

Senate Bill 582

Sponsored by Senators ROBLAN, FERRIOLI, PROZANSKI, KRUSE, JOHNSON, GIROD, Representatives HANNA, MCLANE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Revises language regarding Department of Consumer and Business Services assumption of administration and enforcement of county manufactured dwelling services, building inspection program or part of building inspection program if county ceases administration and enforcement due to budget limitations resulting from reduction or elimination of federal payments made to offset lost county timber harvest revenue from federal forestlands. Requires Director of Department of Consumer and Business Services to adopt rules establishing fees for assumed services equal to fees charged by county prior to assumption by department.

A BILL FOR AN ACT

1
2 Relating to the state building code; creating new provisions; and amending ORS 446.253, 455.148,
3 455.150 and 455.210.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 455.**

6 **SECTION 2. Notwithstanding ORS 455.210, if the Department of Consumer and Business**
7 **Services assumes from a county the administration and enforcement of services under ORS**
8 **446.253 (5), a building inspection program under ORS 455.148 (7) or all or part of a building**
9 **inspection program under ORS 455.150 (7), the Director of the Department of Consumer and**
10 **Business Services shall adopt a rule providing for the department to charge the same fees**
11 **within the county for the assumed services that were charged by the county for the services**
12 **immediately prior to assumption of the services by the department. The director shall also**
13 **adopt a rule establishing the same hourly rate for the assumed services as the hourly rate**
14 **charged by the county immediately prior to assumption of the services by the department.**
15 **Fees adopted by the director under this section are not subject to Oregon Department of**
16 **Administrative Services approval. Hourly or permit fees charged by the department under**
17 **this section are subject to surcharges at the percentage rates authorized under ORS 455.210**
18 **and 455.220.**

19 **SECTION 3. ORS 446.253 is amended to read:**

20 446.253. (1) The authority of the Director of the Department of Consumer and Business Services
21 under ORS 446.250 shall be in addition to the provisions of ORS chapter 455. Where the provisions
22 of ORS 446.252 and this section conflict with the provisions under ORS chapter 455, the provisions
23 of ORS 446.252 and this section shall control.

24 (2) Except as otherwise provided by this subsection, any municipality that establishes a program
25 [*under ORS 446.252 and 455.150 and this section*] **described in ORS 446.250** to administer and en-
26 force installations of manufactured dwellings and manufactured structure accessory buildings and
27 structures shall assume full responsibility for permit issuance and inspections under that program
28 including related electrical, plumbing, structural and mechanical installations for a manufactured

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 dwelling and manufactured structure accessory buildings and structures as defined in ORS 446.003.

2 (3) The director may by order relieve a municipality from compliance with the requirements of
3 subsection (2) of this section under the following conditions:

- 4 (a) Budget limitations of the municipality;
- 5 (b) Inadequate staffing of the municipality;
- 6 (c) Inability to contract services with another municipality; or
- 7 (d) Where the public is inconvenienced by increased cost, travel distance or time loss.

8 (4) The Department of Consumer and Business Services, subject to ORS chapter 183, may revoke
9 any authority of a local government to conduct inspections, administration or enforcement of man-
10 ufactured dwelling installations and manufactured structure accessory building installations and
11 manufactured dwelling alterations under ORS 455.150 if the director determines that the munic-
12 ipality is not effectively carrying out duties assumed by the municipality.

13 **(5) If the director orders relief for a county under subsection (3) of this section due to**
14 **budget limitations, and the limitations result from a reduction or elimination of federal**
15 **payments made to offset decreases in county timber harvest revenues from federally owned**
16 **forestlands, the director may provide for the department to assume county duties described**
17 **in ORS 446.250 in the same manner as provided for department assumption of a building in-**
18 **spection program described in ORS 455.148 (7) or of all or part of a building inspection pro-**
19 **gram under ORS 455.150 (7).**

20 **SECTION 4.** ORS 455.148 is amended to read:

21 455.148. (1)(a) A municipality that assumes the administration and enforcement of a building in-
22 spection program shall administer and enforce the program for all of the following:

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

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

26 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

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

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

29 (F) Manufactured dwelling alterations regulated under ORS 446.155.

