify him to decide matters concerning the safety of installations and devices regulated by this Title; one member shall be a person engaged in the design of plumbing installations whose experience and training qualify him to decide matters concerning the safety of installations and devices regulated by this Title and one member who shall be a member of the public at large. The Chief Engineer of the Water Bureau and the City Health Officer shall be advisory members of the Board. The advisory members shall serve with the three regular members of the Board when valves, devices, or appliances used for the supplying and flushing of plumbing fixtures and traps are submitted to the Board of Examination for tests.~~

~~At the constitution of the Board, one member shall be appointed for the term of 1 year, one member for the term of 2 years, and one member for the term of 3 years. After the expiration of the term of office of the members first appointed, appointments shall be made for a term of 3 years; provided, that the members of the Board at the time of the passage of this Code shall continue in office during the term for which they were originally appointed. No member shall sit in a case in which he is directly or indirectly interested. All vacancies occurring on the Board of Appeals, other than advisory members, for whatever cause shall be filled by the Mayor, either permanently or temporarily, as the case may demand. Any member of the Board of Appeals may be~~

removed by the Mayor for malfeasance in office, incapacity, or neglect of duty. The members of the Board shall serve without pay.

25.07.020 — Authority.

~~A. — Any applicant for a plumbing permit whose application has been rejected by the Plumbing Inspector, or any person who shall have been ordered by the Inspector to incur expense in the alteration, repair, or construction of a plumbing or drainage installation may, within 10 days thereafter appeal such action by serving upon the Plumbing Division of the Bureau of Development Services a notice in writing of the appeal, the notice or a certified copy thereof shall be at once transmitted to the Board of Appeals. After the notice to the parties as the Board may direct, a hearing shall be had, and the Board may affirm, annul, or modify the action of the Plumbing Section. The decision of the Board thereupon shall be in full force and effect. A certified copy of the Board's decision in each appeal shall be delivered to the appellants, and a copy shall be filed for record in the Bureau of Development Services. The Board of Appeals may vary the provisions of this Title if it appears that because of the unique circumstances present the purposes and intent of this Code and proper sanitation and safety are best served by some other method, procedure, or material.~~

~~Upon submission to the Board of Appeals, including the advisory member, types of plumbing fixtures or valves, devices, or appliances for the direct supplying and flushing of plumbing fixtures and traps may be approved and may be permitted to be used by the unanimous vote of the Board after examinations or tests of such types of fixtures, valves, devices, or appliances have shown that they will not constitute a sanitary hazard or cause pollution of the water supply. If it is found by the Board that the fixtures, valves, devices, or appliances do not comply with the requirements herein specified, the Board of Appeals reserves the right to revoke any approval, after the permittee has had notice and an opportunity of a hearing. Record of the approval by the Board of types of plumbing fixtures, valves, devices, or appliances, as herein set forth, shall be posted in the Plumbing Division of the Bureau of Development Services; and, likewise, a record of the approval of equivalent materials and methods approved by the Board, as herein provided, shall be posted in the Plumbing Division in the Bureau of Development Services. The provisions relative to approval by the Board of Appeal for plumbing fixtures, valves, devices, or appliances for the direct supply and flushing of plumbing fixtures and traps shall apply to types of relief valves for which approval is sought that they will operate in a safe and efficient manner and will relieve at the pressures to which they are set. The provisions as to posting shall also apply. Any requirements deemed necessary to abate unsanitary conditions in connection with any Plumbing Inspection not specifically covered in this Title shall be determined by the Plumbing Inspector, subject to review by the Board of Appeals.~~

~~B. — If any plumbing contractor, owner, or sewer contractor refuses or neglects to comply with the provisions of this Title within a reasonable time after written~~

~~notice of any violation discovered by the Plumbing Inspector has been sent, the Board, upon request of the Plumbing Inspector, shall hold a hearing relative to the alleged violation. At the hearing, the Board shall determine if the plumbing contractor, owner or sewer contractor has refused or neglected to comply with the provisions of this Title.~~

25.07.035 — Registration Review Board.

- ~~A. — The Board of Appeals shall act as the Registration Review Board in matters concerning violations of this Title by a plumbing or sewer contractor. The Review Board is authorized to revoke the registration of a plumbing or sewer contractor subsequent to a hearing. A revocation of registration shall be for a period of no less than 6 months.~~
- ~~B. — A written notice sent by certified mail shall be issued at least 10 days prior to the date of any hearing procedure.~~
- ~~C. — The State of Oregon Builders Board, Department of Commerce, and/or the Department Of Environmental Quality shall be notified of any revocation order issued by the Review Board, including the length of such revocation.~~
- ~~D. — A contractor may appeal the action of the Review Board by filing a written appeal to the City Council through the Office of the City Auditor within 10 days of a hearing decision by the Board. The appeal shall be placed on the next Calendar for a regular Council meeting. There shall be no fee required for an appeal filed under this Section.~~

25.07.040 — Rules To Be Adopted.

~~The Board of Appeals from time to time shall make and adopt rules and regulations for tests which the Board deems advisable for the testing of fixtures, valves, appliances, and devices. The person applying to the Board of Appeals for an approval of any fixture, valve, appliance, or device shall pay the costs of any test required by the Board.~~

25.07.050 — Reports.

~~It shall be the duty of the Board of Appeals to submit to the Council, on or before the first of January of each year in a report giving a summary of all decisions of the Board and a record of the business transacted, together with such recommendations for desirable legislation affecting plumbing installations as may be advisable.~~

Title 26 - Electrical Regulations

Chapter 26.03, Organization and Enforcement, is amended as follows:

Chapter 26.03

ORGANIZATION AND ENFORCEMENT

26.03.030 Conformity Required.

Any electrical equipment, product or material used or intended to be used under the scope of this Title must be approved under ORS 479. To be accepted by the Bureau, such equipment, product or material shall be installed, constructed, altered, renovated, repaired and maintained in compliance with the requirements of this Title.

