



ADMINISTRATIVE RULES
City of Beaverton Building Division

SECTION 101 TITLE, PURPOSE, AND SCOPE

101.1 Authority. These administrative rules are adopted under authority of City of Beaverton Ordinance 3978 and shall apply to all applications for building permits received on after the effective date of that Ordinance and as to all work performed on buildings and building service equipment subject to the Codes adopted by that Ordinance on and after that effective date.

101.2 Purpose. The purpose of this code is to establish uniform performance standards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.

SECTION 102 APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT

102.1 General. Buildings and service equipment subject to additions, alterations or repairs shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

102.2 Additions, Alterations, or Repairs.

(A.) Additions, alterations or repairs to a building or service equipment do not require that the existing building or equipment comply with all requirements of current technical codes if the addition, alteration or repair conforms to that required for a new building or service equipment; provided further, that the addition, alteration or repair:

(1) Shall not cause the existing building or service equipment to violate the provisions of the technical codes, nor cause the existing building or service equipment to become structurally unsafe or overloaded, or exceed rated capacity, or not allow for adequate egress in compliance with the Building Code or obstruct existing exits, or create a fire hazard, reduce required fire resistance, create a health hazard or otherwise create conditions dangerous to human life; and

(2) If involving a change in use or occupancy, not cause the building to exceed the height, number of stories and area permitted for new buildings; and,

(3) Shall not cause an existing building not in compliance with the current Building Code to be more hazardous to fire or life safety or sanitation than before the addition or alteration.

(B.) Alteration of existing structural elements, or addition of new structural elements not required by the Building Code in effect at the time of original construction and intended to increase the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

(1) The capacity of existing structural elements required to resist forces is not reduced, and

(2) Lateral loading to required existing structural elements is not increased beyond capacity; and

(3) New or relocated non-structural elements are detailed and connected to existing or new structural elements as required by these regulations, and

(4) The alteration or addition does not create an unsafe condition as described in Section 102.2A, above.

(C.) Alterations or repairs to an existing building or structure which are non-structural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations.

(D.) Minor additions, alterations and repairs to existing service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the Building Official, if they do not cause the existing service equipment to become unsafe, unsanitary, or over-loaded.

102.3 Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the technical codes may be used, maintained or repaired according to the original design if the equipment does not present a hazard to life, health or property.

102.4 Existing Occupancy. Buildings in existence at the time of the adoption of Ordinance 3978 may be used or occupied if the use or occupancy conforms to the Building Code in effect at the time of occupancy and provided that continued use is not dangerous to life, health, or safety. A change in the use or occupancy of an existing building or structure shall comply with the provisions of the Building Code.

SECTION 103 DEFINITIONS

For the purpose of these rules the following words and phrases shall mean:

ADDITION is an extension or increase in floor area or height of a building or structure.

ALTER or **ALTERATION** is a change or modification in construction or building service equipment.

APPROVED as to materials, types of construction, equipment and systems, means approval by the Building Official based on objective criteria.

BUILDING CODE is the Structural Specialty Code, as adopted by BC 8.02.015(A).

BUILDING, EXISTING is a building erected, or one for which a legal building permit has been issued, prior to the adoption of this code.

BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

DANGEROUS BUILDING CODE is that adopted by BC 8.02.015(F).

ELECTRICAL CODE is that adopted by BC 8.02.015(D).

LISTED and **LISTING** are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

MECHANICAL CODE is that adopted by BC 8.02.015(B).

RESIDENTIAL SPECIALTY CODE is that adopted by BC 8.02.015(E).

PLUMBING CODE is that adopted by BC 8.02.015(C).

STRUCTURAL OBSERVATION means the visual observations of the structural system, including but not limited to the elements and connections at significant construction stages and the completed structure, for general conformance to the approved plans and specifications. Structural observation is not a substitute for the inspections required by Sections 108 and 1701 of the Building Code.

TECHNICAL CODES refers to those defined in BC 8.02.015 (A through G).

REFERENCE STANDARDS are those listed in the Building Code, as adopted by this jurisdiction.

