

ADMINISTRATIVE ORDER NO. 53-23-03-F
of the
City Manager of the City of Eugene

ADOPTING A NEW ADMINISTRATIVE RULE R-8.005 TO UPDATE REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT OF THE BUILDING, FIRE AND OTHER TECHNICAL CODES; REPEALING ADMINISTRATIVE ORDER 53-17-01-F; AND REPEALING ADMINISTRATIVE ORDER 53-98-08-F.

The City Manager of the City of Eugene finds that:

A. Section 8.005 of the Eugene Code, 1971 (EC) authorizes the City Manager to, consistent with EC 2.019, adopt regulations, procedures, forms, interpretations, and written policies to implement the provisions of Eugene Code sections 8.005 through 8.010.

B. On July 10, 2023, the City Council passed Ordinance No. 20692, which included revisions to EC 8.005 through 8.010; those revisions made it necessary to update the administrative rules that implement those sections.

C. Administrative Rule R-8.005 has been the subject of piecemeal amendments over many years and was most recently amended by Administrative Order No. 53-17-01-F on February 28, 2017. Many of the regulations included in R-8.005 are now antiquated, obsolete, or are otherwise in need of updating.

D. On September 14, 2023, I issued Administrative Order No. 53-23-03 ordering that notice be given of the opportunity to submit written comments on a proposal to adopt a new administrative order that replaces Administrative Rule R-8.005 and that shall serve as part of the Eugene Technical Code for Construction.

E. Notice of the proposed amendments to the Rule was given by making copies of the Notice available to any person who had requested such notice and any business which possesses a license issued pursuant to this Rule, providing copies of the Notice to the City Council and, to the extent required by state law, to the state and Lane County, and by publication of the Notice in the Register Guard newspaper on October 15, 16, 17, 18, and 19, 2023, providing interested persons an opportunity to submit comments on the proposed amendments until the end of the day on October 30, 2023. No comments concerning the proposed Rules were submitted within the time or in the manner set out in the Notice.

On the basis of these findings, I order that:

1. As of the effective date of this Order, a new Rule R-8.005 is adopted as proposed.

2. Administrative Order No. 53-17-01-F is repealed.
3. Administrative Order No. 53-98-08-F is repealed.
4. Administrative Rule R-8.005, setting out Regulations for Administration and Enforcement of the Building, Fire, and Other Technical Codes, is adopted as follows:

**ADMINISTRATIVE RULE R-8.005
REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT OF THE
BUILDING, FIRE AND OTHER TECHNICAL CODES**

R-8.005-A GENERAL PROVISIONS.

(1) **Purpose.** The purpose of these rules is to:

(a) Provide uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort, security, and practicable maximum energy conservation, by regulating and controlling the design, construction, materials, use, occupancy, location and maintenance of buildings and structures, and building service equipment; and

(b) Protect life and property from the hazards of fire, panic and explosion arising from conditions hazardous to life or property in the use or occupancy of buildings or premises, and for the storage, handling and use of hazardous substances, materials, and devices.

(2) **Definitions.** Except as specifically defined herein, the words and phrases used herein shall have the meaning assigned to them by EC 8.001 or the applicable technical code. As used herein, the following words and phrases mean:

Building Official. A person designated by the City Manager to carry out and perform the City Manager’s duties and responsibilities under EC 8.005 (“Construction – Administration”) through 8.010 (“Construction – Technical Code”) pertaining to the technical code, or their designee.

Construction Documents. Plans, specifications, and other written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a permit.

Demolition. The deliberate destruction of a building or other structure, or significant portion thereof.

Excavation. The mechanical removal of earth material.

Fill. A deposit of earth materials placed by artificial means.

Fire Marshal. A person designated by the City Manager to carry out and perform the City Manager’s duties and responsibilities under EC 8.005 (“Construction – Administration”) through 8.010 (“Construction – Technical Code”) pertaining to the fire code, or their designee.

Grading. An excavation or fill or combination thereof.

Premises. Real property.

Private Residence. A single, double or multiple dwelling house or building occupied as living or sleeping quarters by one or more family units, exclusive of any portion of such house or building devoted to commercial, processing or manufacturing use.

Technical Code. The Oregon Specialty Codes for which the City has assumed administration and enforcement responsibility, the Eugene Fire Code, and other regulations prescribing standards for construction of buildings, structures, building elements, components or equipment that have been adopted by the City pursuant to EC 8.005 through 8.010.

(3) **Application of Technical Code to Existing Structures.**

(a) **Existing Installations.** Buildings, structures, electrical and mechanical systems and equipment, and plumbing systems and fixtures constructed and maintained in conformity with the regulations in effect at the time of construction may have their existing use or occupancy continued, if such use or occupancy is in accordance with the original design and location and was legal at the time of the adoption of these regulations and provided such use is not hazardous to life, health or property and is not in conflict with statutes, rules, regulations, or ordinances of any federal or state agency or municipality.

(b) **Additions, Alterations, or Repairs.** Additions, alterations, or repairs may be made to any building, structure, electrical system or equipment, mechanical system or plumbing system (collectively referred to as “structure or system”) without requiring the existing structure or system to comply with all the requirements of the technical code or these regulations, provided an addition or alteration complies with the requirements for new construction. Additions, alterations, or repairs shall not be made to an existing structure which will cause the existing structure to be in violation of any of the provisions of the technical code or these regulations, nor shall such addition, alteration, or repair cause the existing structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition, alteration, or repair will cause the existing structure to become unsafe, unhealthy or overloaded; will not provide adequate egress in compliance with the provisions of the technical code or these regulations or will

obstruct existing exits; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life. Additions, alterations, or repairs to an existing structure or system shall be such that the existing structure or system is no less complying with the requirements of the technical code or these regulations than the existing structure or system was prior to the work.

(c) **Changes in Use or Occupancy.** A building or structure undergoing a change in use or occupancy, as defined in the technical code, and the building service equipment which is part of or serves the building or structure, shall comply with the requirements of the technical code which may be applicable to the new use or occupancy.

(d) **Maintenance.** All buildings, structures, electrical, mechanical and plumbing systems, equipment and fixtures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the technical code or these regulations shall be maintained in conformance with the code edition under which installed. The owner or his or her designated agent shall be responsible for the maintenance of buildings, structures, electrical, mechanical and plumbing systems, equipment and fixtures. To determine compliance with this subsection (3)(d), the Building Official may cause a structure, system, equipment or fixture to be reinspected.

(e) **Relocated Buildings.** Existing buildings and structures which are removed from their foundation and moved into or within the jurisdiction of the City shall comply with R-8.005-B-(6) and shall be in substantial compliance as defined in ORS 455.

(f) **Historic Buildings.** Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure, or electrical, mechanical or plumbing system, equipment or fixtures located within that building or structure, may be made without conformance to all the requirements of the technical code or these regulations when authorized by the Building Official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
2. Any unsafe conditions as described in these regulations or the technical code are corrected.
3. The restored building or structure will be no more hazardous based on life, health, safety and sanitation than the existing building.
4. The Building Official seeks the advice of the State of Oregon historic preservation officer.

(4) **Application of Technical Code to Temporary Structures and Uses.**

(a) **General.** The Building Official is authorized to issue permits for temporary structures, equipment, systems, and uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days unless approved by the Building Official. Temporary structures and equipment shall be completely removed upon the expiration of the time limit stated in the permit.

(b) **Conformance.** Temporary structures, equipment, systems, and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of the technical code as necessary to ensure public health, safety and general welfare.

(c) **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 discontinued.

(5) **Interpretations of the Technical Code.** The Building Official is authorized to render interpretations of the technical code, except the Fire Code, and to adopt policies and procedures in order to clarify the application of technical code provisions. The Fire Marshal is authorized to render interpretations of the Fire Code and to adopt policies and procedures in order to clarify the application of Fire Code provisions.

(6) **Modification of a Technical Code Requirement.** The Building Official may modify a provision of the technical code in individual cases upon finding that:

(a) A special individual reason makes it impractically difficult to conform to the strict letter of the code;

(b) The modification is not inconsistent with the intent and purpose of the technical code; and

(c) The modification does not create an unsafe or dangerous condition regarding fire and life safety.

