

ORDINANCE No. 186388

*Amend investigation fees in the Bureau of Development Services fee schedules for building, electrical, mechanical, plumbing, signs and site development (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.
2. The Bureau of Development Services collects fees under various fee schedules, including building, electrical, mechanical, plumbing, signs, site development and others. These fees are used by BDS to fund inspections, plan review, permit issuance, land use review, code enforcement, customer assistance and other functions.
3. Fees charged for services delegated from the State Building Codes Division (BCD) must comply with the fee calculation methodologies determined by BCD and described in Oregon Revised Statutes (ORS) Chapter 455, the State Building Codes and Oregon Administrative Rules (OAR) 918-050-0000 through 918-050-0170.
4. Fees charged by the Bureau of Development Services should cover the costs of providing the services.
5. The Oregon State Legislature recently enacted House Bill (HB) 2978, which will become effective January 1, 2014. The new legislation restricts the investigation fees a municipality may charge for work commenced without a required building permit to the actual or average cost of the investigation.
6. Currently, when a person commences work without a required permit, the State Building Code allows a municipality to charge an investigation fee, equal to the permit fee, in addition to the actual permit fee. The existing Bureau of Development Services fee schedules use this methodology and include investigation fees equal to the permit fee.
7. In order to comply with HB 2978, BDS needs to amend its fee schedules to replace the current investigation fees with an hourly rate of \$95.00 per hour or fraction thereof for staff costs. The hourly rate reflects the average rate of compensation for staff who will be conducting the investigations. That hourly rate will be multiplied by the number of hours it takes to conduct each investigation, with a minimum of one hour per investigation.

8. The investigation fees in the following fee schedules shall be amended to make the Bureau of Development Services fee schedules in compliance with HB 2978:

Building and Other Permits Fee Schedule
Electrical Permit Fee Schedule
Mechanical Permit Fee Schedule
Plumbing Permit Fee Schedule
Sign, Awning Permit and Registration Fee Schedule
Site Development Fee Schedule

NOW, THEREFORE, the Council Directs:

- a. The Fee Schedules listed as Exhibits A through F to this ordinance shall be effective January 1, 2014.
- b. This ordinance is a binding City policy.

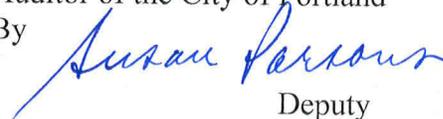
Section 2. The Council declares that an emergency exists because delay in amending the fee schedules would cause the fee schedules to be out of compliance with House Bill 2978; therefore, this ordinance shall be in full force and effect as of January 1, 2014.

Passed by the Council: DEC 18 2013

Commissioner Amanda Fritz
Prepared by: Deborah Sievert Morris, BDS
Date Prepared: December 18, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Title

*Amend investigation fees in the Bureau of Development Services fee schedules for building, electrical, mechanical, plumbing, signs and site development (Ordinance)

INTRODUCED BY
Commissioner/Auditor:
Commissioner Amanda Fritz

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Hales

Position 1/Utilities - Fritz *Amanda Fritz*

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Novick

BUREAU APPROVAL

Bureau: Paul L. Scarlett
Bureau Head: Director, Bureau of Development Services
P. Scarlett

Prepared by: Leanne Torgerson
Date Prepared: 12/6/13

Financial Impact & Public Involvement Statement
Completed Amends Budget

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes No

Council Meeting Date
12/18/13

City Attorney Approval

CLERK USE: DATE FILED DEC 13 2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *[Signature]*
Deputy

ACTION TAKEN:

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	