VALUATION or **VALUE**, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

SECTION 104 CONFLICTING PROVISIONS

(A.) In case of conflict between provisions of this code, the technical codes and other codes or laws, the most restrictive shall govern.

(B.) In case of conflict between provisions of the technical codes, those provisions providing the greater safety to life shall govern.

(C.) In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

(D.) Where in a specific case different sections of the technical codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern.

(E.) In case of conflict between specific and general requirements, the specific shall govern.

(F.) In case of conflict between provisions of these administrative rules and provisions of a technical code adopted within the City, the technical code shall prevail.

(G.) In case of conflict between these rules and the City Code or state statute, the statutes or the Code, in that order, shall govern.

SECTION 105 ALTERNATE MATERIALS, METHODS OF DESIGN, AND METHODS OF CONSTRUCTION

The provisions of the technical codes are not intended to prevent the use of any alternate material, a method of design or method of construction not specifically prescribed therein provided that the alternate has been approved and its use authorized by the Building Official. The Building Official may approve an alternate if the proposed design complies with the intent of the technical codes and the material, method or work offered is, for the purpose intended at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Building Official may require a showing of proof to substantiate claims made regarding use of an alternate. The Building Official shall keep a record of the process used to approve an alternate as a City business record.

SECTION 106 MODIFICATIONS

If the Building Official finds that unique circumstances present practical difficulties to implementing specific provisions of the technical codes, the Building Official may grant modifications that conform with the intent and purpose of the technical code and do not lessen health, life safety and fire safety requirements or any degree of structural integrity. The Building Official shall keep the record of any action granting modification(s) as a City business record.

SECTION 107 TESTS

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to code requirements, the Building Official may require tests, by an approved agency, to show compliance at the expense of the permittee. Test methods shall be as specified by the technical codes or by other recognized test standards. If accepted test methods are unavailable the Building Official shall determine the appropriate test. The Building Official shall keep reports of such test as a City business record.

107.1 Testing of Systems. All plumbing systems shall be tested and approved as required by the Plumbing Code and these rules.

107.2 Observation. Testing of plumbing systems shall be conducted in the presence of the Building Official.

107.3 Water Piping. Each completed section and the entire hot and cold water supply system, it shall be tested and proved watertight to not less than the intended working pressure. Potable water shall be used for such tests. A fifty (50) pound per square inch (344.5 kPa) air pressure may be substituted for the water tests. In either method of test, the piping shall withstand the test without leaking for a period of not less than fifteen (15) continuous minutes.

107.4 Test Waived.

(A.) No test or inspection shall be required of a plumbing system or fixture(s) set up for display only with no connection to a water or drainage system.

(B.) In cases where it would be impractical to provide water or air tests, or for minor installations and repairs, the Building Official in his/her discretion may make such other form of inspection as

deemed advisable to assure the work is performed in accordance with these rules and with the Plumbing Specialty Code.

107.5 Tightness. Joints and connections in the plumbing system shall be gas-tight and watertight for the pressures required by the test.

SECTION 201 AUTHORITY

Enforcement of the codes adopted by Ordinance 3978 shall be by the Building Official. The terms “administrative authority,” “responsible official,” “chief inspector,” “code enforcement officer,” or other similar designation used in these rules or in any of the technical codes, shall mean the City Building Official.

SECTION 202 POWERS AND DUTIES OF BUILDING OFFICIAL

202.1 General. The Building Official may interpret these rules and the technical codes in conformity with their general intent and purpose.

202.2 Deputies. The Building Official may delegate some or all of the duties entrusted to him or her under the City Code and these rules to technical officers and inspectors employed or under contract to the City.

202.3 Right of Entry. When necessary to enforce the provisions of the City Code or these rules and when the Building Official has reasonable cause to believe that there exists a condition in violation of the City Code which presents a risk of bodily injury or property damage, the Building Official may enter private premises at reasonable times to inspect for such violation, provided that if such building or premises is occupied at the time of entry, the Building Official or deputy shall first show credentials to the occupant and request entry. If the premises are unoccupied, the Building Official first shall make a reasonable effort to locate the owner or other person in control of the premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by City Code and state law to secure entry.