(7) **Waiver of a Technical Code Requirement.** The Building Official may waive a provision of the technical code in individual cases upon finding that:

(a) Strict compliance is not necessary to meet the intent of the technical code and the waiver is not inconsistent with the intent and purpose of the technical code; and

(b) The waiver does not create an unsafe or dangerous condition regarding fire and life safety.

(8) Alternate Materials and Methods. The Building Official may approve the use of alternate construction materials and methods upon a finding that the applicant has provide sufficient evidence or proof that:

- (a)** The proposed material, design or method is satisfactory and complies with the intent of the provisions of the technical code and these regulations;
- (b)** The proposed alternative material or method is, for the purpose intended, at least the equivalent of that prescribed in the technical code in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation; and
- (c)** Where the alternative material or method also involves a matter within the authority of the Fire Marshal, the Fire Marshal has approved the alternative.

(9) Liability. Neither these regulations nor the technical code relieves or lessens the responsibility of any person owning, operating, constructing or controlling any building, structure or premises for any damages to persons or property caused by defects. Nor shall the City or any of its agencies, officers, employees or agents be held as assuming any such liability by reason of the inspections authorized by, or any permits issued under these regulations or the technical code.

R-8.005-B PERMITS.

(1) When Permits Required.

(a) General. Except as provided in subsection (1)(b):

1. No building, structure or building service equipment shall be erected, constructed, enlarged, altered, repaired, relocated, improved, removed, converted or demolished, and no site may be cleared or graded, unless a separate, appropriate permit for each building, structure, building service equipment, or site has first been obtained from the Building Official.

a. The City of Eugene has an ORS Chapter 455 “comprehensive municipal building inspection program” under which the City has assumed responsibility for permitting associated with the structures and activities that are encompassed by the state building code. Pursuant to that authority, permits are required for all structures and activities encompassed by the state building code.

b. Permits are also required for:

(1) All structures and activities addressed by the Oregon Specialty Codes which have been adopted as part of the Eugene Technical Code and that are not otherwise

encompassed by the state building code; and

(2) The additional structures and activities specifically addressed by this Rule R-8.005 (including demolition, grading, relocated buildings, numbering of structures and premises, protection of adjoining property, protection of pedestrians).

2. Fire safety and hazardous materials permits within the scope of the Fire Code shall be governed by the Eugene Fire Code Administrative Rule R-8.010FC instead of this R-8.005.

3. A permit is required to resurface or restripe a parking lot for the purpose of verifying accessible parking spaces in accordance with ORS 447.233.

4. A permit issued pursuant to this Rule shall be in addition to any other permit specifically required elsewhere by the Eugene Code.

(b) **Exceptions.** A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of Chapter 8 of the Eugene Code or these regulations shall not be deemed to grant authorization for any work to be done in violation of the provisions of these regulations, Chapter 8 of the Eugene Code, the technical code, or any other provision of the Eugene Code or any other laws or ordinances.

1. **General Building Permit Exceptions.** A building permit is not required for the following:

a. Agricultural buildings exempted in ORS 455.315.

b. Equine facilities exempted in ORS 455.315.

c. One-story detached accessory structures used as tool and storage sheds and similar uses, provided that the floor area is not greater than 120 square feet.

d. Fences nine feet high or less if constructed of wood, wire mesh, chain link or other materials weighing 5 pounds per square foot or less, and fences 6 feet high or less if constructed of materials weighing more than 5 pounds per square foot. This exemption does not apply to required barriers around swimming pools and is not an exemption from the requirements of EC Chapter 9.

- e. Window awnings in R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
- f. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches high.
- g. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting ascending backfill exceeding a slope of 3 units horizontal to 1 unit vertical or supporting a nonsoil surcharge.
- h. When approved by the Building Official, retaining walls located in an area where failure of the wall would not create a hazard or endanger private or public property.
- i. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- j. Platforms, walks and driveways not more than 30 inches above grade, not over any basement or story below, and not part of a required accessible route.
- k. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- l. Temporary motion picture, television and theater stage sets and scenery.
- m. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- n. Equipment shelters not intended for human occupancy with a building area 250 square feet or less, designated as Risk Category I or II.
- o. Temporary job trailers used exclusively for construction purposes associated with a valid permit.
- p. The following ground-mounted structures that are not attached to or supported by a regulated building:
 - (1) Signs that are not over 9 feet high if constructed of materials weighing 5 pounds per square foot or less, and not over 6 feet high if constructed of materials weighing more than 5 pounds per square foot.

- (2) Cellular phone, radio, television and other telecommunication and broadcast towers that are not over 25 feet high.
 - (3) Flagpoles, light poles, and similar structures that are not over 25 feet high.
 - (4) Photovoltaic systems that do not exceed 10 feet in height.
- q. Nonpermanent, moveable structures that:
- (1) Serve a seasonal, transitional or emergency use;
 - (2) Are single-story, freestanding, and not enclosed by or attached to another structure;
 - (3) Are designed, installed and maintained to be readily relocated;
 - (4) Are without a utility connection for which a permit is otherwise required by the technical code; and
 - (5) May include yurts, huts, cabins, fabric structures, tents and similar accommodations.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

2. Building Permit Exceptions for Group R-3 Occupancies. In addition to items listed in subsection (1)(b)1, a building permit is not required for the following items when in or appurtenant to Group R-3 Occupancies covered under the Residential Code:

- a. Nonhabitable one-story detached accessory structures, provided that the floor area does not exceed 200 square feet and the height does not exceed 15 feet measured from grade plane to the average height of the highest roof surface.
- b. Concrete sidewalks, slabs, platforms, driveways and similar work on grade.
- c. Interior wall, floor or ceiling covering and similar finish work.
- d. Prefabricated swimming pools where the pool walls are entirely above the adjacent grade. Barrier requirements are not exempt.

- e.** Swings, other playground equipment, and similar work.
- f.** Patio covers and porch covers not over 200 square feet and supported by an exterior building wall.
- g.** Nonbearing partitions, except when such partitions create habitable space.
- h.** Replacement or repair of siding not required to be fire resistive.
- i.** Retrofitted insulation.
- j.** Masonry repair.
- k.** Porches and decks, where the floor or deck is not more than 30 inches above adjacent grade measured at any point within 3 feet horizontally of the floor or deck, and where in the case of a covered porch, the covered portion of the porch does not come closer than 3 feet to property lines.
- l.** Gutters and downspouts.
- m.** Door and window replacements (where no structural member is changed).
- n.** 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. This exception does not apply (permits for re-roofing are required):
 - (1)** For structures in wildfire hazard zones.
 - (2)** For townhouses.
 - (3)** For installation of building-integrated photovoltaic roof panels and other photovoltaic roof coverings.
 - (4)** Where more than 15 percent of the existing space sheathing is removed to facilitate the installation of new sheathing.
- o.** Framed-covered nonhabitable accessory structures not more than 500 square feet in area, one story in height and not closer than three feet 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.

3. Plumbing Permit Exceptions. A plumbing permit is not required for the following:

a. The stopping of leaks or repairing freeze damage in water piping, drains, soil, waste or vent pipe not exceeding five feet of new piping, provided the repair or replacement does not involve any changes or alteration to the existing plumbing system.

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

c. Ordinary minor plumbing repairs as defined in OAR 918-780-0035, including the repair, replacement, or maintenance of existing plumbing fixtures, appliances, appurtenances, and related water supply and drain attachments for the purpose of restoring a plumbing installation to a safe and sanitary operating condition. This does not include new construction, replacement of water heaters, or underground plumbing.

4. Electrical Permit Exceptions. An electrical permit is not required for the following:

a. To replace light bulbs, fluorescent tubes, or approved fuses, or to connect approved portable electrical equipment to permanently installed and properly wired receptacles;

b. For experimental electrical work or testing of electrical products in testing laboratories of electric shops, educational institutions, industrial plants, or recognized testing laboratories.

c. To install components exempted by OAR 918, division 261.

d. To replace an existing garbage disposal, dish washer, electric water heater, or similar appliance of 30 amps or less, single phase.

e. To install cord and plug connected Class 2 irrigation control systems.

f. For electrical installations for which the state has authorized a minor installation label in accordance with OAR 918-100-000

through 918-100-0060.

