

LINCOLN COUNTY

BUILDING DIVISION

Building Codes Compliance Program Operating Plan

Updated August 06, 2024

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INTRODUCTION

OAR 918-020-0080

Delegation of Building Inspection Programs

The State Building Codes Division and every municipality that administers and enforces a building inspection program or desires to assume responsibility to administer and enforce a building inspection program shall prepare an operating plan that describes the manner in which the municipality or the division will do so. The operating plan shall establish specific goals consistent with the program standards described in ORS 455.153 and OAR 918-020-0090.

This operating plan was developed to comply with the above administrative rule. The plan is on file with the State of Oregon Building Codes division and is available through this office through our public records request process.

This plan reflects the standards, policies, procedures and services administered and offered through Lincoln County doing business as Lincoln County Building Division. The plan will be updated as necessary to reflect service changes.

Any questions related to this plan should be directed to:

Lincoln Building Division
210 SW 2nd Street
Newport, Oregon 97365
(541) 265-4192

Building Official
Lincoln County Building Division
210 SW 2nd Street
Newport, Oregon 97365

DELEGATION OF AUTHORITY

Lincoln County assumed enforcement and administration of the Oregon State Structural Specialty Code, Mechanical Specialty Code, Residential Specialty Code, Electrical Specialty Code, Plumbing Specialty Code and Manufactured Home Specialty Code programs on July 1, 2019, under the authority of ORS 455.153 and 479.855. The building inspection program encompasses all areas defined by Lincoln County.

The State Building Code was adopted locally by Lincoln County under Ordinance. The inspection program is known as Lincoln County Building Division. The fees associated with the inspection program are consistent with state fee guidelines.

ADMINISTRATIVE STANDARDS

FUNDS

LCBD accounts for all revenues collected and expenditures made, in connection with the administration and enforcement of the building inspection program. The revenues are deposited dedicated funds to comply with ORS 455.210(3)(c). All plan review and permit revenues are deposited in this fund and all department expenditures are from this fund. A list of revenues and expenditures is available upon request. Electrical program revenues and expenditures are accounted for in a separate fund from the other LCBD programs.

LCBD programs are intended to be 100% fee supported. On this basis, LINCOLN COUNTY has established a Cost Allocation Methodology that distributes indirect expenses to the Building Codes Programs. There is not a set percentage allocated to each program, but instead, costs are determined by the different drivers based on actual cost of providing the service. The drives include FTE count, budget dollars, revenues, expenses, square footage, time, distance, and equipment counts, etc.

All surpluses from LCBD revenues are maintained within the LCBD fund where the reserves were generated. If the program should suffer a loss, funds will be taken first from the appropriate restricted fund balance and if it is not sufficient to cover the losses, the remainder will be contributed by the County.

EQUIPMENT

All staff members are provided with the equipment and other resources needed to complete their work in an efficient and service-oriented manner. Such equipment includes, but is not limited to, office space, vehicles for inspections, cellular telephones, personal protection equipment, code and code-related publications, business and identification cards, and computers.

STAFF AUTHORITY AND RESPONSIBILITIES

LCBD has established a building code enforcement department (including person(s) certified to act as agent to perform as Building Official, inspectors and plans examiners) under the administrative and operational control of Lincoln County.

LINCOLN COUNTY Ordinance 529-3 states as follows:

- 1) The Building Official is authorized and directed to enforce all provisions of the Building Code and Ordinance No. 529-3.
- 2) The Building Official under the control of Lincoln County shall have the power to render written and oral interpretations of the Building Code and shall adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the Building Code.
- 3) Lincoln County may appoint deputies and other employees to carry out the functions of Lincoln County Building Division with approval from the Planning Director. References to the Building Official shall include appointed deputies and other employees of the agency.

Plans Examiners – Plans Examiners review plans for compliance with the State Building Codes at the level for which the plans examiner is certified by the State of Oregon.

Inspectors – Inspectors inspect work covered by specialty code and the level certified by the State of Oregon. *Under no circumstances* will persons not holding the appropriate certification from the State Building Codes Division conduct an inspection on behalf of LCBD.

Detailed job descriptions for all staff members are available upon request through our public records request process

LOCAL APPEALS PROCESS

Any appeal of an inspectors’ decision is reviewed and decided upon by the Building Official. The appeal may be verbal or in writing with no cost for this initial appeal. A decision is generally rendered within five (5) business days of the receipt of the appeal.