202.4 Stop Work Orders. The Building Official may order work done in violation of the codes adopted by Ordinance 3978 or these rules to stop by notice in writing served on persons engaged in the work. A stop work order shall remain in effect until removed by subsequent order of the Building Official. A person who fails or refuses to obey a Stop Work order commits a violation of City Code.

202.5 Use and Occupancy Violations. The Building Official may order the use or occupancy of a building or structure or building service equipment in violation of City Code to discontinue by written notice served on any person in control of premises where the violation exists. A person who fails or refuses to obey such an order commits a violation of City Code.

SECTION 301 PLANS AND PERMITS

301.1 Issuance.

(A.) An application for a building permit including plans, specifications, computations and other data included with the application may be reviewed by other City departments and by the Fire Marshall for compliance with other City, state, and federal laws. The Building Official shall issue a permit only after receipt of payment of the prescribed application fees and on finding that the work described in an application and the plans, specifications and other data submitted therewith conform to the requirements of the technical codes and these rules. Issuance of a

building permit does not signify compliance with other City, state or federal laws reviewed by other City departments or the Fire Marshall, and the Building Official may withhold issuance of a building permit for work known to the Building Official not to comply with other relevant local, state and federal laws. When plans are required as part of an application for a permit, the Building Official shall endorse in writing or stamp the plans and specifications on which the permit relies, "APPROVED." "APPROVED" plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by Ordinance 3978 and these rules shall conform to the plans marked "APPROVED."

(B.) The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the plans and specifications for the entirety have been approved, provided that the applicant submits adequate information and detailed statements complying with all pertinent requirements of the technical codes. The holder of a partial permit may proceed at its own risk without any right to rely on an assumption that the permit for the entire building, structure or equipment will be granted.

301.2 Suspension or Revocation. A permit issued in error or on the basis of incorrect information supplied that would allow building activity in violation of Ordinance 3978 or these rules is voidable by the Building Official and the Official may, by written notice, suspend or revoke all or part of any such permit so issued. Suspension or revocation of all or part of a building permit constitutes an order to stop work on the activity authorized by the permit.

301.3 Retention of Plans. The City shall retain one set of approved plans, specifications and computations according to the State Archivist's retention schedule except for one and two family dwelling projects, for which the items submitted shall be retained for a period not less than one year after completion of the work authorized. One set of approved plans, specifications, and computations shall be returned to the applicant to be kept on site at all times during which the work on a site under the permit is in progress. A permit application and all items submitted therewith shall constitute a public record under Oregon law. The City will make a good faith attempt to prevent disclosure as a public record of any matters submitted, other than the application itself, of that the applicant in writing denotes as a "trade secret."

301.4 Expiration.

(A.) A permit issued under provision of Ordinance 3978 shall expire and have no further legal force and effect if the work authorized by the permit is not commenced within 180 days from date of issuance or if the work authorized by such permit is suspended or abandoned for 180 days or longer anytime after the work is commenced. The work may not resume unless a new application is submitted and a new permit is obtained. The fee for a permit to resume work that was suspended or abandoned under an earlier permit shall be one-half the amount otherwise required for a new permit for such work if the plans and specifications for the work are unchanged and if the application is received within one year from the date of suspension or abandonment. The date of suspension or abandonment shall be deemed to run from the date of the last inspection recorded by the Building Official; or where no inspections have been recorded, the date of issuance of the permit; or the date on which the applicant notified the Building Official in writing that the work has suspended or been abandoned, whichever is earliest. For the purposes of this section, an inspection shall mean a normal and customary milestone inspection that would be necessary and typical for a particular type of permit, as determined by the Building Official.

(B.) The Building Official may, on written request of a person holding an unexpired permit, extend the time for which the permit remains valid on a showing satisfactory to the Building

Official for reasons beyond the permittee's control for failure to commence work within the time allowed. No permit shall be extended for more than 180 days at a time and no permit extended more than twice.