5. Mechanical Permit Exceptions. A mechanical permit is not required for the following:

- a.** Portable heating appliances, portable ventilation appliances and equipment, portable cooling units, portable evaporative coolers;
- b.** Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by the mechanical code;
- c.** Replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
- d.** Self-contained refrigeration systems that contain 10 pounds or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less;
- e.** Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

6. Exception for Ordinary Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures. As used in this section (1)(b)6, “ordinary repairs” does not include:

- a.** The removal or cutting away of any wall, partition or portion thereof.
- b.** The removal or cutting of any structural beam or load-bearing support.
- c.** The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.

(c) Emergency Repairs. A permit application shall be submitted to the Building Official within five business days following an emergency situation that required temporary structural supports, structural replacement or repairs on an existing structure, or mechanical equipment replacements and repairs.

(d) Change of Use or Occupancy. A permit is required to change the use or occupancy of any regulated building, or portion of a regulated building, that would result in one of the following:

- 1.** A change in occupancy classification.

2. A change from one group to another within an occupancy classification.

3. Any change in use within an occupancy group for which the technical code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation, or sanitation.

(2) **Application for Permit.**

(a) **Application.** To obtain a permit, the applicant shall file an application on a form furnished by the Building Official for that purpose. Every 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 of or occupancy for which the proposed work is intended;

4. Be accompanied by plans, diagrams, computations and specifications and other data as required in this section (2);

5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;

6. Be signed by the permittee, or his/her authorized agent;

7. Give such other data and information as may be required by the Building Official.

(b) **Construction Documents.** Construction documents must be submitted in Portable Document Format (pdf).

1. Where required by state law or otherwise required by the Building Official, construction documents shall be prepared and designed by an engineer or architect licensed by the state to practice as such.

2. **Exceptions:**

a. The Building Official may waive the submission of plans, calculations or other data if the Building Official finds that the

nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with these regulations, or applicable technical code.

b. Construction documents prepared and designed by an engineer or architect licensed by the state to practice as such are not required for the following work:

(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 or less and is not more than 20 feet in height from the top surface of the lowest floor to the highest interior overhead finish (ORS 671.030).

(2) A detached single-family dwelling, farm building, or an accessory building to a single-family dwelling.

(3) Alterations or repairs that do not involve the structural parts of the building.

(c) Responsible Design Professional. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate a registered design professional who shall act as the registered design professional in responsible charge. 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.

(d) Information on Construction Documents. 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 the technical code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall state the building and street address of the work and the names and addresses of the owner of the land or building where the work is to be done and of the person who prepared the plans. Other data sufficient to show the correctness of the plans shall be submitted when required by the Building Official.

1. Electrical Plans. A person making application for an electrical permit on a complex structure as defined in OAR 918-311-0040 shall file with the Building Official proper electrical plans, specifications, calculations, and schedules as may be necessary to determine whether the installation as described will conform to the applicable electrical code requirements, laws, ordinances, rules, and regulations. The plans shall be drawn to scale, contain definitions for legends used, and be of sufficient

clarity to indicate the location, nature and extent of the work proposed. The plans and specifications submitted must be complete and shall show, among other details, the following:

- a. Feeder riser diagram showing panel location and circuit schedules.
- b. One-line riser diagram showing bonding and grounding and conductor sizes.
- c. Available fault current on the line side of service disconnect.
- d. Complete load calculations, or provide applicable load records, for all new installations and for additions to existing installations.
- e. Fixture schedule, showing type, location and layout of the fixtures.
- f. Location of emergency systems, identifying the power source and the system on plan.

2. Plumbing Plans. Every person making application for a plumbing permit on a complex structure as defined in OAR 918-780-0040 shall file with the Building Official proper plumbing plans, specifications and schedules as may be necessary to determine whether the installation as described will conform to the requirements of the plumbing code. The plans submitted must be complete and shall show, among other details, the following:

- a. Layout for each floor with dimensions showing all rooms and work areas, including a legend of all symbols used.
- b. Location of all plumbing fixtures within the structure including hose bibs and backflow devices.
- c. Location, layout, and size of all potable water, drain, waste, and vent piping, and medical gas and vacuum systems.
- d. On a site or plot plan:
 - (1) Location and size of sanitary sewer service or private sewage disposal.
 - (2) Location and size of water service

(3) Location and size of storm sewer, direction of storm drainage, and location of dry wells or stormwater treatment facilities.

3. Statement of Special Inspections. The engineer or architect responsible for the proposed structural design work shall specify, in the construction documents, the special inspections required by R-8.005-C(8) of these regulations and other structural inspections required by the engineer or architect.

(3) **Determination and Issuance of Permits.**

(a) **Issuance.** The permit applications and construction documents filed by an applicant shall be reviewed by the Building Official. If the Building Official finds that the work described in the application and construction documents conforms to the requirements of these regulations, the technical code, and any other pertinent laws and ordinances, that licensed contractors have been identified to perform the work where required, and that the required fees have been paid, the Building Official shall issue a permit therefore to the applicant. Such approved construction documents shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

(b) **Partial Permit Issuance.** The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications of the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical code. The holder of such a partial permit shall proceed at their own risk without assurance that the permit for the entire building, structure or building service will be granted.

(c) **Retention of Plans.** The Building Official will retain one set of approved construction documents for at least as long as required by OAR 166-200-0250 and will return one set of approved plans to the applicant to be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(d) **Validity of Permit.** The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of these regulations or the technical code, or of any other ordinance of the City of Eugene. Permits presuming to give authority to violate or cancel such provisions shall not be valid. The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from stopping work on building operations being carried out thereunder

when in violation of such provisions.

(e) **Expiration.**

1. **Permit Applications.** Applications for which no permit is issued within 360 days following the date of application shall automatically expire, and plans and other data submitted for review may thereafter be destroyed by the City. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and may be subject to a new plan review fee.

2. **Permits.**

a. Unless the Building Official has approved an extension, permits issued by the Building Official shall automatically expire and become null and void, if:

(1) From the date of issuance of such permit, the building or work authorized by such permit is not commenced within:

(A) 180 days for an electrical permit; or

(B) 360 days for all other permits.

(2) The building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of:

(A) 180 days for an electrical permit; or

(B) 360 days for all other permits.

(3) The owner or builder fails to call for an inspection pursuant to R-8.005-C(3) every:

(A) 180 days for an electrical permit; or

(B) 360 days for all other permits.

b. No work may take place on a building, structure or building service equipment that is subject to an expired permit.

c. The Building Official may approve the re-issuance of an expired permit if:

(1) The applicant pays a reinstatement fee

(2) The reissued / new permit would include no changes to the original plans and specifications for such work; and

(3) The time between the permit's expiration and the application for re-issuance has not exceeded one year.

d. Any permittee holding an unexpired permit may apply for an extension of the time limitation in subsection (3)(e)2.a. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days. No permit shall be extended more than once.

3. Expired permit safety certification.

a. The owner of property for which a construction permit has been issued and the permit has expired prior to passing all required inspections shall, within 30 days after the expiration of the permit, renew the permit, or, submit to the city either a written statement that no work was performed under the permit, or, if any work was performed, a written statement from a qualified professional describing the work performed and certifying that the work performed under the permit does not create an unsafe situation. This certification does not authorize occupancy, nor is it a substitute for the approval of the Building Official as required by this rule or the Eugene Code.

b. Failure to submit a statement or certification within 30 days from the date of expiration of the permit constitutes a violation of this rule and a civil penalty therefore may be imposed against the property owner.

c. For purposes of this subparagraph, a qualified professional includes a currently licensed architect, a currently licensed civil engineer, a currently licensed journeyman electrician if electrical work is included, and a currently licensed journeyman plumber if plumbing work is involved. Other qualified professionals not listed herein may be substituted upon the written approval of the Building Official.

(f) **Suspension or Revocation.** The Building Official may suspend or revoke a permit issued under the provisions of these regulations and the technical code whenever 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 these codes.

(4) **Demolition Permits.** In addition to the provisions of sections (2) and (3), the following subsections apply to demolition permits.

(a) **Issuance of Demolition Permit.** No building permit for demolition or work involving demolition of a building shall be issued until the owner or applicant has filed with the permit application a plan indicating:

1. The length of time to complete the demolition;
2. Whether there will be salvage of material;
3. The manner in which the site will be secured against accessibility by children and other unauthorized persons;
4. How compliance with the Oregon Structural Code provisions for safeguards during construction, R-8.005-H, and this section (4) will be achieved; and
5. How the demolition plan otherwise complies with applicable state and local laws.