Any person aggrieved by the final decision of the Building Official may file an appeal with the State Building Codes Division, in accordance with their rules.

RECORDS RETENTION AND RETRIEVAL

All records are retained for at least the minimum time outlined by the Oregon State Archivist. LCBD has subscribed to the Building Code Division’s ePermitting system.

AVAILABILITY OF OPERATING PLAN

The LCBD operating plan is available to any interested party upon request through our public records request process. A copy can be supplied in electronic format if desired.

PUBLIC COMMENT/COMPLAINT PROCESS

Public comments or complaints may be submitted in writing (via fax, mail, email or personal delivery). Comments or complaints related to code provisions will be processed by the most appropriate staff member. Comments or complaints related to employee behavior will be processed by the employee's supervisor. If the comment or complaint becomes an appeal, procedures outlined above will be followed.

OFFICE LOCATION AND HOURS OF OPERATION

LCBD maintains office hours Monday through Thursday from 7:00 a.m. – 4:00 p.m. and Friday 7:00 a.m. – 11:00 a.m. Office is closed between 12:00 p.m. and 1:00 p.m. for lunch. **Building Official and Inspectors will be available for questions between 7:00 a.m. and 8:00 a.m. only. Questions after the 8:00 a.m. hour will be left on a voicemail or email and will be responded back within a 24HR period. If the customer still needs to speak with either the Building Official or Inspector, they will be charged a consultation fee for the time.**

Telephones are answered by administrative staff and permits are issued during office hours. **Permit applications are accepted electronically through ePermitting and Email only.**

Customers may visit our public service counter to inquire on matters related to permitting, plan review, or inspection processes during the above office hours. Customers may mail or fax inquiries of this nature at any time.

- Phone (541) 265-4192
- Fax (541) 265-6945
- Inspection requests are scheduled via ePermitting.

PUBLIC INQUIRY PROCESS

The public can make inquiries by contacting the LCBD staff at the telephone number listed above, by emailing staff or by visiting the office during regular office hours.

CUSTOMER SERVICE INFORMATION

The jurisdiction of LCBD covers all of Lincoln County. A map of the jurisdictional boundaries is maintained at the public service counter.

LCBD is a “full service” jurisdiction. Permits for work governed by each specialty code are available through this office.

PERMITTING STANDARDS

APPLICATION PROCEDURES & FEES

Applications for permits are made on forms provided by LCBD or through ePermitting online.

Permit applications are checked for completeness, and, if some necessary information is lacking, the customer is contacted and requested to remedy the issue.

LCBD permit and plan review fee schedules are available upon request.

APPLICATION & PERMITTING TIME FRAMES

One and Two Family Dwelling Code Structural Permits:

Structural permit applications for work regulated by the One and Two Family Dwelling Code are not normally issued over-the-counter, although they will be if no plan review is required. If the permit requires plan review, LCBD will notify the applicant within ten (10) days of any plan deficiencies for simple residential plans. See OAR 455.467(a). Complex residential plans will be processed as promptly as possible, but are not limited to the 10-day time frame. See OAR 918-020-0090 (4)-(6) for definition of 'simple' plans. LCBD has adopted a One and Two Family Dwelling intake checklist and plan review checklist for compliance.

Manufactured Dwelling Permits:

Permit applications for work regulated by the Oregon Manufactured Dwelling Standards are normally issued over-the-counter when a complete application is submitted. If the permit requires in-depth review and cannot be issued over-the-counter, staff generally issues the permit within ten (10) days from the date the complete application and plan information are received. Issuance depends on availability of staff, applicant response time to checklists and payment of fees.

State Structural Specialty Code Permits:

Permit applications for projects regulated under the Oregon State Structural Specialty Code will normally require plan review. LCBD will notify the applicant as soon as possible when the plans have been approved and/or any plan deficiencies.

Other Permits:

Permit applications for work regulated by the Mechanical, Plumbing, and Electrical Codes are issued over-the-counter when possible. If the permit requires plan review, LCBD will notify the applicant as soon as possible of any

plan deficiencies, and when the plans have been approved. Electrical plan review should be completed within 10 days unless they are complex reviews.

