

IMPACT STATEMENT

Legislation title: Amend Chapter 3.30 to add administrative review of stop work orders; amend Titles 24 -27 to add administrative appeal provisions, revise external Appeal Board provisions to conform to the State Building Codes, add term limits to all external Boards, delete obsolete provisions, and make other technical changes (Ordinance; amend Code Chapter 3.30 and Titles 24-27)

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Presenter name: Nancy Thorington

Purpose of proposed legislation and background information:

- A. Amends Chapter 3.30 to add a provision allowing administrative appeals of stop work orders to the Code Hearings Officer in accordance with Chapter 22.10 of the Portland City Code.
- B. Amends stop work order provisions in Titles 24 – 27 so they are consistent with the new language in Section 3.30.080 and within each of these titles.
- C. Codifies the scope and authority of the Bureau of Development Services' Administrative Appeal Board, which hears appeals for permit applicants who are aggrieved by a decision of BDS acting as the Building official of the interpretation or administration of the State Building Codes or who want to request a modification to the strict interpretation of the Building Codes or consideration of an alternate method, design or material of construction or equipment.
- D. Amends provisions of Titles 24 – 27 governing the BDS external Boards of Appeal to conform to the State Building Codes and add term limits to these boards and to the Structural Engineering Advisory Committee.
- E. Amends Titles 24 – 27 to delete obsolete provisions and make minor language changes to correct technical errors and improve internal consistency.

Financial and budgetary impacts:

No additional revenue or expense is anticipated with the proposed code amendments. The amendments add provisions for appealing stop work orders, codify the existing Administrative Board of Appeal, add term limits to BDS external Boards of Appeal, make the language relating to these Boards consistent with the State Building Codes, delete obsolete provisions in these titles and make other minor technical changes. No new regulations are created by the proposed amendments.

Community impacts and community involvement:

Very few impacts are anticipated because most of this ordinance involves codifying or clarifying existing practices and cleaning up Titles 24 – 27 to make them internally consistent and consistent with State Building Codes and making other technical changes.

The changes were presented to the Development Review Advisory Committee at its August 2015 meeting. Because BDS did not receive any comments or requested changes, the public involvement did not shape the outcome of this item.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



**City of
Portland, Oregon**
Bureau of Development Services
FROM CONCEPT TO CONSTRUCTION

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October 28, 2015

To: Mayor Hales
Commissioner Fish
Commissioner Fritz
Commissioner Novick
Commissioner Saltzman

From: Paul L. Scarlett, Director
Bureau of Development Services

RS

Regarding: Proposed City Code revisions to amend Chapter 3.30 (Administration – Bureau of Development Services) to add administrative appeals for stop work orders and to amend Title 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), and Title 27 (Heating and Ventilation Regulations) to add administrative appeal provisions, revise appeal board provisions to conform to the State Building Code, add term limits to the Bureau of Development Services appeal boards and committees, and make other minor technical changes

Background

As part of its administrative duties and as required by the State of Oregon Building Codes, the Bureau of Development Services (BDS) is required to provide an administrative appeal process for building permit applicants who are aggrieved by BDS decisions related to the interpretation and administration of the Building Codes or who want to request a modification to the strict interpretation of the Building Codes or consideration of an alternate material, design or method of construction or equipment. BDS currently has an internal Administrative Appeal Board that performs these functions. This ordinance codifies the scope of authority of the Administrative Appeal Board and procedures for filing appeals to the Administrative Appeal Board.

BDS also has various external Boards of Appeal that consists of community members with expertise in the State Building Codes who hear appeals of Administrative Appeal Board decisions. To be consistent with other BDS boards and commissions, this ordinance adds term limits for the Boards of Appeal members and to the Structural Engineering Advisory Committee.

The City Council recently adopted Ordinance 187151, effective September 1, 2015, which added a new Portland City Code Chapter 3.130 – Administrative Appeals – the purpose of which is to provide adequate notice to any person of a right to an administrative appeal. This ordinance adds a provision to Section 3.30.080 for administrative appeals of stop work orders to the Code Hearings Officer in accordance with Chapter 22.10 of the Portland City Code. This ordinance also amends the stop work order provisions in Titles 24, 25, 26, and 27 to reference City Code Section 3.30.080.

