

**PROPOSED AMENDMENTS TO  
SENATE BILL 582**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and line 3 and insert “455.148 and 455.150; and declaring an  
3 emergency.”.

4 Delete lines 5 through 28 and delete pages 2 through 11 and insert:

5 **“SECTION 1. Sections 2 to 12 of this 2013 Act are added to and made  
6 a part of ORS chapter 455.**

7 **“SECTION 2. The Legislative Assembly finds and declares that:**

8 **“(1) It is in the best interests of this state to encourage exper-  
9 imentation, innovation and cost effectiveness in state building code  
10 regulations applicable to construction in rural or remote parts of this  
11 state; and**

12 **“(2) Special consideration should be given to structures built in  
13 rural or remote parts of this state in order to address unclear,  
14 duplicative, inadequate or unsuitable provisions of the state building  
15 code.**

16 **“SECTION 3. (1) Notwithstanding any other provision of this chap-  
17 ter or ORS chapter 446 or 460, the Director of the Department of  
18 Consumer and Business Services may limit the application of a spe-  
19 cialty code provision adopted under this chapter or ORS chapter 446  
20 or 460 to exclude one or more types of structures or structure uses if  
21 the director considers the specialty code provision to be unclear,  
22 duplicative, inadequate or unsuitable for the structures or structure**

1 uses.

2 “(2) The director may adopt alternative requirements to a specialty  
3 code provision adopted under this chapter or ORS chapter 446 or 460  
4 that the director considers to be unclear, duplicative, inadequate or  
5 unsuitable. An alternative requirement adopted by the director under  
6 this subsection is not an amendment or modification of the state  
7 building code.

8 “(3) The powers granted to the director under this section are in  
9 addition to any powers granted to the director under ORS 455.030,  
10 455.060, 455.065, 455.112 and 455.154. Except as provided in this sub-  
11 section, the director may, at the discretion of the director, establish,  
12 terminate or change the nature or extent of a provision applicability  
13 limitation or alternative requirement under this section. A discre-  
14 tionary action by the director under this section is not subject to ap-  
15 peal. This section does not authorize the director to establish a  
16 provision applicability limitation or alternative requirement for a  
17 provision of the boiler, electrical or plumbing specialty codes.

18 “(4) Alternative requirements adopted by the director under this  
19 section may include, but need not be limited to, requirements regard-  
20 ing the fire apparatus means of approach to a property and the ade-  
21 quacy of a water supply.

22 “(5) If an alternative requirement adopted by the director under this  
23 section or a provision of the state building code conflicts with any  
24 rules of the State Fire Marshal or the regulations of a governmental  
25 subdivision described in ORS 476.030 (3), the alternative requirement  
26 or state building code provision, as interpreted by a designee of the  
27 director or by a building official, shall apply.

28 **“SECTION 4. (1) An employee of the Department of Consumer and**  
29 **Business Services acting within the scope of employment may consult**  
30 **with and advise any person regarding the plan content requirements**

1 and alternative possibilities for correcting deficiencies in plan content  
2 in order to meet building code requirements and obtain plan approval.

3 “(2) A building official or an inspector, as those terms are defined  
4 in ORS 455.715, who is employed directly by a municipality may consult  
5 with and advise an applicant for a building permit regarding the plan  
6 content requirements and alternative possibilities for correcting defi-  
7 ciencies in plan content in order to meet building code requirements  
8 and obtain plan approval. The building official or inspector may pro-  
9 vide consultation and advice under this subsection only with regard  
10 to wood frame structures that are Use and Occupancy Classification  
11 Group U structures under the structural specialty code or with regard  
12 to single family dwellings.

13 “(3) The consultation and advice described in subsections (1) and (2)  
14 of this section may include:

15 “(a) The provision of calculations;

16 “(b) Acceptable sizing of components that are subject to a specialty  
17 code;

18 “(c) The provision of building plan or electronic building plan re-  
19 quirements; and

20 “(d) Minimum requirements for health and safety.