Electrical and Plumbing plan reviews are required for *complex structures* as described in OAR 918-311-0040(1) (electrical) and 918-780-0040(3) (plumbing). Mechanical plan reviews may be required for commercial systems at the discretion of the Building Official, depending on the complexity of the system.

A temporary electrical permit may be issued to a general contractor, electrical contractor or homeowner.

Master electrical inspections are performed after receiving the appropriate application and application fee. Master inspection fees are per hour and are shown in the LCBD fee schedule.

VERIFICATION OF LICENSES AND REGISTRATIONS

Prior to the issuance of any permit, staff verifies the applicant meets the licensing and registration requirements of ORS Chapters 446, 447, 455, 479, 693 and 701. Issues which may arise from this verification process are referred to the Building Official for resolution.

PLAN REVIEW STANDARDS

COMPLIANCE WITH SPECIALTY CODES

The plan review staff are certified by the State of Oregon in all codes administered by LCBD. The plans examiners review and approve plans for conformance with the One and Two Family Dwelling Code; Structural Specialty Code, including Fire and Life Safety; Mechanical Specialty Code, Plumbing Specialty Code and Electrical Specialty Code.

All one and two family dwelling plans are reviewed within three (3) working days to determine the complexity, and whether the plans are complete for review. If the plans are complete, simple plans will be completed within ten (10) working days. If the plans are simple and cannot be completed within ten (10) days, the owner will be given the option to have a provider of their choice and at their expense, licensed by the State of Oregon and approved by the Building Official to perform the review.

LCBD may contract with outside plan review/inspection businesses or have intergovernmental agreements with other jurisdictions to assist during periods of peak workload or in specialized areas.

Licensed architects and engineers who are also licensed as one and two family dwelling plan reviewers may request a plan review exemption for one and two family dwelling plan reviews as specified in OAR 918-020-0090(3)(f). The plan will be reviewed by LCBD for site specific requirements only.

Phased permitting and deferred submittals are allowed in commercial projects as specified in OAR 918-020-0090-(3)(a)(D).

AVAILABILITY OF HANDOUTS/MEETINGS

LCBD also offers optional pre-development and pre-construction meetings to the applicant for a minimal fee as determined in the LCBD fee schedule. Pre-development/construction meetings provide an opportunity for the applicant to; (1) learn the application requirements to the project for review; (2) discuss any requested alternate methods or materials; (3) request interpretations; (4) a preliminary review assessment of the project; (5) determine inspection and scheduling requirements. This meeting provides an opportunity for the applicant and his/her associates to; (1) meet the inspectors and staff involved in the project; (2) discuss any unique aspects of the project; (3) clarify special inspection requirements; (4) coordinate public infrastructure issues; and/or (5) reach consensus on remaining issues identified during the review process.

VERIFICATION OF STAMP BY DESIGN PROFESSIONALS

Staff verifies plans are appropriately stamped by a registered design professional when required. Plans failing to meet this requirement will not be accepted until the appropriate stamp is provided.

INSPECTION STANDARDS

INSPECTION SCHEDULE

Inspection staff provides inspection services generally between 7:00 a.m. – 4:00 p.m. Monday through Thursday and Friday 7:00 a.m.- 11:00 a.m.. Inspections outside of these hours may be arranged with the office staff.

INSPECTION POLICIES AND PROCEDURES

LCBD inspects within the boundaries of Lincoln County. Due to the large geographic area served, inspections may need to be coordinated or scheduled with consideration to location, weather, efficiency, and inspector availability. In every case, we will do our best to meet necessary timelines and limit the inconvenience to the requester.

Inspection requests received and needed on the same day, due to unforeseen issues, are possible on an exception basis if time and inspection schedule allows. Customers may also request inspections through ePermitting or in person at the public service counter. In certain circumstances inspections may be carried out via the use of technology, via photos, live streaming, or other methods as determined by LCBD.

Approved plans are required to be available on the job site unless other arrangements have been made with the inspector. A written report is issued by the inspector for each inspection. The report will reflect approval, conditional approval, or failure. A conditional approval allows the work to proceed until the next scheduled inspection with certain limitations as noted on the inspection report. In the case of a failed inspection, reinspection will be required prior to covering any of the work. In any case, an approval or list of needed corrections and code references is provided in the inspection report. A copy of the written report is entered into the LCBD ePermitting system.