301.5 Expiration of Plan Review. An application for a building permit shall be deemed to expire and be of no further legal effect if the applicant does not obtain the permit within 180 days after the application is approved or within 180 days after the date that the Building Official informs the applicant the application is incomplete or incorrect, whichever is later. Plans and other data submitted for review may be retrieved by the applicant and if not retrieved may be destroyed by the Building Official. The Building Official may, on written request of a person who has filed an unexpired application, extend the time for which the application remains valid on a showing satisfactory to the Building official of reasons beyond the persons' control for its failure to obtain a permit within the time required. No application shall be extended more than twice.

301.6 Penalty Fee for Work Without a Permit. Work that is commenced without the permit(s) required by Ordinance 3978 or these rules shall stop on order of the Building Official and may not resume without submission of an application and issuance of a permit for such work. The fee for the application shall be the permit fee otherwise required for such an application, and in addition, an investigation fee (penalty) in an amount equal to one-hour at the current hourly rate for inspection services or the actual cost of ensuring that a building, structure or system is in conformance with State Building Code requirements, whichever is greater shall be required. Payment of such fee shall be in addition to and not in lieu of any other remedy available to the City for the commencement of work without the required permit(s), unless the Building Official determines it was not reasonably possible to obtain a permit before commencing the work, or the Council reduces the penalty on appeal after conducting a public hearing on the matter in accordance with Section 301.7 of these rules. Payment of the penalty shall not relieve or excuse a person from the forfeitures imposed for violation of BC 8.01.010-.100 and/or conformance with Code requirements. Payment of the penalty shall not foreclose any other enforcement provisions.

301.7 Appeal Authorized.

(A.) Any person aggrieved by the action, decision or interpretation of the Building Official pertaining to the provisions in Section 301.6 of these administrative rules may appeal to the Council by filing the following with the City Recorder:

(1) A written notice of appeal specifying the basis of the appeal; specific legal and factual basis for appeal; the specific reasons why the appellant contends that the Building Official's action, decision, or interpretation is incorrect or is not in conformance with the applicable requirements; and specific facts showing the appellant has a substantial interest in the action, decision, or interpretation and that the Council's decision will have a practical effect on the appellant, and

(2) An appeal filing fee, unless the appeal is filed by or on behalf of the Mayor or another public agency or is waived by motion and order of the Council.

(B.) The written notice of appeal and filing fee shall be filed within ten calendar days from the date of written notice of the Building Official's action assessing the penalty or payment of the penalty, whichever is earlier. Failure to file an appeal within the time allowed by these administrative rules and according to the requirements set forth in this section is jurisdictional. In such cases, the Building Official's decision shall be deemed the City's final decision on the matter.

(C.) If the penalty is appealed and the Council rules in favor of the appellant, the Council may

refund all, part, or none of the appeal filing fee to the appellant. If the Council approves a refund, the City shall refund any monies due the appellant within 30 calendar days after the Council approves the Final Order.

(D.) If an appellant pays a penalty before the appeal is heard by the Council, and the appeal is granted by the Council, the City shall refund any monies due the appellant within 30 calendar days after the Council approves the Final Order.

(E.) If after an appeal is filed in accordance with subsections (A) and (B) of this section, and after conducting a hearing the Council rules in the appellant's favor, the Council may waive or reduce the penalty on a showing of just cause. In doing so, the Council may base its decision on any of the following considerations:

(1) The past conduct of the appellant when doing business in the City, including the appellant's familiarity with City permit processes and the number of past violations by the appellant, if any.

(2) The efforts of any person in charge of the site where the work was done to prevent the work from being started without a permit or to mitigate the adverse impacts of the work.

(3) The actual results of any actions taken by any person in charge of the site to prevent the work from being done or mitigate the adverse impacts of the work.

(4) The cost to the City for investigating and correcting, or attempting to correct, any adverse impacts of the violation, the cost to the City of investigating the work in violation of BC 8.02.120, including bringing an enforcement proceeding, and the cost to the City for processing the appeal.