21 “(4) A building official, inspector or department employee providing  
22 consultation and advice under this section is not engaged in the  
23 practice of architecture for purposes of ORS 671.010 to 671.220, the  
24 practice of landscape architecture for purposes of ORS 671.310 to  
25 671.459 or the practice of engineering for purposes of ORS 672.002 to  
26 672.325.

27 **“SECTION 5. (1) Notwithstanding ORS 455.148 and 455.150, a person**  
28 **that wishes to obtain building inspection program services for a**  
29 **project at a location within a municipality that has a building in-**  
30 **spection program may apply to the Department of Consumer and**

1 **Business Services for the department to provide the building in-**  
2 **spection program services for the project. The department shall con-**  
3 **sult with the municipality prior to the department making the decision**  
4 **to grant or deny the request. The department may grant, deny or**  
5 **partially grant a request made under this section at its discretion, and**  
6 **the decision of the department is not subject to appeal. If the depart-**  
7 **ment grants the request, the department may provide all or part of the**  
8 **building inspection program services for the project as agreed to by**  
9 **the requesting person and the department, including, but not limited**  
10 **to, plan review and inspection services.**

11 **“(2) Notwithstanding ORS 455.210 and ORS chapters 291 and 292, if**  
12 **the department provides services for a project under this section, the**  
13 **department may act to ensure that the project proceeds in a timely,**  
14 **consistent and flexible manner by making the project subject to state**  
15 **administrative standards and fees, the administrative standards and**  
16 **fees of the municipality or a combination of state and municipal ad-**  
17 **ministrative standards and fees. The department may enter into**  
18 **agreements with units of local government and state agencies under**  
19 **ORS 190.110 as the department considers necessary to ensure that a**  
20 **project proceeds in a timely, consistent and flexible manner.**

21 **“SECTION 6. (1) Notwithstanding ORS 455.148, 455.150 and 455.153,**  
22 **the Director of the Department of Consumer and Business Services**  
23 **may enter into an agreement with one or more municipalities for the**  
24 **Department of Consumer and Business Services to uniformly admin-**  
25 **ister and enforce all or a portion of a building inspection program**  
26 **within a geographic area. The geographic area may be a municipality,**  
27 **a region comprising parts of more than one municipality or a region**  
28 **comprising multiple municipalities. The geographic area need not**  
29 **correspond to the jurisdictional boundaries of municipalities. The**  
30 **agreement may provide for the department to perform administration**

1 and enforcement for a specified period or for carrying out one or more  
2 particular projects.

3 “(2) The terms of an agreement under this section may specify  
4 whether the department is to utilize department resources or combine  
5 resources with one or more of the municipalities to carry out an  
6 agreement. An agreement may combine department and local govern-  
7 ment resources in any manner that the parties believe will provide for  
8 the efficient and uniform administration of the building inspection  
9 program within the geographic area, including but not limited to full,  
10 divided, mutual or joint performance of any of the administrative or  
11 enforcement functions by any of the parties to the agreement. A de-  
12 cision by the director regarding whether to enter into an agreement  
13 under this section, and the content of any agreement that the director  
14 enters into under this section, is not subject to review by the Attorney  
15 General or the Oregon Department of Administrative Services and is  
16 subject to challenge or appeal under ORS chapter 183 only for failure  
17 to comply with an express requirement created under this section or  
18 section 7, 9, 10 or 11 of this 2013 Act.

19 “(3) An agreement under this section is not an abandonment of a  
20 building inspection program for purposes of ORS 455.148 or 455.150.

21 “SECTION 7. (1) An agreement under section 6 of this 2013 Act may  
22 provide for the parties to the agreement to share any fee revenue  
23 generated by the administration and enforcement of the agreement  
24 and to expend the fee revenue anywhere within the geographic area  
25 covered by the agreement.

26 “(2) Notwithstanding ORS 455.210, if an agreement under section 6  
27 of this 2013 Act provides for the Department of Consumer and Business  
28 Services to administer and enforce a building inspection program for  
29 which one or more municipalities have adopted a fee or hourly rate,  
30 subject to subsection (3)(a) of this section the department may charge

1 the municipally adopted fee or hourly rate when providing the building  
2 inspection program services within a municipality.