30 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

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

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

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

35 (B) Elevator programs under ORS 460.005 to 460.175;

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

37 (D) Prefabricated structure regulation under ORS chapter 455;

38 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
39 the administration and enforcement of federal manufactured dwelling construction and safety stan-
40 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
41 Standards Act of 1974;

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

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

45 (2) A municipality that administers a building inspection program as allowed under this section

1 shall do so for periods of four years. The Department of Consumer and Business Services shall adopt
 2 rules to adjust time periods for administration of a building inspection program to allow for vari-
 3 ations in the needs of the department and participants.

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

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

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

19 (5) If a city does not notify the director, or notifies the director that it will not administer the
 20 building inspection program, the county or counties in which the city is located shall administer and
 21 enforce the county program within the city in the same manner as the program is administered and
 22 enforced outside the city, except as provided by subsection (6) of this section.

23 (6) If a county does not notify the director, or notifies the director that it will not administer
 24 and enforce a building inspection program, **except as provided in subsection (7) of this section**
 25 the director shall contract with a municipality or other person or use such state employees or state
 26 agencies as are necessary to administer and enforce a building inspection program, and permit or
 27 other fees arising therefrom shall be paid into the Consumer and Business Services Fund created
 28 by ORS 705.145 and credited to the account responsible for paying the expenses thereof. A state
 29 employee may not be displaced as a result of using contract personnel.

30 **(7) If a county abandons or is no longer able to administer a county building inspection**
 31 **program at any time during a four-year period described in subsection (2) of this section due**
 32 **to budget limitations, and the limitations result from a reduction or elimination of federal**
 33 **payments made to offset decreases in county timber harvest revenues from federally owned**
 34 **forestlands, the department shall assume the administration and enforcement within the**
 35 **county of the building inspection program that the county no longer administers and en-**
 36 **forces. The director may use department employees to administer and enforce the building**
 37 **inspection program. Subject to the requirements of any collective bargaining agreement and**
 38 **the State Personnel Relations Law, with the approval of the director, the department may**
 39 **hire any building inspectors terminated by the county and assign the newly hired department**
 40 **employees to administer and enforce within the county the building inspection program that**
 41 **the county no longer administers and enforces.**

42 [(7)] (8) The governing body of a municipality may commence responsibility for the adminis-
 43 tration and enforcement of a building inspection program beginning July 1 of any year by notifying
 44 the director no later than January 1 of the same year and obtaining the director's approval of an
 45 assumption plan as described in subsection [(11)(c)] (12)(c) of this section.

1 [(8)] (9) The department shall adopt rules to require the governing body of each municipality
 2 assuming or continuing a building inspection program under this section to submit a written plan
 3 with the notice required under subsection (4) or [(7)] (8) of this section. If the department is the
 4 governing body, the department shall have a plan on file. The plan must specify how cooperation
 5 with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how a
 6 uniform fire code will be considered in the review process of the design and construction phases of
 7 buildings or structures.

8 [(9)] (10) A municipality that administers and enforces a building inspection program pursuant
 9 to this section shall recognize and accept the performances of state building code activities by
 10 businesses and persons authorized under ORS 455.457 to perform the activities as if the activities
 11 were performed by the municipality. A municipality is not required to accept an inspection, a plan
 12 or a plan review that does not meet the requirements of the state building code.

13 [(10)] (11) The department or a municipality that accepts an inspection or plan review as re-
 14 quired by this section by a person licensed under ORS 455.457 has no responsibility or liability for
 15 the activities of the licensee.

16 [(11)] (12) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate
 17 building inspection programs that municipalities assume on or after January 1, 2002. Regulation
 18 under this subsection shall include but not be limited to:

19 (a) Creating building inspection program application and amendment requirements and proce-
 20 dures;

21 (b) Granting or denying applications for building inspection program authority and amendments;

22 (c) Requiring a municipality assuming a building inspection program to submit with the notice
 23 given under subsection [(7)] (8) of this section an assumption plan that includes, at a minimum:

24 (A) A description of the intended availability of program services, including proposed service
 25 agreements for carrying out the program during at least the first two years;

26 (B) Demonstration of the ability and intent to provide building inspection program services for
 27 at least two years;

28 (C) An estimate of proposed permit revenue and program operating expenses;

29 (D) Proposed staffing levels; and

30 (E) Proposed service levels;

31 (d) Reviewing procedures and program operations of municipalities;

32 (e) Creating standards for efficient, effective, timely and acceptable building inspection pro-
 33 grams;

34 (f) Creating standards for justifying increases in building inspection program fees adopted by a
 35 municipality;

36 (g) Creating standards for determining whether a county or department building inspection
 37 program is economically impaired in its ability to reasonably continue providing the program
 38 throughout a county, if another municipality is allowed to provide a building inspection program
 39 within the same county; and

40 (h) Enforcing the requirements of this section.