Nothing in this Title is intended to permit the design, construction, installation, quality of materials, location, operation and maintenance of equipment which is not in accordance with any applicable sections of Title 24 (Building Regulations), Title 25 (Plumbing Regulations), ~~and~~ Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures) and Title 32 (Signs and Awnings) of the Code of the City of Portland.

Any portion of any installation, construction, alteration, renovation, or repair made in violation of this Title shall be removed or corrected to comply with the requirements of this Title.

Whenever there is insufficient evidence of compliance with any of the requirements of this Title or evidence that any equipment, product, material or construction does not conform to the requirements of this Title, the Director may require tests as proof of compliance. All tests shall be made by an agency approved by the State of Oregon Electrical and Elevator Board as meeting the testing standard requirements for electrical safety as required by ORS 479.510 through 479.855 and Oregon Administrative Rules. The tests shall be made at no expense to the City. Test methods shall be as specified by the Electrical Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed equipment, product, material, or construction, the Director shall determine test procedures. Reports of such tests shall be retained by the Director for the period required for the retention of public records.

26.03.050 Violations and Penalties.

B. Penalties.

1. In the event the property owner or permit holder, or the agent of the owner or permit holder, fails or neglects to carry out any requirement, or fails to correct any noted violations of this Title, the Director may gain compliance by any of the remedies outlined in ~~Section~~Chapter 3.30.015 of the Code of the City of Portland.

2. Any person, firm or corporation found guilty of violating any of the requirements of this Title shall be subject to civil penalties. Penalty amounts shall be those established in ORS, OAR and/or the Code of the City of Portland.
3. When electrical work requiring a permit under this Title is commenced prior to obtaining a permit, the Bureau shall conduct an investigation and may issue a stop work order in accordance with Section 26.03.080. (Exceptions to permit requirements are found in Chapter 26.04.) The investigation may involve inspecting the site for violations, checking ~~b~~Bureau files, and notifying applicable parties. ~~A fee, as set in Section 26.05.030, may be charged for such investigation.~~ The Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Electrical Code and this Title. The Bureau will conduct an special investigation shall be made before any permit is issued for the work. The Bureau's investigation may include determining the nature and extent of the work, checking the work for compliance with the Electrical Code and this Title, checking ~~b~~Bureau records and notifying applicable parties of the investigation results, including required corrections.

An investigation and investigation fee shall be required for any work done under a temporary permit when an electrical permit application and fee are not received or mailed within the time lines set in Section 26.04.070.

26.03.060 ~~Administrative Appeals and Alternate Methods.~~ Bureau of Development Services Administrative Appeal Board.

~~An Administrative Appeals Board, consisting of members appointed by the Director who are especially qualified to provide expert opinions in matters of this Title under appeal, shall act in an advisory capacity to the Director. The Board shall review appeals and requests for alternate methods and make recommendations to the Director. Board review shall culminate in a finding by the Director.~~ **A. Appointment of Administrative Appeal Board.**

The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members, the Director will consider the issues presented by the appeal, and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:

1. review appeals of the Bureau's application and interpretation of this Title and the Electrical Code;
2. review requests for modifications to the strict application of the Electrical Code; and
3. review requests to use an alternative method.

B. Appeals to the Administrative Appeal Board and Final Decisions. Any person aggrieved by a decision of the Bureau related to the application and

interpretation of the Electrical Code or this Title or who wants to request consideration of an alternative method may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Electrical Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:

1. grant an appeal if the Administrative Appeal Board finds that the Electrical Code was not correctly interpreted or applied;
2. grant requests for modifications to the strict application of the Electrical Code where it is assured that the modification provides equivalent safety; or
3. approve an alternative method if the Administrative Appeal Board finds that any such alternative complies with the intent of the Electrical Code and that the method offered is, for the purpose intended, at least the equivalent of that prescribed in the Electrical Code in safety. The Administrative Appeal Board may not waive the requirements of the Electrical Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.

C. Reconsideration of Final Decisions and Appeals to the Electrical Code Board of Appeal. Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Electrical Code Board of Appeal in accordance with Section 26.03.070 within 90 days of the final decision being appealed. There is no additional fee for the first reconsideration of an Administrative Appeal Board decision or for an appeal to the Electrical Code Board of Appeal. The Electrical Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Electrical Code Board of Appeal.

D. Fees for Appeals. The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

26.03.070 Electrical Code Board of Appeal.

A. Appointment of Board. In order to hear appeals where an applicant is aggrieved by the findings of the Director, the Mayor shall appoint three members to serve on the electrical Board of Appeal. The Mayor shall appoint three alternate members to serve in the absence of regular members.**Appointment of Electrical Code Board of Appeal.** In order to hear appeals of final decisions of the Building Official made under Section 26.03.060, there has been created an Electrical Code

Board of Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.

1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Electrical Code. One member and one alternate member shall be Oregon licensed journeymen electricians whose experience and training provide expertise on matters contained in the Electrical Code and this Title. One member and one alternate member shall be Oregon registered electrical engineers with substantial experience in electrical design and construction subject to the requirements of the Electrical Code and this Title. One member and one alternate member shall be electrical contractors experienced in electrical design and construction subject to requirements of the Electrical Code and this Title.
2. ~~Board of Appeal members and alternate members shall serve three-year terms. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.~~ Electrical Code Board of Appeal appointments shall be for 3-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.
4. Members of the Electrical Code Board of Appeal shall comply with the State ethics laws applicable to public officials~~neither sit for nor rule on any case in which they are either personally or professionally involved.~~
5. Members of the Electrical Code Board of Appeal shall serve in a voluntary capacity and without pay.