(b) **Requirements under Demolition Permit.** In addition to complying with the requirements of the Oregon Structural Code and this Administrative Rule:

1. No demolition may be commenced unless written notice has been provided to the properties that are immediately adjacent to or across the street from the property to be demolished at least 48 hours prior to the demolition work;
2. When winds exceed 25 m.p.h., no demolition of the exterior of a structure may take place and no demolition debris may be moved; and
3. No demolition may occur by implosion or other explosive means except when a special demolition permit has been issued that expressly authorizes use of implosion or other explosive means and establishes specific conditions that address health, safety and livability concerns.

(c) **Completion of Demolition.** The building demolition for which a permit is issued shall be completed within 60 days of the date of the permit. An extension of time may be granted by the Building Official, provided the demolition is

progressing satisfactorily.

(5) Grading Permits. Except as provided in subsection (5)(a), no person shall do any grading without first having obtained a grading permit from the Building Official.

(a) Exceptions. A grading permit is not required for the types of work listed below. Exemption from permit requirements shall not be deemed to grant authorization for any work to be done in violation of these regulations, Chapter 8 of the Eugene Code, the technical code, or any other provision of Eugene Code or any other laws or ordinances.

1. When the Building Official determines that the proposed grading is in an isolated self-contained area, poses no danger to the public, and that such grading will not adversely affect adjoining properties.

2. When the grading is for an excavation below finished grade for basements and footings of a building, retaining walls, or other structures authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.

3. When the grading is for the creation of a cemetery grave.

4. When the grading is for a refuse disposal site controlled by other regulations.

5. When the grading is to excavate for a well or utilities.

6. When the grading is part of mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. When the grading is part of exploratory excavations under the direction of a soil (geotechnical) engineer or engineering geologist.

8. When the excavation:

a. Is less than two feet in depth; or

b. Does not create a cut slope greater than five feet in height and steeper than two units horizontal to one unit vertical.

9. When the fill:
 - a. Is less than one foot in depth and is placed on natural terrain with a slope flatter than five units horizontal to one unit vertical; or
 - b. Is less than three feet in depth and:
 - (1) Is not intended to support structures;
 - (2) Does not obstruct a drainage course; and
 - (3) Does not exceed 50 cubic yards on any one lot.

(b) **Application for Grading Permit.** Application for a grading permit shall be made in accordance with subsection (2)(a) of this rule.

(c) **Construction Documents for Grading Permit.** In addition to the general requirements of subsections (2)(b) and (2)(d), construction documents shall include the following:

1. **Site plan requirements.** The plans shall include:

- a. Existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work;
- b. Existing grade on adjoining properties;
- c. Detailed plans of all surface and subsurface drainage devices, walls, retaining walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains; and
- d. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or which may be affected by the proposed grading operations;

2. **Geotechnical Report.** Except where the Building Official determines that the nature of the work applied for is such that a geotechnical report is not necessary, a geotechnical report prepared by a licensed design professional shall be provided. The report shall include the following:

- a. The nature and distribution of existing soils;

- b. Conclusions and recommendations for grading procedures;
- c. Soils design criteria for any structures or embankments required to accomplish the proposed grading;
- d. A design for any structural fill, including:
 - (1) Specifications for site preparation;
 - (2) Specifications for fill materials to be used;
 - (3) Specifications for fill material placement and compaction;
 - (4) Minimum acceptable in-place dry density expressed as a percentage of the maximum dry density, and field test method for determining the in-place dry density of the compacted fill; and
 - (5) Number and frequency of field tests required to determine compliance.
- e. A study of the liquefaction potential of the site with recommendations; and
- f. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

(d) **Determination and Issuance of Grading Permit.** The general provisions of section (3) apply to an application for a grading permit. In addition, an application for a grading permit shall be consistent with the following:

- 1. **Excavations.** The slope of cut surfaces shall be no steeper than is safe for the intended use, and no steeper than 2 units horizontal to 1 unit vertical unless justified by a geotechnical report.
- 2. **Fills.** Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this subsection(5)(d).
 - a. **Ground Preparation.** The ground surface shall be prepared to receive fill by removing vegetation, top-soil and other unsuitable materials, and scarifying to provide a bond with the new fill.
 - b. **Fill Material.** Fill material shall not include organic or deleterious materials. No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills.

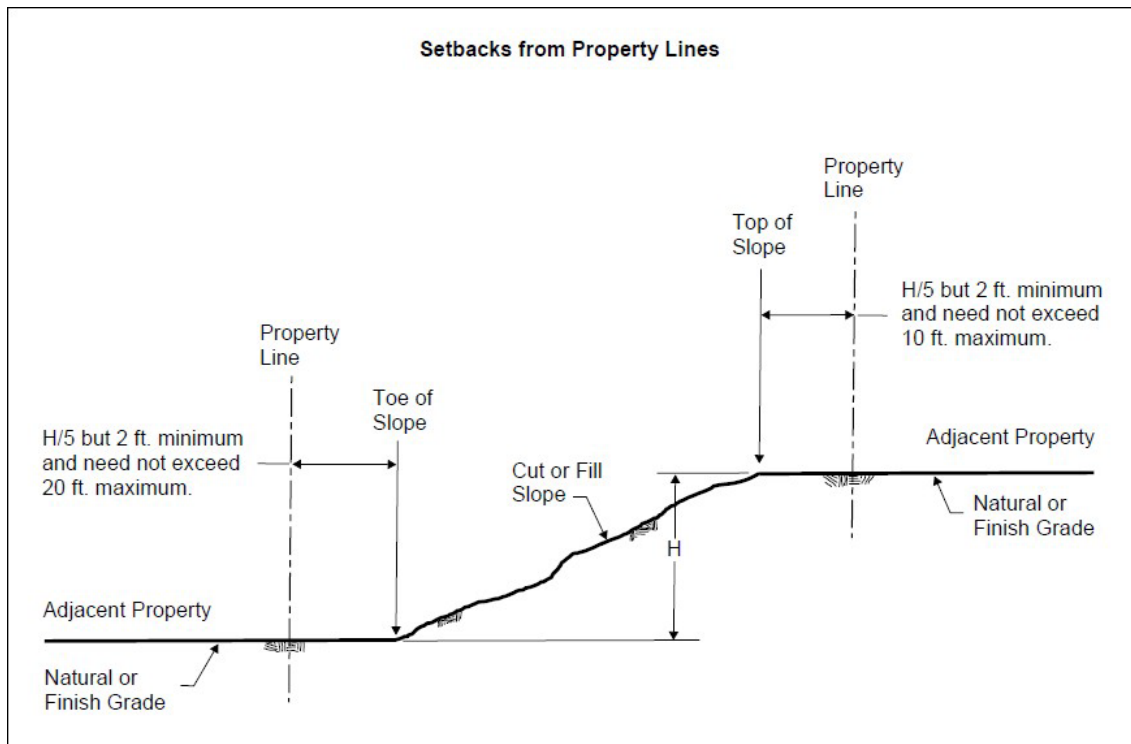
c. **Compaction of Fill.** All fills shall be compacted to 90 percent of maximum density as determined by ASTM D-1557, Modified Proctor, in lifts not exceeding 12 inches in depth.

d. **Fill Slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use and any fill slopes that are steeper than 2 units horizontal to 1 unit vertical shall be justified by a geotechnical report.

3. **Drainage.** Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Where necessary, check dams, riprap or other devices or methods shall be employed to control erosion and provide safety.

4. **Setbacks.** Graded slopes (cut or fill) shall be set back from the property lines and existing structures in accordance with this subsection (5)(d)4.

