

Part I — Administrative

CHAPTER 1

ADMINISTRATION

SECTION R101 TITLE, SCOPE AND PURPOSE

R101.1 Title. These provisions shall be known as the *Oregon Residential Specialty Code*, and shall be cited as such and will be referred to herein as “this code.”

R101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, occupancy and location of detached one- and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress and their accessory structures.

1. The requirements of this code apply to:
 - 1.1 Detached one-and two-family dwellings and townhouses classified as Group R-3, and Group U Occupancies; and
 - 1.2 Residences used for family daycare or foster care in accordance with ORS Chapters 418, 443 and 657A; and
 - 1.3 Detached Congregate residences (each accommodating 10 persons or less) and detached lodging houses containing not more than five guest rooms.
2. The requirements in this code do not apply to:
 - 2.1. Public utility facilities owned and maintained by the serving utility; and
 - 2.2. Agricultural buildings defined and regulated by ORS 455.315 and Appendix Chapter 3 in the *Building Code*.
3. The building envelope requirements of Chapter 11 for heated or cooled detached accessory structures that are not habitable rooms, shall be those specified in the *Building Code*, Section 1312, Exterior Envelope-Other Buildings.

R101.3 Owner-built dwellings. For exempt owner-built dwellings and out-buildings, see ORS 455.320.

ORS 455.320 is not part of this code but is reproduced here for the reader's convenience:

455.320 Owner-built dwellings exempt from certain structural code provisions; recording of exemption. (1) As used in this section, unless the context requires otherwise:

(a) "Owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll which person has not taken advantage of the exemptions under subsection (2) of this section during the five years prior to applying for an exemption under this section.

(b) "Owner-built dwelling and outbuildings" means a single-family residence and adjacent auxiliary structures the structural components of which are constructed entirely by the owner who intends to occupy the structures or by that owner and friends and relatives of the owner assisting on an unpaid basis.

(2) Owner-built dwellings and outbuildings shall be exempt from any requirements of the structural code for ceiling heights, room sizes and the maintenance of specific temperature levels in those structures. The exemption shall apply to the new construction, renovation, remodeling or alteration of an owner-built dwelling or outbuilding.

(3) A building permit issued for an owner-built dwelling or outbuilding shall note whether the owner-built dwelling or outbuilding complies with the requirements it is exempted from under subsection (2) of this section. If the dwelling or other structure does not comply with these requirements, the owner-builder shall file a copy of the building permit with the county clerk, who shall make the permit a part of the permanent deed record of the property. The owner shall provide the county clerk with a description of the property sufficient if it were contained in a mortgage of the property to give constructive notice of the mortgage under the law of this state.

(4) Noncompliance with subsection (3) of this section shall not affect, in any manner, any conveyance of interest in property subject to this section.

R101.4 Purpose. The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

SECTION R102 APPLICABILITY

R102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the

requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices G, H, K and R are adopted and made part of this code.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs (excluding ordinary repairs) to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of this code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; or will otherwise create conditions dangerous to human life. Any building plus new additions shall not exceed the height and stories specified for new buildings in Section R101.2.

Exception: Structural changes which improve the resistance of the building to seismic forces may be made without complying with the current code requirements providing:

- 1. The strength of the existing structural elements is not reduced; and
- 2. An unsafe condition is not created.

Replacement of an existing water heater shall not require the existing plumbing, mechanical or electrical system to comply with the provisions of this code for new construction, providing the installation complies with the listing requirements of the appliance.

Exception: Water heaters installed in garages must comply with Sections M1307.3 and the *Plumbing Code*.

**SECTION R103
DEPARTMENT OF BUILDING SAFETY
Not adopted by the State of Oregon**

**SECTION R104
DUTIES AND POWERS OF THE
BUILDING OFFICIAL**

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or statewide code interpretations.

R104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

R104.5 Identification. Not adopted by the State of Oregon.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The building official shall keep official records, as dictated by OAR 166-150-0020 where a county has jurisdiction; OAR 166-200-0025 where a city has jurisdiction; and OAR Chapter 166, division 300 for the cities and counties where the State of Oregon has jurisdiction. Such

records shall be retained in the official records for the period indicated in the respective OARs noted above. The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section R109.1.3. (See also R106.5)

R104.8 Liability. Not adopted by the State of Oregon.

R104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

R104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the jurisdiction's files.