- B. Fees for Appeals.** ~~The fees for all appeals shall be in accordance with Paragraph 26.05.040.E.9.~~ **Appeals to the Electrical Code Board of Appeal.** The Electrical Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of this Title or the Electrical Code. The Electrical Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 45 days after an interested party submits a written appeal to the Electrical Code Appeal Board. A panel of three Electrical Code Board of Appeal members will hear each appeal. The Board may, by a majority

vote, affirm, annul, or modify the decision.

- C. **Powers and Limitations of Authority of the Electrical Code Board of Appeal.**
~~The Electrical Board of Appeal shall determine the suitability of alternate materials and types of construction and provide reasonable interpretations of the requirements of this Title. Any person aggrieved by the final decision of the Board of Appeal may, within 30 days after the date of the decision, appeal to the Chief Electrical Inspector of the State of Oregon.~~
The Electrical Code Board of Appeal may provide reasonable interpretations of the requirements of the Electrical Code and may grant an appeal if the Board finds one of the following:
1. the Building Official or Director did not correctly apply or interpret this Title or the Electrical Code;
2. grant requests for modifications to the strict application of the Electrical Code where it is assured that the modification provides equivalent safety; or
3. approve an alternative method if the Electrical Code Board of Appeal finds that any such alternative complies with the intent of the Electrical Code and that the method offered is, for the purpose intended, at least the equivalent of that prescribed in the Electrical Code in safety. The Electrical Code Board of Appeal may not waive the requirements of the Electrical Code.

Any person aggrieved by a final decision of the Electrical Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

26.03.080 **Stop Work Orders.**

~~When any work is being done contrary to the requirements of this Title, the Director may order, in writing, that the electrical work be stopped. Notice may be served by either posting the premises or issuing notice to the owner or person(s) causing or performing the unauthorized work. Upon receipt of notice, all unauthorized electrical work shall stop until authorization is received from the Director.~~

Continuation of unauthorized work after issuance or posting of a stop work notice shall be considered a violation and subject to penalties outlined in this Title, or the disconnection of power to the site in violation.
When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally, followed by a written stop work order. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.

26.03.090 **Electrical Power Disconnect.**

A. The Director may order the person or entity who controls the electrical power to disconnect the power to the structure, installation, portions of the installation, or product if the Bureau determines that an electrical installation or product:

1. Fails to comply with minimum safety standards; or,
2. Was installed without an electrical permit; or,
3. Is not in accordance with the requirements of the Electrical Code or this Title.

Prior to the power disconnection, the Director shall provide written notice to the property owner and the person(s) affected by the power disconnection. The notice shall contain a proposed disconnection date.

26.03.100 Maintenance.

All existing electrical installations shall be maintained in a safe condition. All required devices or safeguards shall be maintained in conformance with the Electrical Code and this Title. To determine compliance with this Section, the Director may inspect any electrical installation.

26.03.110 Electrical Fences.

A. **Where Permitted.** Locations in industrial use categories as defined in Title 33 may have electrically charged fences if the installation meets the requirements of the Electrical Code and this Title. Electrical fences and obstructions are prohibited at all other locations.

B. **Standards for Electrical Fences.** Electrical fences shall comply with the following standards:

1. The product shall be listed by a State of Oregon approved testing laboratory.
2. The product shall be installed and used in accordance with the testing laboratory listing.
3. Electrical permits and inspections shall be required for the installation.
4. Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, (or an equivalent statement) shall be on the warning signs.

Chapter 26.04, Permits, is amended as follows:

Chapter 26.04**PERMITS****26.04.070 Temporary Permits.**

The Bureau ~~shall have a temporary permit program and procedure for emergency or unanticipated electrical work~~ will issue temporary permits for emergency electrical work or unanticipated electrical work as those terms are defined in and pursuant to OAR 918-309-0080, provided all of the requirements in OAR 918-309-0080 are met. Temporary permits ~~shall~~ will only be ~~used by~~ issued to licensed electrical contractors. Temporary permits are valid for 7 days.

When work is ~~being~~ done under a temporary permit, the permit application and fees ~~shall~~ must either: A. ~~B~~ be received by the Bureau within 7 calendar days of the start of work; or, B. ~~When~~ if mailed, be postmarked within 7 calendar days of the start of work.

26.04.080 Life of Permit Limited.

If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further electrical work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond his or her control. Extension requests shall be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new ~~plumbing~~ electrical permit.

Chapter 26.06, Inspection, is amended as follows:

Chapter 26.06**INSPECTIONS****26.06.010 Required Inspections.**

All electrical installations requiring an electrical permit shall be subject to inspection. Work shall not be covered prior to inspection. The Bureau may inspect electrical installations ~~in the following sequence or at such other times deemed necessary to obtain compliance with~~ the Electrical Code and this Title in accordance with OAR 918-271.

A. ~~Temporary service completion.~~

- ~~B. — Underground or underfloor.~~
- ~~C. — Prior to cover (ceiling and wall).~~
- ~~D. — Service.~~
- ~~E. — Final or completed installation.~~

26.06.020 Other Inspections.

In addition to the required inspections specified in Section 26.06.010, the Director may make or require other inspections of any electrical installation to ascertain compliance with the Electrical Code and this Title.