3 “(3) Fees described in subsection (2) of this section that are charged  
4 by the department:

5 “(a) Are subject to any surcharges described under ORS 455.210,  
6 455.220 or 455.447; and

7 “(b) Notwithstanding ORS 455.210, are not subject to Oregon De-  
8 partment of Administrative Services approval.

9 **“SECTION 8. The Legislative Assembly finds and declares that:**

10 “(1) It is in the best interests of this state that construction-related  
11 development activities proceed in a manner that is as quick and effi-  
12 cient as practicable;

13 “(2) Ensuring that construction-related development activities pro-  
14 ceed quickly and efficiently requires a flexible and responsive system  
15 for state building code administration and enforcement; and

16 “(3) Having a flexible and responsive system for state building code  
17 administration and enforcement requires that sufficient staff and re-  
18 sources be available to assist the Director of the Department of Con-  
19 sumer and Business Services as needed.

20 **“SECTION 9. (1) Subject to ORS 293.235 to 293.245, 293.250, 293.260**  
21 **to 293.280, 293.285 and 293.293 and any rules adopted under ORS 293.235**  
22 **to 293.245, 293.250, 293.260 to 293.280, 293.285 and 293.293, and notwith-**  
23 **standing ORS chapter 240, 276, 282, 283, 291 or 292 or other provisions**  
24 **of ORS chapter 293 or the rules adopted under ORS chapter 240, 276,**  
25 **282, 283, 291 or 292, except as provided under this section the Director**  
26 **of the Department of Consumer and Business Services may take any**  
27 **action the director considers reasonable to ensure that sufficient staff**  
28 **and other resources are available for the administration and enforce-**  
29 **ment of the state building code. Subject to subsections (2) to (4) of this**  
30 **section, actions that the director may take under this section include,**

1 but are not limited to:

2 “(a) Utilizing municipal personnel, or hiring former municipal per-  
3 sonnel, to carry out the administrative and enforcement duties of the  
4 Department of Consumer and Business Services under an agreement  
5 described in section 6 of this 2013 Act;

6 “(b) Employing additional Department of Consumer and Business  
7 Services staff for carrying out the administrative and enforcement  
8 duties of the department under an agreement described in section 6  
9 of this 2013 Act; and

10 “(c) Expending available resources to carry out department re-  
11 sponsibilities to provide sufficient staff and other resources under an  
12 agreement described in section 6 of this 2013 Act.

13 “(2) The utilization of municipal personnel or hiring of former mu-  
14 nicipal personnel under subsection (1)(a) of this section is subject to  
15 any applicable collective bargaining agreements and may not be used  
16 to displace any state employee. Municipal personnel whom the de-  
17 partment utilizes under subsection (1)(a) of this section retain their  
18 status as municipal personnel for purposes of ORS 30.260 to 30.300  
19 while carrying out the administrative and enforcement duties of the  
20 department under an agreement.

21 “(3) The employment of additional staff under subsection (1)(b) of  
22 this section is subject to any limitations established by the Legislative  
23 Assembly on the number of total personnel approved for the depart-  
24 ment. To the extent practicable, the director shall give preference to  
25 the use of available state employees to fulfill additional staffing re-  
26 quirements.

27 “(4) The employment of additional staff under subsection (1)(b) of  
28 this section and the expenditure of available resources under sub-  
29 section (1)(c) of this section must be predicated upon the availability  
30 of adequate revenue, which may include but need not be limited to

1 revenue derived from municipal sources through an agreement de-  
2 scribed under section 6 of this 2013 Act. The use of existing revenue  
3 and available resources to carry out an agreement under section 6 of  
4 this 2013 Act is not an addition to or amendment of the legislatively  
5 adopted budget for the department.