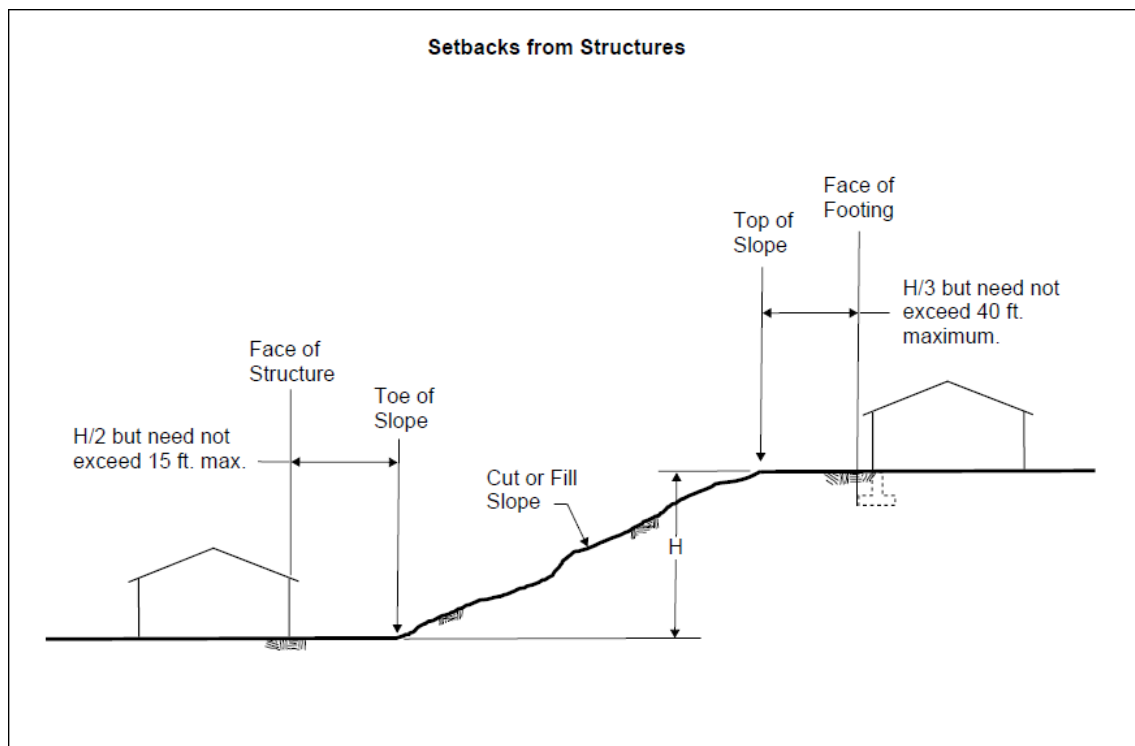
a. **Setbacks from Property Lines.** Setback dimensions shall be measured perpendicular to the property line and shall be as shown in the following Figure, unless substantiating data is submitted justifying reduced setbacks.



b. Slope Protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:

- (1) Additional setbacks;
- (2) Provisions for retaining walls or similar construction;
- (3) Treatment of the slope surface to minimize erosion; and
- (4) Provisions for control of surface waters.

c. Setbacks from Structures. Setbacks between graded slopes and structures shall be provided in accordance with the following Figure, unless substantiating data is submitted justifying reduced setbacks.



(e) Modification of Grading Permit. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

(f) **Grading Inspection.** Grading operations for which a permit is required shall be subject to inspection in accordance R-8.005-C

(6) **Relocated Buildings.**

(a) Consistent with ORS 455.410, existing buildings or structures which have been removed from their foundation and relocated to another site shall be in compliance with the local construction codes that were 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.

(b) Notwithstanding (a), the insulation, overhead and underneath the structure, shall be upgraded to the current insulation requirements or to the maximum extent possible subject to the design of the structure.

(c) Heating, plumbing and electrical systems are not required to meet 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.

(d) Site improvements, foundation and basement construction, utility connections, additions, and alterations to a relocated structure shall comply with the technical code, these regulations, or any other provision of the Eugene Code relating to new construction.

(e) **Plan filed.** Construction documents must be filed with the Building Official as part of a building permit application before a permit to relocate a building or structure to the new site will be issued. Construction documents shall comply with R-8.005-B(2)(d) and shall include the following:

1. A plot plan of the site showing the proposed location of all buildings and improvements, including driveways, sidewalks, parking areas, and landscaping; and
2. The additions, alterations, foundations, and other improvements to be constructed or installed at the new site.

R-8.005-C INSPECTIONS, OBSERVATION AND TESTING.

(1) **Inspection - General.**

(a) All construction or work for which a permit is required shall be subject to inspection by the Building Official and all such construction or work shall remain

accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have special inspection as specified in R-8.005-C(8). Existing buildings shall be subject to those inspections specified in paragraphs (6) and (7) below.

(b) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations, the technical code, or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of these regulations, the technical code or other ordinances shall not be valid.

(c) It shall be the duty of the owner or owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official, nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(d) A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

(e) Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(2) **Required Building Inspections.**

(a) The Building Official, upon notification, shall make the inspections identified in these regulations, the technical code, OAR 918, division 271, and other applicable statutes and rules.

(b) In addition to the inspections specified in section (2)(a), the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of these regulations, Chapter 8 of the Eugene Code, the technical code, or other laws which are enforced by the Building Official.

(3) **Inspection Requests.** It shall be the duty the of permit holder or permit holder's duly authorized agent to notify the Building Official that work is ready for inspection. Such request shall be made by means as determined by the Building Official. It shall be the duty of the person requesting any inspections required either by these regulations or the technical code to provide access to and means for inspection of such work.

(4) **Inspection Approval Required.**

(a) **General.** 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 shall notify the permit holder or his/her agent wherein the same fails to comply with these regulations or the technical code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

(b) **Building Service Equipment.** Building service equipment regulated by the technical code shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

(5) **Reinspections.**

(a) **General.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees also may be assessed for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

(b) **Reinspection fees.** In instances where reinspection fees have been assessed, no final approval of the work will be performed until the required fees have been paid.

(6) **Inspections of Existing Buildings.**

(a) **Inspections.** In addition to Building Official inspections authorized elsewhere in these regulations, the Building Official may enter a building or premises whenever the Building Official has reasonable cause to believe that there exists in such building or upon such premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous. The Building Official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by such codes. If such building or premises is occupied, the Building Official shall first present proper credentials and request entry; and if such building or premises be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. No person shall deny a request for or interfere or prevent any inspection authorized by this subsection (6)(a). Should entry be refused, the Building Official shall have recourse to every remedy provided by law to secure entry, including obtaining a search warrant.

(b) **Findings.** If the Building Official finds violations, the Building Official shall provide written notice of the violations as provided in R-8.005-J(2) and may take any enforcement action authorized by law.

(7) **Fire Inspections.**

(a) **Inspections.** The Fire Marshal, at all reasonable times, may enter into all buildings and upon all premises, except for a private residence, for the purpose of conducting routine or periodic inspections to ascertain if fire hazards exist therein or thereon. The Fire Marshal, at all reasonable times, may enter upon and examine any building or premises where there is probable cause to believe that a condition of nonconformity with a fire safety standard or order exists. If such building or premises is occupied, the Fire Marshal shall first present proper credentials and request entry; and if such building or premises be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. No person shall deny a request for or interfere or prevent any inspection authorized by this subsection (7)(a). Should entry be refused, the Fire Marshal shall have recourse to every remedy provided by law to secure entry, including obtaining a search warrant.

(b) **Findings.** If the Fire Marshal finds violations, the Fire Marshal shall provide written notice of the violations as provided in R-8.005-J(2) and may take any enforcement action authorized by law.

(c) **Investigation of Fire.** The Fire Marshal shall investigate the cause, origin and circumstances of each fire occurring within the jurisdiction of the City. The Fire Marshal's investigation shall begin immediately after the occurrence of the fire and shall include all inquiries necessary to determine if the fire was the result of carelessness or design.

1. The Fire Marshal may enter upon and examine any building or premises wherein fire has occurred, and other buildings or premises adjoining or near the same.

2. The Fire Marshal shall take or shall have taken the statements of all persons supposed to be cognizant of any facts or who have means of knowledge in relation to the cause, origin and circumstances of any fire then under investigation if, in the opinion of the Fire Marshal, such statements are necessary to the investigation.

3. The Fire Marshal shall have and may exercise such additional authority to carry out inspections as provided in state law including but not limited to ORS 476.070, 476.150, 476.210 and 476.230.

(8) **Special Inspections.**

(a) **General.** In addition to the inspections authorized elsewhere in this R-8.005-C, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide special inspections and tests during construction on the types of work specified in these regulations or

the Structural Code. Special inspections are in addition to, not in lieu of, inspections required to be made by City inspectors.