26.06.030 Scope of Inspectors' Duties.

Inspectors inspect electrical installations and provide public information on the meanings or applications of Electrical Code provisions, but do not lay out work or act as consultants for electrical contractors, property owners or users.

26.06.040 Inspection Requests.

It is the responsibility of the person doing the work authorized by the permit to notify the Bureau when the work is ready for inspection. A person requesting an inspection shall ensure access and means for the Bureau to perform the required inspection. Neither tThe Director nor the City shall not be liable for expenses entailedincurred in removingal or replacingement of any material required to conduct anyfor inspection.

26.06.050 Notice of Inspection Results and Corrections.

- A. The Bureau shall provide ~~written~~ notice of the inspection results and corrections required to be made to defective electrical ~~wiring, equipment or installations in~~ accordance with OAR 918-271-0020. ~~Notice of correction shall be placed on the premises, the electrical panel box, or such other conspicuous place as the Director may determine. In addition the Bureau shall send a duplicate of the correction notice by mail or FAX to the person responsible for the work.~~

Corrections of defective electrical installations shall be completed and an inspection requested within 20 calendar days of the correction notice being given in accordance with OAR 918-271-0020. Extensions may be granted by the Bureau for reasonable cause. Failure to complete corrections and request an inspection within the time provided may result in the Bureau gaining compliance by:

1. Any of the remedies outlined in ~~Section~~Chapter 3.30-015; or,
 2. Revoking the permit.
- B. If the premises affected become vacant, the premises shall not be occupied for

dwelling purposes until necessary permits are obtained, corrections are completed, and the corrections are inspected and approved by the Bureau.

26.06.060 Electrical Connections.

Connecting electrical installations to an electrical supply source shall be done only after approval by the Bureau. Such inspection approval is identified by the City of Portland Electrical Inspection Record initialed by the Director and posted on the panel box or other conspicuous place.

Exceptions: An electrical installation under this Title may be legally energized prior to inspection provided:

- A. ~~An emergency service tag, issued by the Bureau, is attached to the installation. These tags may only be issued to and used by Oregon licensed electrical contractors. The electrical contractor shall request an inspection prior to or immediately after attaching the tag to the installation. When signed by the contractor or authorized representative and bearing a number issued by the Bureau, the tag will authorize the electrical utility to make connections pending final approval by the Director.~~ A licensed supervising electrician qualified pursuant to ORS 479.630 (2) submits a written Request to Energize form to which the appropriate electrical permit has been attached; or,
- B. The electrical contractor is performing minor electrical work utilizing a valid minor installation label or when the installation is under an Electrical Master Permit (Industrial Plant) Program.

Chapter 26.07, Registration of Electrical Contractors, is deleted in its entirety.

Chapter 26.07

REGISTRATION OF ELECTRICAL CONTRACTORS

Sections:

26.07.010 — Electrical Contractor Registration

26.07.020 — Application

26.07.010 — Electrical Contractor Registration.

~~For the purposes of maintaining accurate records, verifying contractors' and Supervising Electricians' State of Oregon registrations (ORS 479.560(1)(b) and 479.855(2)(a)(A), and OAR 918-020-0090(2)(f) and 918-309-0000(1)), assisting in the speedy processing of permits, and providing timely notifications, the Bureau shall keep a registry of any individual or firm performing for hire or profit electrical installation work regulated by this Title. All such firms shall register with the Bureau prior to performing such electrical work within the City. Whenever information contained on the registration~~

~~becomes invalid, the registrant shall provide the Bureau with up to date information.
Registrations are not transferable.~~

26.07.020 — Application.

~~Registration application shall be made on forms supplied by the Bureau. The applicant
shall provide all information in a complete and legible manner.~~

Title 27 - Heating and Ventilating Regulations

Chapter 27.01, Title and Scope, are amended as follows:

Chapter 27.01

TITLE AND SCOPE

27.01.010 Title.

This shall be known as Title 27, Heating and Ventilating Regulations and will be referred to herein as “this ~~Code~~Title.”

27.01.020 Purpose.

The purpose of this ~~Code~~Title is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

27.01.030 Scope.

- A. Mechanical Specialty Code. The provisions of the State of Oregon Mechanical Specialty Code, 2014 Edition, as published by the International Code Council as the International Mechanical Code, 2012 Edition along with the International Fuel Gas Code, 2012 Edition, and as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Mechanical Specialty Code is on file in the Development Services Center of the City of Portland.

Unless specifically provided for in other Chapters of this ~~Code~~Title, where requirements of this Title do not provide for or are not fully detailed with regard to processes, methods, specifications, equipment testing and maintenance standards of design performance and installation, and other pertinent criteria, applicable standards and recommendations of the National Fire Protection Association (hereinafter referred to as NFPA) as set forth in its National Fire Codes, shall apply.

In the following Chapters references may have been made to equipment not governed by this ~~Code~~Title, in which case other Code or Codes shall apply.

27.01.040 Existing Equipment.

Heating, ventilating, comfort cooling or refrigeration systems, incinerators or other miscellaneous heat-producing appliances lawfully installed prior to the effective date of this ~~Code~~Title may have their existing use, maintenance or repair

continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this ~~Code~~Title in heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances.

27.01.050 — ~~Alternate Materials and Methods of Construction.~~

~~The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternate has been approved.~~

~~The Building Official may approve any such alternate provided he finds that the proposed design is satisfactory and complies with 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.~~

~~The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.~~

Chapter 27.02, Organization and Enforcement, is amended as follows:

Chapter 27.02

ORGANIZATION AND ENFORCEMENT

27.02.010 General.

The ~~Building Inspections~~ Director of the Bureau of Development Services is hereby authorized and directed to enforce all the provisions of this ~~Code~~Title.