R104.10.1 Areas prone to flooding. (Adopted by the State of Oregon for optional use in municipalities.) The building official shall not grant modifications to any provision related to areas prone to flooding as established by the local jurisdiction without the granting of a variance to such provisions by the board of appeals.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the current editions of the Oregon Specialty Codes in lieu of specific requirements of this code shall also be permitted as an alternate. For the process governing alternate method rulings acceptable statewide, see ORS 455.060.

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

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

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

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

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

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

R104.11.1 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**SECTION R105
PERMITS**

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move or change the occupancy of a building or structure, or to erect, install, enlarge,

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alter, repair, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Nonhabitable one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.6 m²) and a height of 10 feet (3048 mm) measured from the finished floor level to the average height of the roof surface.
2. Except for barriers around swimming pools as required in Appendix G, fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Concrete sidewalks, slabs, platforms and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, interior wall, floor or ceiling covering and similar finish work.
7. Prefabricated swimming pools accessory to a Group R-3 Occupancy where the pool walls are entirely above the adjacent grade. Barrier requirements found in Appendix G are not exempt.
8. Swings and other playground equipment.
9. Patio and porch covers not over 200 square feet (18.6 m²) and supported by an exterior building wall.
10. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
11. Nonbearing partitions, except when such partitions create habitable rooms.
12. Replacement or repair of siding not required to be fire-resistive.
13. Retrofitted insulation.
14. Masonry repair.
15. Porches and decks, where the floor or deck is not more than 30 inches (762 mm) above adjacent grade at any point and where in the case of a covered porch, the covered portion of the porch does not come closer than 3 feet (914 mm) to property lines.
16. Gutters and downspouts.

17. Door and window replacements (where no structural member is changed).
18. Re-roofing, where replacement or repair of roofing does not exceed 30 percent of the required live load design capacity and the roof is not required to be fire-resistive.

Exception:

1. Permits for re-roofing are required for structures in wildfire hazard zones as provided in Section R325; and
 2. Structures falling within the scope of Section R317.2.
19. Plastic glazed storm windows.
 20. Framed-covered nonhabitable accessory buildings not more than 500 square feet (46.45 m²) in area, one story in height and not closer than 3 feet (914 mm) to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for the above exempted items. In addition, all new construction and substantial improvements (including the placement of prefabricated buildings and certain building work exempt from permit under Section R105.2) shall be designed and constructed with methods, practices and materials that minimize flood damage in accordance with this code, FEMA regulations and ASCE 24.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Mechanical:

1. Portable heating appliances, cooking or clothes drying appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such

work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

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

R105.2.1 Emergency repairs. Where mechanical equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

For electrical emergency repairs see ORS 479.550 and OAR 918-309-0080. For plumbing emergency repairs see OAR 918-780-0035 and 918-785-0200.

R105.2.1.1 Structural temporary repairs. For temporary (180 days) structural supports, structural replacement or repairs performed in an emergency on an existing structure, the authority having jurisdiction shall be notified within 72 hours and permit application for the temporary work shall be submitted within the next 10 business days.

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

R105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. (Not adopted by the State of Oregon.) For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by the local jurisdiction, the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R324.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced

within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

**SECTION R106
CONSTRUCTION DOCUMENTS**

R106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special condi-

ORS 672.129(1) through (3) are not part of this code but are reproduced here for the reader's convenience.

ORS 672.129 Additional registration required to perform engineering services on significant structures; rulemaking.

(1) For purposes of this section:

(a) "Significant structure" means:

(A) Hazardous facilities and special occupancy structures, as defined in ORS 455.447;

(B) Essential facilities, as defined in ORS 455.447, that have a ground area of more than 4,000 square feet and are more than 20 feet in height;

(C) Structures that the Director of the Department of Consumer and Business Services determines to have irregular features; and

(D) Buildings that are customarily occupied by human beings and are more than four stories or 45 feet above average ground level.

(b) "Significant structure" does not include:

(A) One-family and two-family dwellings and accompanying accessory structures;

(B) Agricultural buildings as defined in ORS 455.315;

(C) Buildings located on lands exempt from Department of Consumer and Business Services enforcement of building code regulations; or

(D) Essential facilities, as defined in ORS 455.447, that have a ground area of not more than 4,000 square feet and are not more than 20 feet in height.

(2) Consistent with ORS 672.255, the State Board of Examiners for Engineering and Land Surveying shall adopt rules establishing standards of competence in structural engineering analysis and design relating to seismic influence.