The proposed ordinance also makes several minor amendments to Titles 24, 25, 26 and 27 to conform the language to the State Building Codes, delete obsolete provisions and correct technical errors.

Summary of Proposed Amendments

CHAPTER 3.30 – Bureau of Development Services

- Codify appeal process for stop work orders to comply with new Citywide ordinance requiring notice of right to appeal administrative decisions

TITLE 24 – Building Regulations

- Add section codifying Administrative Appeals Board (sitting as “Building Official”)
- Repeal and replace section on Building Code Appeal Board to add term limits to board; make burden of proof reflect language in State Building Code; add subsection outlining powers and duties of the Building Code Appeal Board; make it mandatory that appellants first appeal to the Administrative Appeal Board; add time limits on when appeals may be made; and add provision regarding appeals to State Building Codes Division of Building Code Appeal Board decisions
- Add term limits to Structural Engineering Advisory Committee
- Make minor amendments to conform language to State Building Code
- Add provision allowing BDS to review and approve building permits for retaining walls
- Make minor language amendments to correct technical errors, such as incorrect code references and inconsistent use of terminology
- Revise section on Minor Structural Labels to reflect the fact that BDS no longer administers the program, except for inspections (the State now administers this program)
- Delete section on Special Inspections Advisory Board because that board no longer exists due to changes in how BDS administers the program
- Delete references to Special Inspector Certification because BDS no longer administers that program
- Delete chapter on Historical Buildings because the provisions in that chapter are either now covered in Title 33 or no longer apply (there are only two sections in this chapter: 24.35.010 – Historical Review Board – this board no longer exists; it was created in 1978 before the current Historical Landmarks Commission and was never deleted from Title 24; and 24.35.020 – Special Approval – which covers historic design review that is now governed by Title 33)
- Amend appeal provision in section governing manufactured dwellings to conform to amendments of appeals noted above
- Codify appeal process for stop work orders

TITLE 25 – Plumbing Regulations

- Add section codifying Administrative Appeals Board (sitting as “Building Official/Authority Having Jurisdiction” per the State Plumbing Code)
- Repeal and replace section on Plumbing Code Appeal Board section to add term limits to board; make burden of proof reflect language in State Plumbing Code; add subsection

outlining powers and duties of the Plumbing Code Appeal Board; make it mandatory that appellants first appeal to the Administrative Appeal Board; add time limits on when appeals may be made; add provision regarding appeals to State Building Codes Division of Plumbing Code Appeal Board decisions

- Revise section on Minor Plumbing Labels to reflect the fact that BDS no longer administers the program, except for inspections; the State now administers the program
- Make minor amendments to conform language to State Plumbing Code and correct technical errors
- Codify stop work order appeal process
- Add provision outlining requirements for temporary plumbing permits
- Amend language regarding how BDS can charge for work done without a permit to conform with changes in State law

TITLE 26 – Electrical Regulations

- Add section codifying Administrative Appeals Board (sitting as “Building Official” per the State Electrical Code)
- Repeal and add new section on Electrical Code Appeal Board to add term limits to board; make burden of proof reflect language in State Electrical Code; add subsection outlining powers and duties of the Electrical Code Appeal Board; make it mandatory that appellants first appeal to the Administrative Appeal Board; add time limits on when appeals may be made; add provision regarding appeals to State Building Codes Division of Electrical Code Appeal Board decisions
- Make minor amendments to conform language to State Electrical Code and correct technical errors
- Repeal Chapter 26.07 – Registration of Electrical Contractors – as obsolete because BDS no longer requires electrical contractors to register. Instead, BDS checks their credentials online.
- Codify stop work order appeal process

TITLE 27 – Heating and Ventilating Regulations

- Add section codifying Administrative Appeal Board (sitting as “Building Official” per the State Mechanical Code)
- Repeal and replace section on Mechanical Code Appeal Board to add term limits to board; make burden of proof reflect language in State Mechanical Code; add subsection outlining powers and duties of the Mechanical Code Appeal Board; make it mandatory that appellants first appeal to the Administrative Appeal Board; add time limits on when appeals may be made; add provision regarding appeals to State Building Codes Division of Mechanical Code Appeal Board decisions
- Make minor amendments to conform language to State Mechanical Code and correct technical errors
- Amend section on minor mechanical labels to reflect current BDS practices
- Codify stop work order appeal process