- A. Appointees. ~~In accordance with the procedure and with the approval of the Commissioner in Charge of the Bureau of Development Services, the Building Inspections Director may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized and as may be necessary to perform any duty imposed upon him by this CodeTitle. Such appointees shall~~may, for the sake of this ~~Code~~Title, hereafter be known as building officials, inspectors, or authorized representatives.

- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this ~~Code~~Title, or whenever the ~~Building Official~~Director or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, or upon presentation of a lawfully issued warrant, the Building Official~~Director~~ or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the ~~Building Official~~Director by this ~~Code~~Title, ~~provided that if~~ such building or premises ~~be~~is occupied, ~~he~~the Director shall first present proper credentials and request entry; and if such building or premises ~~be~~is unoccupied, ~~he~~the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the ~~Building Official~~Director or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the ~~Building Official~~Director or his authorized representative shall ~~have first~~has obtained a ~~proper inspection~~lawfully issued warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons 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 therein~~allow the Director or authorized representative to enter the building or premises~~by the Building Official or his authorized representative~~ for the purpose of inspection and examination pursuant to this ~~Code~~Title.

- C. Stop Work Orders. ~~Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work. When it is necessary to obtain compliance with this Title, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not be resumed until such time as the Director gives specific approval in writing. The stop work order will be in writing, except when an emergency condition exists, the Director may issue a stop work order orally. All stop work orders will conform to the requirements of City Code Section 3.30.080. Any person subject to a stop work order may seek review of the order by the Director and may appeal the Director's determination in accordance with City Code Section 3.30.080.~~

- D. **Authority to Condemn Equipment.** Whenever the Building Official learns or ascertains that any equipment, as defined in this Code Title, has become hazardous to life, health, or property, ~~he shall order, in writing,~~ a written order will be issued requiring that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.
- E. ~~Liability. The Building Official or any employee charged with the enforcement of this Code, acting in good faith and without malice for the jurisdiction in the discharge of his duties, shall not thereby render himself liable personally and he hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employees, because of such act or omission performed by him in the enforcement of any provisions of this Code, shall be defended by the legal department of the jurisdiction until final termination of the proceedings.~~

27.02.020 Violations and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the ~~jurisdiction~~ City, or cause the same to be done contrary to or in violation of any of the provisions of this Code Title. Maintenance of equipment which was unlawful at the time it was installed, and which would be unlawful under this Code Title if installed after the effective date of this Code Title, shall constitute a continuing violation of this Code Title.

In the event the property owner, permit holder or agent fails or neglects to carry out any requirement, or fails to correct any noted violation of this Title, the Director may gain compliance by any of the remedies outlined in ~~Title Chapter 3.30.015~~ of the Code of the City of Portland.

Chapter 27.02.030, Board of Appeals, is replaced as follows:

27.02.030 Bureau of Development Services Administrative

- A. **Appointment of Administrative Appeal Board.** The Bureau of Development Services Administrative Appeal Board consists of the Building Official and Bureau staff members appointed by the Director. In appointing staff members the Director will consider the issues presented by the appeal, and what particular expertise will be helpful in addressing those issues. The staff will act in an advisory capacity to the Building Official. The Administrative Appeal Board may:
1. review appeals of the Bureau's application and interpretation of this Title and the State of Oregon specialty codes adopted in this Title (collectively referred to as the "Mechanical Code");

2. review requests for modifications to the strict application of the Mechanical Code; and
3. review requests to use alternative materials, design or methods of construction and equipment.

B. Appeals to the Administrative Appeal Board and Final Decisions.

Any person aggrieved by a decision of the Bureau related to the application and interpretation of the Mechanical Code or this Title or who wants to request a modification to the strict interpretation of the Mechanical Code or consideration of an alternative material, design or method of construction or equipment may file an appeal with the Administrative Appeal Board. Such an appeal must be filed within 180 days of the Bureau decision being appealed; provided, however, the Mechanical Code in effect at the time the Bureau decision was made shall be applied to the administrative appeal. The Administrative Appeal Board may:

1. grant an appeal if the Administrative Appeal Board finds that the Mechanical Code was not correctly interpreted or applied;
2. grant a modification to the application of the Mechanical Code where special individual reasons make application of the strict letter of the Mechanical Code impractical, the modification is in compliance with the intent and purpose of the Mechanical Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. approve an alternative material, design or method of construction and equipment if the Administrative Appeal Board finds that any such alternative complies with the intent of the Mechanical Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Mechanical Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Administrative Appeal Board may not waive the requirements of the Mechanical Code. The Administrative Appeal Board review will culminate in a final decision by the Building Official. The Administrative Appeal Board meeting is not open to attendance by the appellant or the public. The Bureau will provide final decisions to the appellant by publication of the decision on the Bureau's website within 10 calendar days of the hearing, provided the Bureau has received all required information from the applicant.

C. Reconsideration of Final Decisions and Appeals to the Mechanical Code Board of Appeal. Any person aggrieved by a final decision of the Building Official made under Subsection B. above may either file a reconsideration of that decision within 180 days of the decision based on new or revised information or appeal the decision to the Mechanical Code Board of Appeal in accordance with Section 27.02.031 within 90 days of the final decision being appealed. There is no additional fee for the first

reconsideration of an Administrative Appeal Board decision or for an appeal to the Mechanical Code Board of Appeal. The Mechanical Code in effect at the time of the final decision being reconsidered or appealed will be applied to the reconsideration or subsequent appeal to the Mechanical Code Board of Appeal.