ELECTRICAL INSPECTION STANDARDS

Lincoln County will comply with the minimum standards established by the electrical specialty code rules set forth in OAR chapter 918, division 271.

Lincoln County will require at a minimum the following inspections:

- 1) Electrical inspectors shall inspect appropriateness of the size, placement, protection and termination of the following electrical installations, note discrepancies and require correction of code violations:
 - a) Service entrance conductors;
 - b) Service equipment;
 - c) Grounding electrode and grounding electrode conductor;
 - d) Bonding;
 - e) Over current protection;
 - f) Branch circuits;
 - g) Feeders;
 - h) Ground-fault circuit interrupter devices (GFCI) and ground-fault protection systems (GFP); and
 - i) Underground installations

- 2) A final inspection must be requested and provided to verify all mandatory items in subsections (1)(a) to (h) are in compliance.

All electrical systems and equipment for which a permit is required by the Oregon Electrical Specialty Code (OESC) shall be subject to inspection by the Building Official or their appointee. No portion of any electrical system, intended to be concealed, shall be concealed until inspected and approved. LCBD is not liable for expense entailed in the removal or replacement of any material required to allow inspection. With the exception of emergency repairs, electrical systems and equipment regulated by the OESC shall not be connected to the energy source until authorized by the Building Official. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the OESC or other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel

provisions of the OESC or of other ordinances of the jurisdiction shall not be valid.

Electrical and plumbing inspections will be accomplished within the timeframes specified in OAR 918-271-0020 (electrical) and 918-785-0220 (plumbing). Notification of inspections will be delivered as required in OAR 918-271-0020(3) and 918-785-0220(3).

In certain circumstances a reinspection fee is assessed by the inspector. A re-inspection fee will be assessed if work that was inspected previously and issued conditional approval or failure notice and found upon reinspection that the conditions that caused the conditional approval or failure still exist and that work was not adequately performed to resolve the conditions or failure.

LISTING OF STAFF

A roster of all inspectors and plans review staff and certifications are available upon request through our public records request process.

OTHER PROGRAMS

LCBD may provide building codes services for other jurisdictions. See the applicable jurisdictions' operating plan for more information.

COMPLIANCE PROGRAMS

PROCESS FOR RESPONSE TO REPORTED CODE VIOLATIONS

Reports of work being performed without permit, in violation of LCBD, and/or in violation of ORS 479.550, 479.620, 447.030, 447.040, 693.030 and 639.040 are accepted in person, mail, email or fax. All reports are entered into the LCBD violations file and are investigated by the Building Official or his/her designee.

INVESTIGATION OF REPORTED VIOLATIONS

Reports as described above are investigated to determine whether or not a violation exists. If no violation exists the case is closed. If a violation exists there are several possible actions that may be taken by LCBD including but not limited to; (a) stop work orders; (b) assessment of investigation fees; (c) notice of violation; (d) assessment of civil penalties; (e) citation into District Court; and/or (f) referral to the State of Oregon Building Codes Division Compliance Section. In any case, the complainant is informed of the outcome upon request.

STOP WORK ORDERS

Ordinance No. 529-3, Section 3.014(5) states as follows:

Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement), the Building Official may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the Building Official to proceed thereafter.

The authority to issue stop work orders is delegated to the inspector; however department policy requires that the inspector contact the Building Official to discuss the decision prior to issuance of the stop work order. If the Building Official is not available, the inspector may post the stop work order without Building Official consultation if he determines there is an imminent hazard to life or property, or work is being done without the required permits having been obtained.

INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS

As per ORS 455.156, LCBD acts as an agent of the respective state boards in the issuance of proposed assessments of civil penalties.

Electrical and plumbing inspectors conduct random spot checks to verify compliance with plumbing and electrical licensing and registration requirements. In cases of a violation, the inspector is provided the discretion to; (a) stop the work; (b) require all non-licensed personnel to stop work and vacate the premises; (c) file a compliance report with State Building Codes Division Enforcement Section; (d) issue a notice of proposed assessment of civil penalty; or (e) other enforcement action as approved by the inspector and building official.

Complaints received by LCBD related to alleged violations of plumbing or electrical licensing or registration requirements may be investigated by an inspector.

NOTICES OF PROPOSED CIVIL PENALTIES

Specific violation proceeding guidelines are contained within Lincoln County Ordinance 529-3, Section 3.032.