(b) **Special Cases.** If, in the opinion of the Building Official, certain work is unusual in its nature or complexity, involves unusual hazards or conditions, requires extended observation, or requires technical expertise which is unavailable within the City, then a special inspection may be required.

(c) **Special Inspector.** The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.

(d) **Duties and Responsibilities of the Special Inspector.**

1. The special inspector shall observe the work assigned for conformance with the approved construction documents and applicable provisions of the Structural Code.

2. The special inspector shall bring all nonconforming items to the immediate attention of the contractor for correction. If any such nonconforming item is not resolved in a timely manner or is soon to be concealed or incorporated into the work, the special inspector shall notify the engineer or architect of record and the Building Official immediately and note the item in the special inspector's written report.

3. Any approval of deviations shall be received by the special inspector directly from the registered design professional or Building Official or through documentation which bears their stamp or approval. The name of the person approving any deviations shall be recorded in the inspection report. Revisions that include redesigning of structural connections, framing, or components which require engineering design calculations and drawings shall be submitted to the Building Official for review and approval. The city field inspector has the discretion to require any revision to be submitted to the Building Official for review and approval.

4. The special inspector shall complete written inspection reports for each inspection visit and provide the reports on a timely basis as determined by the Building Official. The special inspector shall furnish inspection reports to the Building Official, the engineer or architect of record, and other designated persons.

5. The special inspector shall submit a final signed report stating whether the work requiring special inspection or testing was, to the best of the inspector's knowledge, in conformance with the approved construction documents. Items not in conformance, unresolved items, or any

discrepancies in inspection coverage must be specifically itemized in the report. Discrepancies in inspection coverage includes missed inspections, periodic inspection when continuous inspection was specified, or similar.

6. The special inspector shall be employed by the owner or owner's authorized agent, other than the contractor. Special inspectors shall not inspect work performed, or materials supplied, by a contractor, sub-contractor, or material vendor with whom the inspector is employed. During the inspection, special inspectors shall not engage in any task(s) which would interfere with the proper performance of their required duties of inspection.

(e) **Waiver of Special Inspection.** The Building Official may waive the requirement for the employment of a special inspector if the construction is of a minor nature or as warranted by conditions in the jurisdiction as approved by the Building Official.

(f) **Approved Fabricators.** Special inspections required by this section (8) and elsewhere in these regulations, Chapter 8 of the Eugene Code or the technical code shall not be required where the work is done on the premises of a fabricator registered and approved by the Building Official to perform such work without inspection. Approval shall be based on a nationally recognized accrediting authority's review of the fabricator's written fabrication procedures and quality control manuals that provide a basis for control of materials and workmanship, with periodic auditing of fabrication and quality control practices. The approval shall be subject to revocation by the Building Official if it is found that any work done pursuant to the approval is in violation of the codes. The approved fabricator shall submit a Certificate of Compliance that the work was performed in accordance with the approved plans and specifications to the Building Official and to the engineer or architect of record.

(9) **Structural Observation.** Structural observation shall be provided where required by the provisions of the Structural Code or the Building Official.

(a) When structural observation is required, the owner or the owner's authorized agent shall employ the engineer or architect responsible for the structural design or another engineer or architect designated by the engineer or architect responsible for the structural design to perform structural observation as defined in the Structural Code.

(b) Prior to commencement of structural observations, the structural observer shall submit to the Building Official a written statement identifying the frequency and extent of structural observations.

(c) When the required structural observation is complete, the engineer or architect that performed the observation shall submit a written statement to the

Building Official affirming that the site visits have been made and specifying whether or not any observed deficiencies have been corrected to conform to the approved plans and specifications, or to revised details approved by the Building Official.

(10) Compliance Testing.

(a) The Building Official or the Fire Marshal may require the applicant to conduct compliance tests, at the applicant's expense, as proof of compliance:

1. When there is insufficient evidence of compliance with any of the provisions of the technical code or these regulations;
2. When there is evidence that any material or construction does not conform to the requirements of the technical code or these regulations; or
3. In order to substantiate claims for alternate materials or methods.

(b) Methods for compliance testing shall be those specified by the technical code and these regulations or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

(c) All compliance tests shall be made by an approved agency.

R-8.005-D CONNECTION TO UTILITIES.

(1) Energy Connections. Until approved by the Building Official, no person may make a connection from a source of energy, fuel or power to any equipment which is regulated by the technical code:

- (a)** For which a permit is required;
- (b)** Which has been disconnected or ordered disconnected by the Building Official; or
- (c)** The use of which has been ordered discontinued by the Building Official.

(2) Temporary Connections. The Building Official may authorize the temporary connection of a building, structure or building service equipment to a source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

R-8.005-E CERTIFICATE OF OCCUPANCY.

(1) Use or Occupancy. No person in charge of property shall use or occupy, or shall cause to be used or occupied, any building or structure, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made by any person in charge of property, until the Building Official has inspected the building or structure or portion thereof as part of the final inspection and has issued a certificate of occupancy therefor as provided herein.

(2) Change in Use. No person in charge of property shall change the character or use of a building or cause such a change to be made except as specified in the technical code and R-8.005-B(1)(d).

(3) Issuance of Certificate. After the Building Official inspects the building or structure and finds no violations of the provisions of these regulations, Chapter 8 of the Eugene Code, the technical code, or other laws which are enforced by the Building Official, the Building Official shall issue a certificate of occupancy which shall contain the following:

- (a)** The building permit number.
- (b)** The address of the building.
- (c)** The name and address of the owner.
- (d)** A description of the building or portion of the building for which the certificate is issued.
- (e)** A statement that the described portion of the building has been inspected for compliance with the requirements of these regulations and applicable parts of the technical code for the group and division of occupancy and the use for which the proposed occupancy is classified.
- (f)** The name of the Building Official.
- (g)** The occupancy classification of the building or portion thereof.
- (h)** The classification of the type of construction of the building.

(4) Temporary Certificate. If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, the Building Official may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

- (a)** A temporary certificate of occupancy shall be valid for a period not to

exceed 30 days from the date of issuance unless a longer period is approved by the Building Official. After the expiration of a temporary certificate of occupancy and any extensions thereof as provided in (b), the building or structure shall not be used or occupied until the Building Official has approved the building for such use or occupancy.

(b) Upon request of the owner or owner's authorized agent in writing and payment of fees, the Building Official may extend the temporary certificate of occupancy when it is determined that the circumstances so warrant.

(5) **Suspension or Revocation of Certificate.** The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of these regulations and Chapter 8 of the Eugene Code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any code, ordinance or regulation. The Building Official may revoke a certificate of occupancy if an addition, alteration, or repair to a building or portion of a building will cause it to be in nonconformance with any code, ordinance, or regulation, and the building or portion thereof may not be reoccupied until a new certificate of occupancy has been issued.

(6) **Certificate Records to be Kept.** A record of all certificates shall be kept on file in the office of the Building Official. A copy of the certificate shall be issued upon request.

(7) **Transfer of Ownership.**

(a) **Transfer of Certificate of Occupancy.** The owner of every new building, structure, or new use established in an existing building pursuant to a change of occupancy inspection and review or structural permit, and for which a certificate of occupancy is required, shall not sell, transfer, or grant such property to another without furnishing and thereby transferring the certificate of occupancy to the purchaser, transferee, or grantee.

(b) **Outstanding Code Violations.**

1. No owner of a building or premises or person in charge of property, upon whom any permit, notice, or order pursuant to these regulations has been given in connection with the property shall sell, transfer, or grant such property to another until:

a. Compliance with the provisions of the permit, notice, or order has been secured; or

b. The owner or person in charge of property has furnished to the purchaser, transferee, or grantee, a true copy of the permit, notice, or order, and at the same time has given adequate notice to

the Building Official of the intent to sell, transfer, or grant, and supplied the Building Official with the name and address of the person to whom the sale, transfer, or grant is proposed.

2. A purchaser, transferee, or grantee who has been informed of the existence of an outstanding code violation (permit, notice, or order) shall be bound thereby and shall secure a certificate of occupancy.

(8) Issuance or transfer of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of these regulations, the technical code, or other ordinances of the City. Certificates presuming to give authority to violate or cancel such provisions shall not be valid.