- D. Fees for Appeals.** The fees for administrative appeals shall be as stated in the Fee Schedule adopted by the City Council. The current approved Fee Schedule is available at the Development Services Center and on the Bureau's website.

The following is for reference only and shows the current code language that is being replaced:

Board of Appeals.

~~In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code, a Board of Appeals has been created.~~

- ~~A. Created — Membership — Vacancies. There has been created and established and hereby continued, a Board of Appeals of this Title, consisting of three members, and an alternate for each member, appointed by the Mayor. Members, by experience and training, shall be qualified to pass upon the safety of installations and apparatus regulated by this Code. Appointments shall be made for a term of 3 years. No member shall hear or decide a case in which he is directly or indirectly interested. Vacancies occurring on the Board of Appeals from whatever cause shall be filled by appointment by the Mayor, either permanently or temporarily as the case may demand. Any member of the Board of Appeals may be removed by the Mayor for malfeasance in office, incapacity, or neglect of duty~~
- ~~B. Power of and Appeal to Board. Any applicant for a heating or ventilating permit whose application has been rejected by the Permit Division of the Bureau of Development Services or any person who shall have been ordered by the Inspector to incur expense in the alteration, repair, or construction of a heating or ventilating system may, within 15 days thereafter, appeal from such action by serving upon the Bureau of Development Services a notice in writing of appeal, and the notice or a certified copy thereof shall at once be transmitted to the Board of Appeals. After notice to such parties as the Board may direct, a hearing shall be had, and the Board may by a majority vote affirm, annul, or modify the action of the Bureau of Development Services. The decision of the Board shall have full force and effect. A certified copy of the Board's decision in each appeal shall be delivered to the appellant and a copy filed for record in the Bureau of Development Services. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences~~

~~inconsistent with the general purposes of this Code may result from the literal interpretation and enforcement thereof, the Board of Appeals upon unanimous vote may grant adjustments or variances in a specific case with such conditions and safeguards as it may determine, in harmony with the general purpose, intent, and spirit of this Code, so that the public safety and welfare shall be secured and substantial justice shall be done. If interpretation of the provisions of this Code is required, decisions thereon may be determined by a majority vote of the Board. Materials and methods found equivalent to those called for by the Code may be approved by a majority vote of the Board.~~

- ~~C. Fees for appeals. The fees for all appeals are stated in the current approved fee schedule. This schedule will be available at the Development Services Center.~~
- ~~D. Rules to be Adopted. The Board of Appeals from time to time shall adopt such rules for conducting its hearings as the Board may deem proper.~~

27.02.031 Powers of the Mechanical Code Board of Appeals.

~~Any person aggrieved by the final decision of a Municipal Appeals Board as to the application of any provision of this Code may, within 30 days after the date of the decision, appeal to the Structural Code Advisory Board.~~

A. Appointment of Mechanical Code Appeal Board. In order to hear appeals of final decisions of the Building Official made under Section 27.02.030, there has been created a Mechanical Code Board of Appeal, consisting of three members and three alternates appointed by the Mayor and approved by the City Council.

1. Each member and alternate member must be qualified by experience and training to make decisions pertaining to the Mechanical Code and the safety of installations and apparatus regulated by this Title, including the design and installation of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.
2. Mechanical Code Board of Appeal appointments shall be for three-year terms. Appeal Board members may serve no more than two complete 3-year terms, unless the Director recommends approval of a longer term, and the Mayor and City Council approve the extended appointment. Vacancies occurring prior to the end of a term for whatever cause may be filled by qualified persons through appointment by the Mayor for the remainder of the term.
3. Any member may be removed by the Mayor for incompetence, dereliction of duty, incapacity or other sufficient cause.

4. Members of the Mechanical Code Appeal Board shall comply with the State ethics laws applicable to public officials.
5. Members of the Mechanical Code Appeal Board shall serve in a voluntary capacity and without pay.

B. Appeals to the Mechanical Code Board of Appeal. The Mechanical Code Board of Appeal may review Administrative Appeal Board decisions or any other final decision of the Building Official or Director related to the application and interpretation of this Title or the Mechanical Code. The Mechanical Code appeal will be limited to the facts and record reviewed by the Administrative Appeal Board, Building Official or Director related to the decision being appealed. A hearing will be held within 45 days after an interested party submits a written appeal to the Mechanical Code Board of Appeal. A panel of three Mechanical Code Appeal Board members will hear each appeal. The Board may, by a majority vote, affirm, annul, or modify the decision.

C. Powers and Limitations of Authority of the Mechanical Code Board of Appeal. The Mechanical Code Board of Appeal may provide reasonable interpretations of the requirements of the Mechanical Code and may grant an appeal if the Board finds one of the following:

1. the Building Official or Director did not correctly apply or interpret this Title or the Mechanical Code;
2. special individual reasons make application of the strict letter of the Mechanical Code impractical, the modification is in compliance with the intent and purpose of the Mechanical Code, and such modification does not lessen health, accessibility, life and fire safety or structural requirements of the structure; or
3. any alternative material, design or method of construction and equipment complies with the intent of the Mechanical Code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Mechanical Code in quality, strength, effectiveness, fire resistance, durability, accessibility and safety. The Mechanical Code Board of Appeal may not waive the requirements of the Mechanical Code.

Any person aggrieved by a final decision of the Mechanical Code Board of Appeal may, within 30 days after the date of the decision, appeal to the appropriate advisory board of the State of Oregon Department of Consumer and Business Services.