(3) An engineer must be registered with the board as a professional structural engineer under subsection (2) of this section to provide structural engineering services for significant structures.

tions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception:

1. The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.
2. Plans, calculations and specifications, diagrams and other data prepared and designed by an architect or an engineer licensed by the state to practice as such are not required for the following work, provided the building official determines that the work is not of a highly technical nature or there is unreasonable potential risk to life and/or safety of the structure:
 - 2.1. The erection, enlargement or alteration of any building, or any appurtenance thereto, where the resulting building has a ground area of 4,000 square feet (372 m²) or less and is not more than 20 feet (6096 mm) in height from the top surface of the lowest floor to the highest interior overhead finish (See ORS 671.030).
 - 2.2 A single-family dwelling, a farm agricultural building, non-farm agricultural building, or accessory building to a single-family dwelling.
 - 2.3 Alterations or repairs that do not involve structural parts of the building.

R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

R106.1.3 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by the local jurisdiction, construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

R106.3 Examination of documents. The building official shall examine or cause to be examined accompanying construction documents and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

R106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. Construction documents shall be approved in the timelines specified in ORS 455.467.

R106.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

R106.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building oper-

ation and without assurance that a permit for the entire structure will be granted.

R106.3.4 Design professional in responsible charge.

R106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

R106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

R106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than that dictated by OAR 166-150-0020 where a county has jurisdiction; OAR 166-200-0025 where a city has jurisdiction; and OAR Chapter 166, division 300 for the jurisdictions where the State of Oregon has jurisdiction. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section R109.1.3.

**SECTION R107
TEMPORARY STRUCTURES AND USES**

R107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

R107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

R107.3 Temporary power. Refer to applicable electrical laws.

R107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION R108 FEES

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. Permit and plan review fees shall be as adopted by the authority having jurisdiction, except as otherwise limited by statute. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority under authority of ORS 455.020 and 455.210.

R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuation shall include total value of work including materials and labor, for which the permit is being issued such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

R108.4 Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining the necessary permits shall be subject to an investigation fee equal to the permit fee that shall be in addition to the required permit fees.

Exception: Work as permitted in Section R105.2.

R108.5 Related fees. The payment of the fee for the construction or alteration for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.6 Refunds. The building official is authorized to establish a refund policy.

SECTION R109 INSPECTIONS

R109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other laws or ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other laws or ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to

remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

R109.1.1.1 Concrete slab or under-floor inspection. Concrete slab or under-floor inspection shall be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including sub-floor.

R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by the local jurisdiction, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R324.

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

R109.1.4.1 Moisture content. After the framing inspection and prior to the installation of interior finishes, the building official shall be notified in writing by the general contractor that all moisture-sensitive wood framing members used in construction have a moisture content of not more than 19 percent of the weight of dry wood framing members.

R109.1.5 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.

R109.1.5.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection

of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

R109.1.5.2 Insulation and vapor barrier inspection.

Inspection shall be made after all insulation and required vapor barriers are in place, but before any lath or gypsum board interior wall covering is applied.

Exceptions:

1. Ceiling and floor insulation visible during final inspection.
2. The building official may allow the frame, insulation and vapor barrier inspections to be performed simultaneously.

R109.1.5.3 Reinforced masonry, insulating concrete form and conventionally formed concrete wall inspection.

Reinforced masonry walls, insulating concrete form walls and conventionally formed concrete walls located in Seismic Design Categories D₁, D₂, and E shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

R109.1.6 Final inspection. Final inspection shall be made after all work required by the building permit is completed.

R109.2 Inspection agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

R109.3 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing character use occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy for such change in character, use or occu-

pancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

R110.2 Change in use or occupancy. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code and Chapter 11 Accessibility, in the *Building Code* for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

R110.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.

R110.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

R110.5 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**SECTION R111
SERVICE UTILITIES**

R111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

R111.2 Temporary connection. The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

R111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of a fuel supply or appliance that does not conform to this code. The building official shall also have the authority to order disconnected a gas utility service, or energy supplies to a building, structure, premises or equipment in case of emergency when necessary to eliminate an immediate hazard to life or property. A notice shall be attached to the energy supply or appliances stating the reason for disconnection. Such notices shall not be removed nor shall the system or appliance be reconnected until authorized by the building official. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

**SECTION R112
BOARD OF APPEALS**

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the local jurisdiction shall establish an appeals procedure.