41 [(12)] (13) The department may assume administration **and enforcement** of a building inspection
 42 program:

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

44 (b) If a municipality abandons or is no longer able to administer the building inspection program;

45 **[and] or**

1 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
2 455.465, 455.467 and 455.469.

3 [(13)] (14) A municipality that abandons or otherwise ceases to administer a building inspection
4 program that the municipality assumed under this section may not resume the administration or
5 enforcement of the program for at least two years. The municipality may resume the administration
6 and enforcement of the abandoned program only on July 1 of an odd-numbered year. Prior to re-
7 suming the administration and enforcement of the program, the municipality must follow the notifi-
8 cation procedure set forth in subsection [(7)] (8) of this section.

9 **SECTION 5.** ORS 455.150 is amended to read:

10 455.150. (1) Except as provided in subsection [(14)] (15) of this section, a municipality that as-
11 sumes the administration and enforcement of a building inspection program prior to January 1, 2002,
12 may administer and enforce all or part of a building inspection program. A building inspection pro-
13 gram:

14 (a) Is a program that includes the following:

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

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

18 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

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

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

21 (F) Manufactured dwelling alterations regulated under ORS 446.155.

22 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

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

24 (b) Is not a program that includes:

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

27 (B) Elevator programs under ORS 460.005 to 460.175;

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

29 (D) Prefabricated structure regulation under ORS chapter 455;

30 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including
31 the administration and enforcement of federal manufactured dwelling construction and safety stan-
32 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety
33 Standards Act of 1974;

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

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

37 (2) A municipality that administers a building inspection program as allowed under this section
38 shall do so for periods of four years. The Department of Consumer and Business Services shall adopt
39 rules to adjust time periods for administration of a building inspection program to allow for vari-
40 ations in the needs of the department and participants.

41 (3) When a municipality administers a building inspection program, the governing body of the
42 municipality shall, unless other means are already provided, appoint a person to administer and
43 enforce the building inspection program or parts thereof, who shall be known as the building official.
44 A building official shall, in the municipality for which appointed, attend to all aspects of code
45 enforcement, including the issuance of all building permits. Two or more municipalities may combine

1 in the appointment of a single building official for the purpose of administering a building inspection
2 program within their communities.

3 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in
4 subsection (2) of this section, the governing body of the municipality shall notify the Director of the
5 Department of Consumer and Business Services and, if not a county, notify the county whether the
6 municipality will continue to administer the building inspection program, or parts thereof, after ex-
7 piration of the four-year period. If parts of a building inspection program are to be administered and
8 enforced by a municipality, the parts shall correspond to a classification designated by the director
9 as reasonable divisions of work.

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

13 (5) If a city does not notify the director, or notifies the director that it will not administer cer-
14 tain specialty codes or parts thereof under the building inspection program, the county or counties
15 in which the city is located shall administer and enforce those codes or parts thereof within the city
16 in the same manner as it administers and enforces them outside the city, except as provided by
17 subsection (6) of this section.

18 (6) If a county does not notify the director, or notifies the director that it will not administer
19 and enforce certain specialty codes or parts thereof under the building inspection program, **except**
20 **as provided in subsection (7) of this section** the director shall contract with a municipality or
21 other person or use such state employees or state agencies as are necessary to administer and en-
22 force those codes or parts thereof, and permit or other fees arising therefrom shall be paid into the
23 Consumer and Business Services Fund created by ORS 705.145 and credited to the account respon-
24 sible for paying such expenses. A state employee may not be displaced as a result of using contract
25 personnel.

26 **(7) If a county abandons or is no longer able to administer all or part of a county building**
27 **inspection program at any time during a four-year period described in subsection (2) of this**
28 **section due to budget limitations, and the limitations result from a reduction or elimination**
29 **of federal payments made to offset decreases in county timber harvest revenues from**
30 **federally owned forestlands, the department shall assume the administration and enforce-**
31 **ment within the county of the building inspection program or parts of a building inspection**
32 **program that the county no longer administers and enforces. The director may use depart-**
33 **ment employees to administer and enforce the program or parts of the program. Subject to**
34 **the requirements of any collective bargaining agreement and the State Personnel Relations**
35 **Law, with the approval of the director, the department may hire any building inspectors**
36 **terminated by the county and assign the newly hired department employees to administer**
37 **and enforce within the county the building inspection program or parts of a building in-**
38 **spection program that the county no longer administers and enforces.**

39 [(7)] (8) If a municipality administering a building inspection program under this section seeks
40 to administer additional parts of a program, the municipality must comply with ORS 455.148, in-
41 cluding the requirement that the municipality administer and enforce all aspects of the building in-
42 spection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject
43 to this section.