6 “(5) Notwithstanding ORS 455.230, the director may use moneys de-  
7 posited in the Consumer and Business Services Fund from fees col-  
8 lected under this section for the purpose of paying the department’s  
9 costs of carrying out the administrative and enforcement duties of the  
10 department within any administrative region established by the direc-  
11 tor or a geographic region established by an agreement under section  
12 6 of this 2013 Act or for the purpose of assisting a local government  
13 to carry out an agreement under section 6 of this 2013 Act.

14 “SECTION 10. (1) If the Department of Consumer and Business  
15 Services assumes the administration and enforcement of a building  
16 inspection program that has been surrendered or abandoned by a  
17 municipality, and immediately prior to the surrender or abandonment  
18 the municipality was charging a fee adopted under ORS 455.210 (3) that  
19 was different from the fee authorized under ORS 455.210 (1) for the  
20 same services, the department may charge the fee adopted by the  
21 municipality for the services that the department provides under the  
22 program.

23 “(2) Fees described in subsection (1) of this section that are charged  
24 by the department:

25 “(a) Are subject to any surcharges described under ORS 455.210,  
26 455.220 or 455.447; and

27 “(b) Notwithstanding ORS 455.210, are not subject to Oregon De-  
28 partment of Administrative Services approval.

29 “SECTION 11. Notwithstanding any surcharge use described in ORS  
30 455.220 (4), the Director of the Department of Consumer and Business



1 Services may use moneys from surcharges imposed under ORS 455.210  
2 (4) for the purpose of paying the Department of Consumer and Busi-  
3 ness Services' costs of carrying out the administration and enforce-  
4 ment of the state building code within an administrative region  
5 established by the director or a geographic region established by an  
6 agreement that the director enters into under section 6 of this 2013  
7 Act.

8 **SECTION 12.** The Director of the Department of Consumer and  
9 Business Services:

10 “(1) May adopt rules, establish policies and procedures and take  
11 other actions the director considers reasonable or expedient for car-  
12 rying out agreements under section 6 of this 2013 Act or under ORS  
13 455.148 (13) or 455.150 (13) and any duties, functions and powers of the  
14 director or the Department of Consumer and Business Services under  
15 sections 6, 7 and 9 to 11 of this 2013 Act or 455.148 (13) or 455.150 (13);

16 “(2) Shall consult at least annually with appropriate advisory boards  
17 regarding any agreements under section 6 of this 2013 Act or actions  
18 taken by the director under section 6, 7, 9, 10 or 11 of this 2013 Act or  
19 ORS 455.148 (13) or 455.150 (13); and

20 “(3) Shall report biennially to the Legislative Assembly as provided  
21 under ORS 192.230 to 192.250 regarding any department activities under  
22 section 6, 7, 9, 10 or 11 of this 2013 Act or ORS 455.148 (13) or 455.150  
23 (13). The report shall include, but not be limited to, information re-  
24 garding any projected need for an increase in department resources  
25 required for carrying out the administration and enforcement of  
26 building inspection programs under sections 6, 7 and 9 to 11 of this 2013  
27 Act or under ORS 455.148 (13) or 455.150 (13).

28 **SECTION 13.** ORS 455.148 is amended to read:

29 “455.148. (1)(a) A municipality that assumes the administration and  
30 enforcement of a building inspection program shall administer and enforce

1 the program for all of the following:

2 “(A) The state building code, as defined in ORS 455.010, except as set  
3 forth in paragraph (b) of this subsection.

4 “(B) Manufactured structure installation requirements under ORS 446.155,  
5 446.185 (1) and 446.230.

6 “(C) Manufactured dwelling parks and mobile home parks under ORS  
7 chapter 446.

8 “(D) Park and camp programs regulated under ORS 455.680.

9 “(E) Tourist facilities regulated under ORS 446.310 to 446.350.

10 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

11 “(G) Manufactured structure accessory buildings and structures under  
12 ORS 446.253.

13 “(H) Boilers and pressure vessels described in rules adopted under ORS  
14 480.525 (5).