ORS 455.690 is not part of this code but is reproduced here for the reader's convenience:
455.690 Appeal to advisory boards. Any person aggrieved by the final decision of a municipal appeals board or a subordinate officer of the Department of Consumer and Business Services as to the application of any provision of a specialty code may, within 30 days after the date of the decision, appeal to the appropriate advisory board. The appellant shall submit a fee of \$20, payable to the department, with the request for appeal. The final decision of the involved municipality or state officer shall be subject to review and final determination by the appropriate advisory board as to technical and scientific determinations related to the application of the specialty code involved.

R112.1.1 Alternate appeals process. ORS 455.475 provides an alternate appeals process to that set forth by the local municipality.

Note: Forms for appeals under ORS 455.690 and ORS 455.475 are available online at www.bcd.oregon.gov.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. An appeals board, when appointed, shall have no authority to waive requirements of this code.

R112.2.1 Determination of substantial improvement in areas prone to flooding. Not adopted by the State of Oregon.

R112.2.2 Criteria for issuance of a variance for areas prone to flooding. Not adopted by the State of Oregon.

R112.3 Qualifications. An appeals board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction.

R112.4 Administration. Not adopted by the State of Oregon.

ORS 455.475 is not part of this code but is reproduced here for the reader's convenience.

455.475 Appeal of decision of building official. A person aggrieved by a decision made by a building official under authority established pursuant to ORS 455.148, 455.150 or 455.467 may appeal the decision. The following apply to an appeal under this section:

(1) An appeal under this section shall be made first to the appropriate specialty code chief inspector of the Department of Consumer and Business Services. The decision of the department chief inspector may be appealed to the appropriate advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the applicable specialty code are at issue.

(2) If the appropriate advisory board determines that a decision by the department chief inspector is a major code interpretation, then the inspector shall distribute the decision in writing to all applicable specialty code public and private inspection authorities in the state. The decision shall be distributed within 60 days after the board's determination, and there shall be no charge for the distribution of the decision. As used in this subsection, a "major code interpretation" means a code interpretation decision that affects or may affect more than one job site or more than one inspection jurisdiction.

(3) If an appeal is made under this section, an inspection authority shall extend the plan review deadline by the number of days it takes for a final decision to be issued for the appeal.

**SECTION R113
VIOLATIONS**

R113.1 Prohibited acts are as described in ORS 455.450.

ORS 455.450 is not part of this code but is reproduced here for the reader's convenience:

455.450 Prohibited acts. A person shall not:

(1) Violate or procure, aid or abet in the violation of any final order concerning the application of a provision of the state building code in a particular case made by the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector.

(2) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation promulgated pursuant to this chapter without first having obtained such permit, certificate, label or other formal authorization.

R113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**SECTION R114
STOP WORK ORDER**

R114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

R114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

R114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**SECTION R115
PREFABRICATED CONSTRUCTION**

R115.1 General. See ORS 455.010 and OAR chapter 918, division 674.

ORS 455.010(6) "Prefabricated structure" means a building or sub-assembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. "Prefabricated structure" does not include a manufactured dwelling, recreational structure or recreational vehicle, as those terms are defined in ORS 446.003.

**SECTION R116
SWIMMING POOLS, SPAS AND HOT TUBS**

R116.1 General. Barrier provisions for swimming pools, spas and hot tubs are contained in Appendix G as amended.

R116.2 In-ground pools. In-ground pools shall be designed and constructed in accordance with ANSI/NSPI-5 as listed in Appendix G, Section AG103.1.

**SECTION R117
INSPECTION CARD**

R117.1 Record required. The permit holder or permit holder's agent shall post the inspection record on the job site in an accessible and conspicuous place to allow the building official to make the required entries. The record shall be maintained by the permit holder until the final inspection has been made and approved.

**SECTION R118
MOVED BUILDINGS**

R118.1 Moved buildings. See ORS 455.410.

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

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

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

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

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

(5) Nothing in this section is intended to permit any person to move a structure unless the person first consults the appropriate building inspection authority and obtains all required permits.

**SECTION R119
HISTORIC BUILDINGS**

R119.1 Repairs, alterations and additions. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of an historical building may be made without conforming to all of the requirements of this code when authorized by the building official, provided:

1. The building has been officially designated an historic building.
2. Unsafe conditions are corrected.
3. The restored building will be no more hazardous based on life, fire safety and sanitation than the existing building.
4. The building official seeks the advice of the State of Oregon Historic Preservation Office.

In the case of appeals related to historic buildings, the local appeals board or the appropriate state appeals board shall seek the advice of the state historic preservation officer.