44 [(8)] (9) The department shall adopt rules to require the governing body of each municipality to
45 submit a written plan with the notice required under subsection (4) of this section. If the department

1 is the governing body, the department shall have a plan on file. The plan shall specify how cooper-
2 ation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how
3 a uniform fire code will be considered in the review process of the design and construction phases
4 of buildings or structures.

5 [(9)] (10) A municipality that administers a code for which persons or businesses are authorized
6 under ORS 455.457 to perform activities shall recognize and accept those activities as if performed
7 by the municipality. A municipality is not required to accept an inspection, a plan or a plan review
8 that does not meet the requirements of the state building code.

9 [(10)] (11) The department or a municipality that accepts an inspection or plan review as re-
10 quired by this section by a person licensed under ORS 455.457 has no responsibility or liability for
11 the activities of the licensee.

12 [(11)] (12) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate
13 building inspection programs of municipalities assumed prior to January 1, 2002. Regulation under
14 this subsection shall include but not be limited to:

15 (a) Creating building inspection program application and amendment requirements and proce-
16 dures;

17 (b) Granting or denying applications for building inspection program authority and amendments;

18 (c) Reviewing procedures and program operations of municipalities;

19 (d) Creating standards for efficient, effective, timely and acceptable building inspection pro-
20 grams;

21 (e) Creating standards for justifying increases in building inspection program fees adopted by a
22 municipality;

23 (f) Creating standards for determining whether a county or department building inspection pro-
24 gram is economically impaired in its ability to reasonably continue providing the program or part
25 of the program throughout a county, if another municipality is allowed to provide a building in-
26 spection program or part of a program within the same county; and

27 (g) Enforcing the requirements of this section.

28 [(12)] (13) The department may assume administration **and enforcement** of a building inspection
29 program:

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

31 (b) If a municipality abandons any part of the building inspection program or is no longer able
32 to administer the building inspection program; *[and]* **or**

33 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
34 455.465, 455.467 and 455.469.

35 [(13)] (14) If a municipality abandons or otherwise ceases to administer all or part of a building
36 inspection program described in this section, the municipality may not resume the administration
37 and enforcement of the abandoned program or part of a program for at least two years. The
38 municipality may resume the administration and enforcement of the abandoned program or part of
39 a program only on July 1 of an odd-numbered year. To resume the administration and enforcement
40 of the abandoned program or part of a program, the municipality must comply with ORS 455.148,
41 including the requirement that the municipality administer and enforce all aspects of the building
42 inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject
43 to this section.

44 [(14)] (15) A municipality that administers *[and enforces]* a building inspection program under this
45 section shall include in the program the inspection of boilers and pressure vessels described in

1 subsection (1)(a)(H) of this section.

2 **SECTION 6.** ORS 455.210 is amended to read:

3 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
4 issued by the Department of Consumer and Business Services for the construction, reconstruction,
5 alteration and repair of prefabricated structures and of buildings and other structures and the in-
6 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
7 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edition, and in the "Uni-
8 form Mechanical Code," 1979 Edition, both published by the International Conference of Building
9 Officials. Fees are not effective until approved by the Oregon Department of Administrative Ser-
10 vices.

11 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-
12 ment of Consumer and Business Services may prescribe for a limited plan review for fire and life
13 safety as required under ORS 479.155 shall be 40 percent of the prescribed permit fee.

14 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
15 reasonable to provide for the administration and enforcement of any specialty code or codes for
16 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
17 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
18 section. The municipality shall give the notice to the director at the time the municipality provides
19 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is
20 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting
21 is published under ORS 294.426.

22 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
23 of a fee described in this subsection to the Director of the Department of Consumer and Business
24 Services. The persons or association must file the appeal no later than 60 days after the director
25 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
26 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
27 with the director within one year after adoption of the new or increased fee. Upon receiving a
28 timely appeal, the director shall, after notice to affected parties and hearing, review the
29 municipality's fee adoption process and the costs of administering and enforcing the specialty code
30 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the
31 director feels the fee is necessary and reasonable. If the director does not approve the fee upon
32 appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees
33 that have been submitted for a vote and approved by a majority of the electors voting on the ques-
34 tion.