(5) The level of cooperation shown by the appellant when informed the work was unpermitted and issued a Stop Work Order by the City, including the appellant's responsiveness, mitigation of any adverse impacts, willingness to follow the City's procedures, and actual performance in doing so.

(6) Any economic advantage(s) or relief from a penalty or penalties that the appellant enjoyed by performing the unpermitted work.

(7) Any benefit(s) enjoyed by the public as a result of the appellant's performing the unpermitted work, such as recycling of demolition materials.

(8) The severity of the violation, including the type(s) and extent(s) of the unpermitted, work and the resulting adverse impacts of the unpermitted work.

(9) Other extenuating circumstances.

(F.) If the penalty is appealed, and the Council rules in the appellant's favor, the Council may reduce the penalty amount to less than the "investigation fee" by applying either of the following alternative remedies, individually or in combination:

(1) Application of the remedies and fines for a Class 1 Civil Infraction pursuant to BC 8.02.120.

(2) Reduction of the investigation fee amount in consideration of the extenuating circumstances determined by the City Council under subsection (E) of this section.

(G.) If the Council decides to reduce the penalty, the Council may set the amount to correspond to the estimated cost of the component(s) of work begun without a permit.

(1) The estimated cost of each component of work begun without a permit shall be provided by the applicant, prepared by a registered professional civil or structural engineer or architect licensed by the state of Oregon, and shall be in a form satisfactory to the Building Official.

(2) If an appellant has not yet provided the City an itemized cost estimate for all work requiring a permit issued under this ordinance at the time of the violation, the appellant shall be given 30 calendar days from the date of the City's written notification of the violation to the

appellant to provide an itemized cost estimate for all such work, in the quantities required to complete the project.

(3) If the appellant fails to provide an acceptable cost estimate within the allotted time, the Building Official may prepare the cost estimate upon which the reduced penalty amount is to be based.

(4) If the Building Official prepares the cost estimate used to establish the penalty amount, the City may increase the penalty amount to recover the cost of the staff time required to prepare the estimate.

301. 8 Fee Refunds and Waivers.

(A.) The Building Official may authorize refunding of:

(1) Any fee not authorized by City Ordinance or Resolution or these rules;

(2) The fee paid for a permit under which no work is commenced, subject to the limitation of subsection B of this section; and,

(3) The plan review fees, if the application for which the plans are submitted is withdrawn before plan review commences, subject to the limits of subsection B of this section. No fee shall be refunded except on written request by the applicant and received by the Building Official no later than 180 days after payment. Requests for waiver or refunding of all other permit fees shall be made to the City Council.

(B.) The City shall retain, for repayment of the costs of administration, 20% of any fee to be refunded or \$100, whichever is less.

301. 9 Inspection Requests. The Building Official may order work under a permit to stop for any period of time for which the permit holder fails or refuses to provide City inspectors with access to the site of the work done under the permit and expose the work for inspection. The permit holder at their initiative shall request all necessary and desired inspections and shall provide all equipment deemed necessary by the Building Official for the City to accomplish an inspection. The permit holder, at their expense, shall remove and replace any work or material required for the City to accomplish an inspection and required as the result of an inspection.

301.10 Reinspections. A permit holder who requests an inspection of work that is not prepared for inspection, including work requiring correction after a previous inspection, shall pay an inspection fee to compensate the City's costs to respond to the request notwithstanding that the City could not perform the requested (re-)inspection. Reinspection fees may be assessed when the inspection record card or the permit holder's copy of approved plans is not available on the work site, when access to the work is not available, when the City's inspector is on site for a requested inspection, or when the work deviates from the approved plans. The permit holder may request reinspection of the work in writing on a form furnished by the City accompanied by payment of the reinspection fee in accordance with BC 8.020.040.

These rules have been authorized by the Beaverton City Council as part of Ordinance 3978 adopting the Building Code, enacted on March 31, 1997. Revised by as part of Agenda Bill 03108 dated May 5, 2003. Revised by: Agenda Bill 05054 dated March 28, 2005; Agenda Bill 13261 dated December 10, 2013.