15 “(b) A building inspection program of a municipality may not include:

16 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670  
17 except those described in rules adopted under ORS 480.525 (5);

18 “(B) Elevator programs under ORS 460.005 to 460.175;

19 “(C) Amusement ride regulation under ORS 460.310 to 460.370;

20 “(D) Prefabricated structure regulation under ORS chapter 455;

21 “(E) Manufacture of manufactured structures programs under ORS 446.155  
22 to 446.285, including the administration and enforcement of federal manu-  
23 factured dwelling construction and safety standards adopted under ORS  
24 446.155 or the National Manufactured Housing Construction and Safety  
25 Standards Act of 1974;

26 “(F) Licensing and certification, or the adoption of statewide codes and  
27 standards, under ORS chapter 446, 447, 455, 479 or 693; or

28 “(G) Review of plans and specifications as provided in ORS 455.685.

29 “(2) A municipality that administers a building inspection program as  
30 allowed under this section shall do so for periods of four years. The De-

1 department of Consumer and Business Services shall adopt rules to adjust time  
2 periods for administration of a building inspection program to allow for  
3 variations in the needs of the department and participants.

4 “(3) When a municipality administers a building inspection program, the  
5 governing body of the municipality shall, unless other means are already  
6 provided, appoint a person to administer and enforce the building inspection  
7 program, who shall be known as the building official. A building official  
8 shall, in the municipality for which appointed, attend to all aspects of code  
9 enforcement, including the issuance of all building permits. Two or more  
10 municipalities may combine in the appointment of a single building official  
11 for the purpose of administering a building inspection program within their  
12 communities.

13 “(4)(a) By January 1 of the year preceding the expiration of the four-year  
14 period described in subsection (2) of this section, the governing body of the  
15 municipality shall notify the Director of the Department of Consumer and  
16 Business Services and, if the municipality is not a county, notify the county  
17 whether the municipality will continue to administer and enforce the build-  
18 ing inspection program after expiration of the four-year period.

19 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this  
20 subsection, the director and the municipality and, if the municipality is not  
21 a county, the county may by agreement extend that date to no later than  
22 March 1.

23 “(5) If a city does not notify the director, or notifies the director that it  
24 will not administer the building inspection program, the county or counties  
25 in which the city is located shall administer and enforce the county program  
26 within the city in the same manner as the program is administered and en-  
27 forced outside the city, except as provided by subsection (6) of this section.

28 “(6) If a county does not notify the director, or notifies the director that  
29 it will not administer and enforce a building inspection program, the director  
30 shall contract with a municipality or other person or use such state em-

1 ployees or state agencies as are necessary to administer and enforce a  
2 building inspection program, and permit or other fees arising therefrom shall  
3 be paid into the Consumer and Business Services Fund created by ORS  
4 705.145 and credited to the account responsible for paying the expenses  
5 thereof. A state employee may not be displaced as a result of using contract  
6 personnel.

7 “(7) The governing body of a municipality may commence responsibility  
8 for the administration and enforcement of a building inspection program be-  
9 ginning July 1 of any year by notifying the director no later than January  
10 1 of the same year and obtaining the director’s approval of an assumption  
11 plan as described in subsection (11)(c) of this section.

12 “(8) The department shall adopt rules to require the governing body of  
13 each municipality assuming or continuing a building inspection program  
14 under this section to submit a written plan with the notice required under  
15 subsection (4) or (7) of this section. If the department is the governing body,  
16 the department shall have a plan on file. The plan must specify how coop-  
17 eration with the State Fire Marshal or a designee of the State Fire Marshal  
18 will be achieved and how a uniform fire code will be considered in the review  
19 process of the design and construction phases of buildings or structures.

20 “(9) A municipality that administers and enforces a building inspection  
21 program pursuant to this section shall recognize and accept the performances  
22 of state building code activities by businesses and persons authorized under  
23 ORS 455.457 to perform the activities as if the activities were performed by  
24 the municipality. A municipality is not required to accept an inspection, a  
25 plan or a plan review that does not meet the requirements of the state  
26 building code.