R-8.005-F NUMBERING OF STRUCTURES AND PREMISES. All numbering of structures and premises shall be done after assignment of a number by the Building Official or under his or her direction according to the following system:

(1) The numbering of dwellings and business buildings shall be done by providing 100 numbers in each block. On streets running east and west, the odd numbers shall be on the north side of the street, and the even numbers on the south side of the street. On streets running north and south, the odd numbers shall be on the east side of the street, and the even numbers on the west side of the street.

(2) All numbers used on dwellings and business buildings shall meet the following criteria:

(a) Be in arabic numerals not less than 2" in height with proportionate width, and contrast with the background on which they are mounted.

(b) Be mounted within two feet of the main entrance to the building, provided that such placement will make them easily visible and readable from the main approaching street. If not, they must be mounted in a location on the building which is visible and readable from the main approaching street.

(c) If the building itself is not visible from the main approaching street, the numbers must be displayed on the building within two feet of the main building entrance and also at a location which is visible and readable from the main approaching street and which will adequately direct interested parties to the specific building involved.

(d) In the case of multiple units, the approach to the complex must be marked with the address number or range of numbers in accordance with subsections (2)(b) and (2)(c) above. In addition, each individually numbered unit must have its number displayed within two feet of its main exterior access door. Suites within buildings shall be individually numbered in sequential order by floor. Each separate

unit must have its own distinctive identifier, which may be Arabic numerals or English letters.

(e) Owners of all apartment units, mobile home parks, and other multiple-unit buildings shall submit or cause to be submitted to the City a legible map indicating the locations and numbers of all units.

(3) No owner, agent or other person having control of a dwelling or business building shall refuse or neglect to permanently number the same prior to the request for a final building inspection required by Chapter 8 of the Eugene Code or a code or rule adopted thereunder. (For purposes of this section (3) and section (6), "having control of" includes a person occupying or utilizing the building or unit under a rent or lease agreement.)

(4) Numbering shall be temporarily installed in compliance with subsections (2)(a) and (2)(b) of this section, on any construction site or upon any structure under construction prior to any call for an inspection required by Chapter 8 of the Eugene Code, or a code or rule adopted thereunder.

(5) Dwellings and business buildings in annexed areas shall be numbered in accordance with subsections (2)(a) and (2)(b) and to conform to the city's block numbering system.

(6) Notice of a proposed address number change by the City shall be provided to the owner, agent, or other person having control of a dwelling or business building. The notice shall inform the recipient of the City's intent to change the subject address 30 days from the date of the notice and the reason for the change. The owner, agent or other person having control of the dwelling or building shall be given ten days from the date of the notice to comment in writing on the proposal. The proposed address change shall become effective 30 days from the date of the notice, unless the City determines from the comments received in response to the notice that the proposed change does not conform to City standards or should be delayed for practical reasons. In cases where proposed address changes are corrected in response to comments, the corrected address shall become effective as of the effective date of the original notice or a new date established by the City. It shall be sufficient to show notification that the notice be delivered personally or mailed by certified mail, restricted delivery, return receipt requested, to the last known address of the owner or agent, or to the person having control at the address of the affected structure.

(7) The foregoing provisions may be enforced by the Building Official, his/her designee, the Fire Marshal, his/her designee, police officers, or police community service officers. Failure to comply may result in imposition of an administrative civil penalty in accordance with section 2.018 of the Eugene Code.

R-8.005-G PROTECTION OF ADJOINING PROPERTY. Adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work. Protection shall be provided for footings, foundations, exterior walls, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during

construction or demolition activities in accordance with sections 6.625 through 6.645 of the Eugene Code. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

R-8.005-H PROTECTION OF PEDESTRIANS. Where a sidewalk, alley, or other pedestrian way is located proximate to construction, pedestrians shall be protected during construction activities as required by this R-8.005-H and the following Table.

PROTECTION of PEDESTRIANS

HEIGHT OF CONSTRUCTION	DISTANCE FROM CONSTRUCTION TO SIDEWALK, ALLEY, OR OTHER PEDESTRIAN WAY	TYPE OF PROTECTION REQUIRED
8 feet or less	Less than 5 feet	Construction railings
	5 feet or more	None
More than 8 feet	Less than 5 feet	Barrier and covered walkway
	5 feet or more, but not more than one-fourth the height of construction	Barrier and covered walkway
	5 feet or more, but between one-fourth and one-half the height of construction	Barrier
	5 feet or more, but exceeding one-half the height of construction	None

(1) **Construction Railings.** Construction railings shall be not less than 42 inches in height and shall be sufficient to direct pedestrians around construction areas.

(2) **Barriers.** Barriers shall be not less than 8 feet in height and shall be placed on the side of the walkway nearest the construction. Barriers shall extend the entire length of the construction site. Openings in such barriers shall be protected by doors that are normally kept closed.

(3) **Barrier Design.** Barriers shall be designed to resist loads required in the Structural Code unless constructed as follows:

(a) Barriers shall be provided with 2-inch by 4-inch top and bottom plates.

(b) The barrier material shall be boards not less than 3/4-inch thick or wood

structural panels not less than ¼-inch thick.

(c) Wood structural use panels shall be classified Exposure 1 unless protected from the weather.

(d) Wood structural use panels ¼ inch or 5/16 inch in thickness shall have studs spaced not more than 2 feet on center.

(e) Wood structural use panels 3/8 inch or ½ inch in thickness shall have studs spaced not more than 4 feet on center provided that a 2-inch by 4-inch stiffener is placed horizontally at mid-height where the stud spacing is greater than 2 feet on center.

(f) Wood structural use panels 5/8 inch or thicker shall not span over 8 feet.

(4) Covered Walkways.

(a) Covered walkways shall have a clear height of not less than 8 feet as measured from the floor surface to the canopy overhead.

(b) Adequate lighting shall be provided at all times.

(c) Covered walkways shall be designed to support all imposed loads. The design live load shall be not less than 150 psf for the entire structure, except that covered walkways for new, light-frame construction not exceeding two stories above grade plane are permitted to be designed for a live load of 75 psf or the loads imposed on them, whichever is greater.

(5) Repair, Maintenance, and Removal. Pedestrian protection required by this chapter shall be maintained in place and kept in good order for the entire length of time pedestrians are subject to being endangered. The owner or the owner's authorized agent, on completion of the construction activity, shall immediately remove walkways, debris, and other obstructions, and leave public property in as good a condition as it was before such work was commenced.

(6) Adjacent to Excavations. Every excavation on a site located 5 feet or less from the street lot line shall be enclosed with a barrier not less than 6 feet in height. Where located more than 5 feet from the street lot line, a barrier shall be erected where required by the Building Official. Barriers shall be of adequate strength to resist wind pressure as specified in the Structural Code.

R-8.005-I FEES.

(1) General. Fees for permits, plan review, investigations, inspections, reinspections, appeals and other services authorized by these regulations, Chapter 8 of the Eugene Code,

and the technical code are set pursuant to administrative orders issued under authority of section 2.020 of the Eugene Code.

(2) **Fee Refunds.** Upon written application made by the original permittee and not more than 180 days after the date the subject fee was paid, the Building Official may authorize the refunding of any fee paid hereunder if:

(a) The fee was erroneously paid or collected;

(b) The refund is for a permit fee, the refund is for no more than 80 percent of the permit fee paid, and no work has been done under the permit issued; or

(c) The refund is for a plan review fee, the refund is for no more than 80 percent of the plan review fee paid, and an application for a permit for which a plan review fee has been paid was withdrawn or canceled before the City conducted any plan review.

R-8.005-J ENFORCEMENT.

(1) **Enforcement Generally.** The Building Official is hereby authorized to enforce all provisions of these regulations and the technical code, other than the Fire Code. The Fire Marshal is hereby authorized to enforce all provisions of the Fire Code.

(2) **Notification of Violations.** Upon finding a violation of any provision of these regulations, Chapter 8 of the Eugene Code, or the technical code, the Building Official or Fire Marshal shall notify, in writing, the occupant or owner of the building or premises. Enforcement action authorized below may be taken as part of the notice, or separately. Any person receiving a notice of violation shall correct the violations within the time specified in the notice.

(3) **Reinspection.** In addition to other enforcement actions taken, the Building Official or Fire Marshal may set a time and date for a reinspection to determine whether the identified violations have been corrected.