Chapter 27.03, Permits and Inspection, is amended as follows:

Chapter 27.03

PERMITS AND INSPECTIONS

27.03.010 Permits Required.

No person shall install, alter, replace, or repair any heating, ventilating, comfort cooling, or refrigeration equipment unless a permit, or where appropriate a minor mechanical label as outlined in Section 27.03.035, therefor has been obtained from the ~~Building Official~~Bureau except as otherwise provided in this ~~Code~~Title.

A permit, or where appropriate a minor mechanical label, shall be obtained for all heating, ventilating, comfort cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit, or where appropriate a minor mechanical label, shall be obtained for the equipment installed in each separate building, structure, dwelling unit, guest room, office, or suite of offices.

No permits shall be required for the following:

- A. Any portable heating appliance.
- B. Any portable ventilating equipment.
- C. Any portable comfort cooling unit.
- D. Any steam, hot, or chilled water piping within any comfort heating or cooling equipment regulated by this ~~Code~~Title.
- E. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this ~~Code~~Title.
- F. Any portable evaporative cooler.
- G. Any refrigerating equipment which is a part of the equipment for which a permit has been issued pursuant to the requirements of this ~~Code~~Title.
- H. Any unit refrigerating system.
- I. Replacement of an "in kind" water heater (gas to gas) in the same location when reconnected to an approved, existing chimney or vent system, not requiring the installation of a chimney liner.

27.03.020 Permits.

- A. Permit Application. To obtain a permit, the applicant shall file an application on forms furnished for that purpose. The application shall contain all information necessary to the lawful enforcement of the provisions of this ~~Code~~Title. All applications for permits shall be signed

by the owner of the property, by the contractor engaged to do the work, or by an authorized representative of such owner or contractor.

Electric Heating Applications. The applicant for a permit to install an electrical heating system shall furnish on the application, information covering the following:

1. The total area of the dwelling or apartment;
2. The ceiling height and area of each room, or space regarded as living quarters;
3. The location, as to what floor each room or space is located;
4. The net areas each of exposed walls and exposed openings in each room or space regarded as living quarters;
5. The type and amount of insulation used;
6. The U factors for ceilings, floors, exposed walls, partitions, windows, and doors;
7. The amount of wattage required to offset the heat loss for each room as required by Section 27.05.021 of this ~~Code~~Title;
8. The total heating requirements for the dwelling.

- B.** Plans and Specifications. When required by the ~~Building Official~~Director for the enforcement of any provisions of this ~~Code~~Title for the installation of comfort heating systems, comfort cooling systems, absorption systems, ventilation systems, hoods, and any installation within construction required to be fire-resistive or of 1-hour construction, three sets of plans or specifications shall accompany the permit application and be approved before the issuance of the permit.

After approval, one set of plans shall be retained by the ~~Building Official~~Director, one set on permanent file with the Bureau of Development Services and the other set shall be returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized is in progress.

When the plans and specifications do not comply with provisions of this ~~Code~~Title, the necessary changes or revisions shall be made thereto.

Every plan shall be a print or other type of plan approved by the ~~Building Official~~Director. The information contained on the plans shall be clearly

legible and specifically indicated. No plan shall be of a scale smaller than 1/8 inch per foot.

Specifications, legibly and definitely stated, shall be included either on the plan or on separate sheets.

The approval of any plans or specifications shall not be construed to sanction any violation of this ~~Code~~Title.

No person shall deviate materially from any approved plans or specifications or fail, neglect, or refuse to comply therewith unless permission to do so has been obtained from the ~~Building Official~~Director.

The plans or specifications shall show the following:

1. Layout for each floor with dimensions of all working spaces and a legend of all symbols used.
2. Location, size, and material of all piping.
3. Location, size, and materials of all air ducts, air inlets, and air outlets.
4. Location of all fans, warm-air furnaces, boilers, absorption units, refrigerant compressors and condensers and the weight of all pieces of such equipment weighing 200 pounds or more.
5. Rated capacity or horsepower of all boilers, warm-air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units.
6. Location, size, and material of all combustion products, vents, and chimneys.
7. Location and area of all ventilation and combustion air openings and ducts.
8. Location of all air dampers and fire shutters.
9. First sheet of each set of plans and specifications shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
10. Plans and specifications shall be of sufficient clarity to show that the proposed installation will conform to the provisions of this

CodeTitle and of all applicable laws, ordinances, rules, regulations, and orders.

- C. Issuance. When the ~~Building Official~~Director determines that the information on the application is in conformance with this CodeTitle, he ~~shall issue~~ a permit will be issued upon receipt of the total fees.

27.03.030 Validity and Length of Permit.

- A. Validity. The issuance or granting 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 CodeTitle. No permit presuming to give authority to violate or cancel the provisions of this CodeTitle shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the ~~Building Official~~Director from thereafter requiring the correction of errors in said plans and specifications or from preventing construction being carried on thereunder when in violation of this CodeTitle or of any other ordinance.

- B. Life of Permit Limited. If no inspection approval has taken place within six months after permit issuance, the permit shall become void, and no further heating and ventilating work shall be done at the premises until a new permit has been secured and a new fee paid. Each time an inspection approval is granted, the permit shall be deemed to be automatically extended for six months, until final approval is granted. The Director may extend a permit for one period of six months upon finding that the permittee was unable to commence or continue work for reasons beyond his or her control. Extension requests must be in writing and must be received by the Director before the permit expiration date. If an inspection approval has not been granted within this extended time period, the permit shall be void. A permit that has been expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. No permit may be renewed if it has been expired for more than six months. A permit may be renewed only once. If an inspection approval has not been granted within the time period of the permit renewal the permit shall be void. The renewal fee shall be one half the amount required for a new plumbingmechanical permit.
- C. Suspension or Revocation. The ~~Building Official~~Director may, in writing, suspend or revoke a permit issued under provisions of this CodeTitle whenever the permit is issued in error or on the basis of incorrect

information supplied, or in violation of any ordinance or regulation or any of the provisions of this ~~Code~~Title.