27 “(10) The department or a municipality that accepts an inspection or plan  
28 review as required by this section by a person licensed under ORS 455.457  
29 has no responsibility or liability for the activities of the licensee.

30 “(11) In addition to the requirements of ORS 455.100 and 455.110, the di-

1 rector shall regulate building inspection programs that municipalities as-  
2 sume on or after January 1, 2002. Regulation under this subsection shall  
3 include but not be limited to:

4 “(a) Creating building inspection program application and amendment  
5 requirements and procedures;

6 “(b) Granting or denying applications for building inspection program  
7 authority and amendments;

8 “(c) Requiring a municipality assuming a building inspection program to  
9 submit with the notice given under subsection (7) of this section an as-  
10 sumption plan that includes, at a minimum:

11 “(A) A description of the intended availability of program services, in-  
12 cluding proposed service agreements for carrying out the program during at  
13 least the first two years;

14 “(B) Demonstration of the ability and intent to provide building in-  
15 spection program services for at least two years;

16 “(C) An estimate of proposed permit revenue and program operating ex-  
17 penses;

18 “(D) Proposed staffing levels; and

19 “(E) Proposed service levels;

20 “(d) Reviewing procedures and program operations of municipalities;

21 “(e) Creating standards for efficient, effective, timely and acceptable  
22 building inspection programs;

23 “(f) Creating standards for justifying increases in building inspection  
24 program fees adopted by a municipality;

25 “(g) Creating standards for determining whether a county or department  
26 building inspection program is economically impaired in its ability to rea-  
27 sonably continue providing the program throughout a county, if another  
28 municipality is allowed to provide a building inspection program within the  
29 same county; and

30 “(h) Enforcing the requirements of this section.

1       “(12) The department may assume administration **and enforcement** of a  
2 building inspection program:

3       “(a) During the pendency of activities under ORS 455.770;

4       “(b) If a municipality abandons or is no longer able to administer the  
5 building inspection program; and

6       “(c) If a municipality fails to substantially comply with any provision of  
7 this section or of ORS 455.465, 455.467 and 455.469.

8       **“(13) If the department assumes the administration and enforce-  
9 ment of a building inspection program under this section, in addition  
10 to any other power granted to the director, the director may:**

11       **“(a) Enter into agreements with local governments under section 6  
12 of this 2013 Act regarding the administration and enforcement of the  
13 assumed building inspection program;**

14       **“(b) Take action as described in section 9 of this 2013 Act to ensure  
15 that sufficient staff and other resources are available for the admin-  
16 istration and enforcement of the assumed building inspection program;  
17 and**

18       **“(c) Charge fees described in section 10 of this 2013 Act for depart-  
19 ment services provided in administering and enforcing the assumed  
20 building inspection program.**

21       “[(13)] **(14)** A municipality that abandons or otherwise ceases to adminis-  
22 ter **and enforce** a building inspection program that the municipality as-  
23 sumed under this section may not resume the administration or enforcement  
24 of the program for at least two years. The municipality may resume the ad-  
25 ministration and enforcement of the abandoned program only on July 1 of  
26 an odd-numbered year. Prior to resuming the administration and enforcement  
27 of the program, the municipality must follow the notification procedure set  
28 forth in subsection (7) of this section.

29       **“SECTION 14.** ORS 455.150 is amended to read:

30       “455.150. (1) Except as provided in subsection [(14)] **(15)** of this section,

1 a municipality that assumes the administration and enforcement of a build-  
2 ing inspection program prior to January 1, 2002, may administer and enforce  
3 all or part of a building inspection program. A building inspection program:

4 “(a) Is a program that includes the following:

5 “(A) The state building code, as defined in ORS 455.010, except as set  
6 forth in paragraph (b) of this subsection.

7 “(B) Manufactured structure installation requirements under ORS 446.155,  
8 446.185 (1) and 446.230.

9 “(C) Manufactured dwelling parks and mobile home parks under ORS  
10 chapter 446.