(4) **Stop Work Order.**

(a) The Building Official may order that work be stopped whenever the Building Official determines that any work is being done contrary to provisions of these regulations, Chapter 8 of the Eugene Code, or the technical code, or the Building Official has probable cause to believe that those regulations or any other provision of the Eugene Code, are being violated in connection with the project of which the work being performed is a part. The Building Official shall order the work be stopped by posting a written notice on the project or by serving the notice on any person doing or causing such work to be done.

(b) After such notice as been posted or served, any such person shall

immediately stop such work until authorized by the Building Official to proceed.

(5) Stop Use Order.

(a) The Building Official or Fire Marshal may order that a use be discontinued and the structure, premises or portion thereof, be vacated whenever the Building Official or Fire Marshal determines that any building, structure or premises is being used contrary to the provisions of a technical code. The Building Official or Fire Marshal may order the use be stopped and/or the premises be vacated by serving a notice on any person causing such use to be continued.

(b) Whenever the Building Official or Fire Marshal determines that any equipment or system, or portion thereof, regulated by any technical code has become hazardous to life, health or property, the Building Official or Fire Marshal shall order that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The Building Official or Fire Marshal shall order the removal or repair of the equipment or system by serving a notice on any person causing the use of such equipment or system to be continued. The notice shall fix a time limit for compliance with such order.

(c) After receiving such notice, no person shall use or occupy a building or premises, or use or maintain the defective equipment or system, until authorized by the Building Official or Fire Marshal to proceed.

(6) Abatement of Dangerous Buildings.

(a) No person in charge of property upon which a dangerous building exists shall knowingly suffer or permit such building or unsafe appendage to be or remain dangerous for more than ten days after receipt of notice of the dangerous condition.

(b) **Definition.** For the purpose of this section (6), the term "dangerous building" shall mean any of the following:

1. Any structure, building, or portion thereof, or any building service equipment which is determined by the Building Official or Fire Marshal to be deficient in terms of life safety, including but not limited to, inadequate exit way facilities. The term inadequate exit way facilities, for the purpose of this section (6), shall mean exit facilities which did not conform with all applicable laws at the time of their construction, which have not been properly maintained in good condition, or which have not been properly modified to cope with any increase in any occupant load, any alteration or addition to the building, or change in occupancy of the building.

2. Any structure, building, or portion thereof, which, because of improper construction, damage, structural weakness, or deterioration by reason of age, or for the lack or want of maintenance and proper repair, is

structurally unsound and which could lead to its partial or entire collapse so as to endanger other properties or human life. These conditions may include, in addition to others:

- a.** Deteriorated or inadequate foundations;
 - b.** Defective or deteriorated flooring or floor supports;
 - c.** Flooring or floor supports of insufficient size to safely carry imposed loads;
 - d.** Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials, methods of construction or deterioration;
 - e.** Members of walls, partitions or other vertical supports which are of insufficient size to safely carry imposed loads;
 - f.** Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle, or which are of insufficient size to safely carry imposed loads;
 - g.** Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle, due to defective material, methods of construction or deterioration;
 - h.** Fireplaces or chimneys which list, bulge or settle, due to defective material, methods of construction or deterioration; or
 - i.** Fireplaces or chimneys which are of insufficient size or strength to safely carry imposed loads.
- 3.** Any portion of a building, or structure or building service equipment which, because of improper construction, deterioration, improper installation, damage, or for the want of proper repairs, such as defective wiring or equipment, defective gas connection, defective heating apparatus, defective chimney, or for any other cause or reason, is especially liable to cause fire, electrical shock, or asphyxiation.
- 4.** Any building, structure, or portion thereof, containing any combustible or explosive material, wood, paper, trash, rubbish, rags, waste, oils, gasoline, or flammable substance of any kind especially liable to cause fire or damage to the premises or human life, and which is not maintained in accordance with law.
- 5.** Any building, structure, or portion thereof, which is maintained in a

filthy or unsanitary condition, such as through an accumulation of garbage, human or animal waste, decaying animal or vegetable matter, wood, paper, trash, rubbish or debris in such a manner so as to attract rodents or be unhealthful and especially liable to cause a spread of fire or contagious or infectious disease.

6. Any building, structure, or portion thereof, which has not been provided with the fire-resistive construction or fire-extinguishing systems or equipment required by law, or, if built with fire-resistive construction and fire-extinguishing systems or equipment, has not been properly maintained or improved to comply with any increase in occupant load, any alteration or addition to the building, or any change in occupancy of the building.

7. Any building or structure which contains any combination of unsafe conditions or items, including open and abandoned buildings, which could endanger other property or human life.

(b) Whenever the Building Official or Fire Marshal is of the opinion that there is a dangerous building, he/she shall post upon each exit of the building a notice which:

1. Declares the building unsafe;
2. Prohibits entry;
3. Describes the property by address;
4. Informs the owner, occupant or other responsible person that the unsafe conditions must be remedied within a set period of time, or that the City may proceed to make the building safe or demolish the building and charge the cost to the owner; and
5. States that the determination that the building is a dangerous building can be appealed within ten days from the date of posting.

(c) In addition to posting the dangerous building, the Building Official or Fire Marshal shall send a copy of the posting to all persons identified by the records of the County Department of Assessment and Taxation as the owners of the property and notify them of the emergency and the conditions which necessitated the determination and posting. The notice shall be personally served or sent by certified mail no later than two working days following the date of posting.

(d) No person shall remain in or enter any building which has been posted as dangerous, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and

a certificate of occupancy issued by the Building Official.

(e) Either an owner or tenant of the property may appeal the notice and posting to a hearings official as provided in subsection 8.005(25) of the Eugene Code. In addition to the other authority delegated to the hearings official, the hearings official may order the building removed and abated if in his/her judgment such removal or abatement is necessary in order to remove the dangerous condition. The hearings official also shall have the power to order the building made safe or to prescribe what acts must be done to render the same safe.

(f) Every building or part thereof which is found to be a dangerous building is declared to be a public nuisance, and the same may be abated either summarily under section 6.110 of the Eugene Code or through the procedures specified in this section (6), or by a suit for abatement thereof brought in a court of competent jurisdiction.

(7) Utility Disconnect.

(a) The Building Official or Fire Marshal may disconnect any utility service or energy supplied to any building, structure or building service equipment therein where necessary to eliminate an immediate hazard to life or property, where work has been performed without a required permit, where work is being done in violation of any provision of these regulations, or where the building is being occupied in violation of Chapter 8 of the Eugene Code, codes or rules adopted thereunder, or these regulations.

(b) If possible, the Building Official or Fire Marshal shall notify the serving utility and the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action.

(c) The Building Official or Fire Marshal shall provide written notice of such disconnection to the serving utility and the owner and occupant of the building, structure or building service equipment immediately after the disconnection.

(d) The Building Official or Fire Marshal shall post a notice on the premises in a manner to reasonably apprise those coming on the property of the disconnection.

(e) It is unlawful for any person to remove the notice of disconnection or to reconnect prior to the Building Official or Fire Marshal authorization to reconnect the utility service, which shall be granted when the Building Official or Fire Marshal is satisfied the condition which led to the disconnection will be expeditiously corrected or is corrected.

(8) Site Hazards. Whenever the Building Official determines that any existing grading, retaining wall, or geologic condition on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a

public way or drainage channel, the owner of the property upon which the grading is located, upon receipt of notice in writing from the Building Official, shall within the period specified therein mitigate the hazard. The Building Official may require that plans and specifications and engineering reports be prepared in compliance with this section.

(9) **Administrative Civil Penalty.** The Building Official or Fire Marshal may impose an administrative civil penalty pursuant to section 2.018 of the Eugene Code and regulations adopted thereunder.

(10) **Enforcement Mechanisms Non-Exclusive.** No enforcement mechanism is exclusive. The Building Official or Fire Marshal may employ one or more of the enforcement mechanisms authorized above or elsewhere in the Eugene Code.

Dated and effective this 6th day of November, 2023.



Sarah Medary
City Manager

MDW DB
MDW DD

Signature: Mark Whitmill
Mark Whitmill (Nov 3, 2023 10:34 PDT)
Email: MWhitmill@eugene-or.gov

Signature: Denny Braud
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