D. Investigation Fees: Work Without a Permit.

1. Investigation. Whenever any work for which a permit is required by this ~~Code~~Title has been commenced without first obtaining said permit, an ~~special~~ investigation shall be made before a permit may be issued for such work.
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 Bureau may charge an investigation fee equal to the average or actual additional cost incurred by the City of ensuring that the work done without benefit of a permit is in conformance with the Mechanical Code and this Title.~~ The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ~~Code~~Title nor from any penalty prescribed by law.

27.03.031 Master Permit/Facilitiesy Permit Program.

The Master Permit/Facilitiesy Permit program is a special inspection program authorized under Oregon Revised Statute 455.190154. This program is available to commercial/industrial building owners and building management companies to streamline the approval of maintenance/repair and tenant improvement work on their private facilities.

27.03.035 ~~Commercial and Industrial~~ Minor Mechanical Labels.

- A. **General.** Oregon Revised Statutes Chapters 455.190154 and 455.155 establishes special alternative inspections programs ~~for commercial and industrial installations~~ for other than new construction. One of these programs is the Minor Label Program. Implementation rules are found in Oregon Administrative Rules 918-100-0000 through 918-100-0600. The Bureau will operate the Minor Mechanical Label Program in accordance with the Oregon Administrative Rules. The Minor Mechanical Label Program utilizes minor labels in lieu of regular building permits. Random inspections are made to ensure compliance of minor work.
- B. **Requirements.** ~~Commercial and Industrial~~ Minor Mechanical Labels may be used in all occupancies ~~(including commercial, industrial, apartment and multi-family installations)~~ except one and two family dwellings. Labels are sold in groups of ten. ~~Labels expire six months from date of purchase and are not refundable.~~ No more than one minor

mechanical label may be used on any single project. A single project is defined as not more than one minor label used per calendar month for each address, suite or tenant space.

C. Work Allowed. The following work may be done under a Minor Mechanical Label:

1. Moving or replacing duct work not involving fire dampers or penetrations of fire walls, fire assemblies or floors;
2. Moving ~~or replacing~~ grills in duct work;
3. Replacing existing heating, cooling and ventilation equipment (minor alteration of gas piping and venting permitted to allow for unit configuration);
4. Adding a central air conditioning unit to existing ductwork in one- and two-family dwellings; or
5. Installing a mechanical exhaust fan for radon mitigation systems in one- and two-family dwellings.

D. Violations. It is unlawful to violate the requirements of this section. The Director may enforce the requirements of this Chapter by any of the remedies in Portland City Code Chapter 3.30.015.

E. Expiration. Minor mechanical labels expire ~~within~~ six months from the date of purchase, and are not refundable or transferable.

27.03.050 Inspection.

All equipment for which a permit is obtained under this Code Title shall be inspected by the ~~Building Official~~ Director. No portion of any equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved. When the installation of any equipment is complete, a second or final inspection shall be made. Equipment regulated by this Code Title shall not be connected to the fuel or power supply until authorized by the ~~Building Official~~ Director.

EXCEPTION: The requirements of this Section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a building, in the event a request for inspection of such heating equipment has been filed with the ~~Department Bureau~~ not more than 48 hours after such replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the building. A final inspection approval may, upon notice, be revoked by the ~~Building Official~~ Director if ~~he finds that~~ the heating,

ventilating, comfort cooling, or refrigeration equipment fails in any respect to comply with the requirements of this ~~Code Title~~, or ~~that if~~ the installation is unsafe, dangerous, or a hazard to life or property.

27.03.060 Request for Inspection.

The ~~Building Official~~Director may require that every request for inspection be filed at least ~~one~~ day before such inspection is desired. Such request may be in writing or by telephone at the option of the ~~Building Official~~Director. It shall be the duty of the person requesting inspection of any equipment regulated by this ~~Code Title~~ to provide access to and means for proper inspection of such equipment. The ~~Building Official~~Director shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

Chapter 27.05, Equipment-General, is amended as follows:

Chapter 27.05

EQUIPMENT-GENERAL

27.05.021 Capacity.

Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit or 20 degrees Celsius at a point 3 feet or 91.44 centimeters above the floor in all of the City of Portland habitable rooms.

~~Chapter 53, Energy Conservation, State Building Code~~The version of the Oregon Energy Efficiency Specialty Code adopted by the City in Section 24.10.040, shall regulate the design and construction of the exterior envelopes and selection of heating, ventilating and air conditioning systems and equipment.

- A. The annual degree days is 4,792 for heating and is 300 for cooling. The design temperature is 23 degrees Fahrenheit for winter and 85 degrees Fahrenheit for summer.
- B. Indoor design temperature shall be 68 degrees Fahrenheit for heating and 78 degrees Fahrenheit for cooling.

Chapter 27.19, Electric Heating Systems, is amended as follows:

Chapter 27.19 Electric Heating Systems

27.19.054 Electric Central Heating Systems.

- A. Central heating systems of the forced air type shall conform to the general installation requirements of this ~~Code Title~~. The equivalent KW capacity

of such a system shall equal the calculated heat loss of the living quarters of the dwelling in B.T.U. —per hour, at design conditions, plus not less than 10 percent greater than the total building heat loss in size, when it is the only source of heating. The total output of such a system in B.T.U. shall be computed at the location where the thermal (heat) energy is converted and/or transferred to the circulated air.