11 “(D) Park and camp programs regulated under ORS 455.680.

12 “(E) Tourist facilities regulated under ORS 446.310 to 446.350.

13 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

14 “(G) Manufactured structure accessory buildings and structures under  
15 ORS 446.253.

16 “(H) Boilers and pressure vessels described in rules adopted under ORS  
17 480.525 (5).

18 “(b) Is not a program that includes:

19 “(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670  
20 except those described in rules adopted under ORS 480.525 (5);

21 “(B) Elevator programs under ORS 460.005 to 460.175;

22 “(C) Amusement ride regulation under ORS 460.310 to 460.370;

23 “(D) Prefabricated structure regulation under ORS chapter 455;

24 “(E) Manufacture of manufactured structures programs under ORS 446.155  
25 to 446.285, including the administration and enforcement of federal manu-  
26 factured dwelling construction and safety standards adopted under ORS  
27 446.155 or the National Manufactured Housing Construction and Safety  
28 Standards Act of 1974;

29 “(F) Licensing and certification, or the adoption of statewide codes and  
30 standards, under ORS chapter 446, 447, 455, 479 or 693; and

1 “(G) Review of plans and specifications as provided in ORS 455.685.

2 “(2) A municipality that administers a building inspection program as  
3 allowed under this section shall do so for periods of four years. The De-  
4 partment of Consumer and Business Services shall adopt rules to adjust time  
5 periods for administration of a building inspection program to allow for  
6 variations in the needs of the department and participants.

7 “(3) When a municipality administers a building inspection program, the  
8 governing body of the municipality shall, unless other means are already  
9 provided, appoint a person to administer and enforce the building inspection  
10 program or parts thereof, who shall be known as the building official. A  
11 building official shall, in the municipality for which appointed, attend to all  
12 aspects of code enforcement, including the issuance of all building permits.  
13 Two or more municipalities may combine in the appointment of a single  
14 building official for the purpose of administering a building inspection pro-  
15 gram within their communities.

16 “(4)(a) By January 1 of the year preceding the expiration of the four-year  
17 period described in subsection (2) of this section, the governing body of the  
18 municipality shall notify the Director of the Department of Consumer and  
19 Business Services and, if not a county, notify the county whether the  
20 municipality will continue to administer the building inspection program, or  
21 parts thereof, after expiration of the four-year period. If parts of a building  
22 inspection program are to be administered and enforced by a municipality,  
23 the parts shall correspond to a classification designated by the director as  
24 reasonable divisions of work.

25 “(b) Notwithstanding the January 1 date set forth in paragraph (a) of this  
26 subsection, the director and the municipality and, if the municipality is not  
27 a county, the county may by agreement extend that date to no later than  
28 March 1.

29 “(5) If a city does not notify the director, or notifies the director that it  
30 will not administer certain specialty codes or parts thereof under the build-



1 ing inspection program, the county or counties in which the city is located  
2 shall administer and enforce those codes or parts thereof within the city in  
3 the same manner as it administers and enforces them outside the city, except  
4 as provided by subsection (6) of this section.

5 “(6) If a county does not notify the director, or notifies the director that  
6 it will not administer and enforce certain specialty codes or parts thereof  
7 under the building inspection program, the director shall contract with a  
8 municipality or other person or use such state employees or state agencies  
9 as are necessary to administer and enforce those codes or parts thereof, and  
10 permit or other fees arising therefrom shall be paid into the Consumer and  
11 Business Services Fund created by ORS 705.145 and credited to the account  
12 responsible for paying such expenses. A state employee may not be displaced  
13 as a result of using contract personnel.

14 “(7) If a municipality administering a building inspection program under  
15 this section seeks to administer additional parts of a program, the munici-  
16 pality must comply with ORS 455.148, including the requirement that the  
17 municipality administer and enforce all aspects of the building inspection  
18 program. Thereafter, the municipality is subject to ORS 455.148 and ceases  
19 to be subject to this section.

20 “(8) The department shall adopt rules to require the governing body of  
21 each municipality to submit a written plan with the notice required under  
22 subsection (4) of this section. If the department is the governing body, the  
23 department shall have a plan on file. The plan shall specify how cooperation  
24 with the State Fire Marshal or a designee of the State Fire Marshal will be  
25 achieved and how a uniform fire code will be considered in the review pro-  
26 cess of the design and construction phases of buildings or structures.

27 “(9) A municipality that administers a code for which persons or busi-  
28 nesses are authorized under ORS 455.457 to perform activities shall recognize  
29 and accept those activities as if performed by the municipality. A munici-  
30 pality is not required to accept an inspection, a plan or a plan review that

1 does not meet the requirements of the state building code.

2 “(10) The department or a municipality that accepts an inspection or plan  
3 review as required by this section by a person licensed under ORS 455.457  
4 has no responsibility or liability for the activities of the licensee.

5 “(11) In addition to the requirements of ORS 455.100 and 455.110, the di-  
6 rector shall regulate building inspection programs of municipalities assumed  
7 prior to January 1, 2002. Regulation under this subsection shall include but  
8 not be limited to:

9 “(a) Creating building inspection program application and amendment  
10 requirements and procedures;

11 “(b) Granting or denying applications for building inspection program  
12 authority and amendments;

13 “(c) Reviewing procedures and program operations of municipalities;

14 “(d) Creating standards for efficient, effective, timely and acceptable  
15 building inspection programs;

16 “(e) Creating standards for justifying increases in building inspection  
17 program fees adopted by a municipality;

18 “(f) Creating standards for determining whether a county or department  
19 building inspection program is economically impaired in its ability to rea-  
20 sonably continue providing the program or part of the program throughout  
21 a county, if another municipality is allowed to provide a building inspection  
22 program or part of a program within the same county; and

23 “(g) Enforcing the requirements of this section.

24 “(12) The department may assume administration **and enforcement** of a  
25 building inspection program:

26 “(a) During the pendency of activities under ORS 455.770;

27 “(b) If a municipality abandons any part of the building inspection pro-  
28 gram or is no longer able to administer the building inspection program; and

29 “(c) If a municipality fails to substantially comply with any provision of  
30 this section or of ORS 455.465, 455.467 and 455.469.

1       **“(13) If the department assumes the administration and enforce-**  
2 **ment of a building inspection program under this section, in addition**  
3 **to any other power granted to the director, the director may:**

4       **“(a) Enter into agreements with local governments under section 6**  
5 **of this 2013 Act regarding the administration and enforcement of the**  
6 **assumed building inspection program;**

7       **“(b) Take action as described in section 9 of this 2013 Act to ensure**  
8 **that sufficient staff and other resources are available for the admin-**  
9 **istration and enforcement of the assumed building inspection program;**  
10 **and**

11       **“(c) Charge fees described in section 10 of this 2013 Act for depart-**  
12 **ment services provided in administering and enforcing the assumed**  
13 **building inspection program.**

14       **“[(13)] (14) If a municipality abandons or otherwise ceases to administer**  
15 **all or part of a building inspection program described in this section, the**  
16 **municipality may not resume the administration and enforcement of the**  
17 **abandoned program or part of a program for at least two years. The**  
18 **municipality may resume the administration and enforcement of the aban-**  
19 **doned program or part of a program only on July 1 of an odd-numbered year.**  
20 **To resume the administration and enforcement of the abandoned program or**  
21 **part of a program, the municipality must comply with ORS 455.148, including**  
22 **the requirement that the municipality administer and enforce all aspects of**  
23 **the building inspection program. Thereafter, the municipality is subject to**  
24 **ORS 455.148 and ceases to be subject to this section.**

25       **“[(14)] (15) A municipality that administers and enforces a building in-**  
26 **spection program under this section shall include in the program the in-**  
27 **spection of boilers and pressure vessels described in subsection (1)(a)(H) of**  
28 **this section.**

29       **“SECTION 15. This 2013 Act being necessary for the immediate**  
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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