35 (c) Fees collected by a municipality under this subsection shall be used for the administration
36 and enforcement of a building inspection program for which the municipality has assumed responsi-
37 bility under ORS 455.148 or 455.150.

38 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable
39 the director shall consider whether:

40 (A) The fee is the same amount as or closely approximates the amount of the fee charged by
41 other municipalities of a similar size and geographic location for the same level of service;

42 (B) The fee is calculated with the same or a similar calculation method as the fee charged by
43 other municipalities for the same service;

44 (C) The fee is the same type as the fee charged by other municipalities for the same level of
45 service; and

1 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and
2 this section and standards adopted by the director under ORS 455.148 [(11)] (12) or 455.150 [(11)]
3 (12).

4 (4) Notwithstanding any other provision of this chapter:

5 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
6 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
7 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

8 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge
9 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly
10 rate instead of purchasing a permit, two percent of the total hourly charges collected.

11 (c) For the purpose of defraying the cost of administering and enforcing the state building code,
12 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
13 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
14 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

15 (d) For the purpose of defraying the cost of developing and administering the electronic building
16 codes information system described in ORS 455.095 and 455.097, there is imposed a surcharge in the
17 amount of five percent on permit fees, or if the applicant chooses to pay an hourly rate instead of
18 purchasing a permit, five percent of the total hourly charges collected. However, the department
19 may adopt rules to waive a portion of the surcharge imposed under this paragraph if the department
20 determines that the amount collected by the surcharge imposed under this paragraph exceeds the
21 actual cost to the department of developing and administering the electronic building codes infor-
22 mation system described in ORS 455.095 and 455.097.

23 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section
24 to the director as provided in ORS 455.220.

25 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that
26 have been previously reviewed.

27 **SECTION 7.** ORS 455.210, as amended by section 6, chapter 69, Oregon Laws 2007, and section
28 30, chapter 473, Oregon Laws 2011, is amended to read:

29 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits
30 issued by the Department of Consumer and Business Services for the construction, reconstruction,
31 alteration and repair of prefabricated structures and of buildings and other structures and the in-
32 stallation of mechanical heating and ventilating devices and equipment. The fees may not exceed 130
33 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edition, and in the "Uni-
34 form Mechanical Code," 1979 Edition, both published by the International Conference of Building
35 Officials. Fees are not effective until approved by the Oregon Department of Administrative Ser-
36 vices.

37 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-
38 ment of Consumer and Business Services may prescribe for a limited plan review for fire and life
39 safety as required under ORS 479.155 shall be 40 percent of the prescribed permit fee.

40 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
41 reasonable to provide for the administration and enforcement of any specialty code or codes for
42 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
43 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
44 section. The municipality shall give the notice to the director at the time the municipality provides
45 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is

1 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting
2 is published under ORS 294.426.

3 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
4 of a fee described in this subsection to the Director of the Department of Consumer and Business
5 Services. The persons or association must file the appeal no later than 60 days after the director
6 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
7 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
8 with the director within one year after adoption of the new or increased fee. Upon receiving a
9 timely appeal, the director shall, after notice to affected parties and hearing, review the
10 municipality's fee adoption process and the costs of administering and enforcing the specialty code
11 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the
12 director feels the fee is necessary and reasonable. If the director does not approve the fee upon
13 appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees
14 that have been submitted for a vote and approved by a majority of the electors voting on the ques-
15 tion.

16 (c) Fees collected by a municipality under this subsection shall be used for the administration
17 and enforcement of a building inspection program for which the municipality has assumed responsi-
18 bility under ORS 455.148 or 455.150.

19 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable
20 the director shall consider whether:

21 (A) The fee is the same amount as or closely approximates the amount of the fee charged by
22 other municipalities of a similar size and geographic location for the same level of service;

23 (B) The fee is calculated with the same or a similar calculation method as the fee charged by
24 other municipalities for the same service;

25 (C) The fee is the same type as the fee charged by other municipalities for the same level of
26 service; and

27 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and
28 this section and standards adopted by the director under ORS 455.148 [(11)] (12) or 455.150 [(11)]
29 (12).

30 (4) Notwithstanding any other provision of this chapter:

31 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
32 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
33 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

34 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge
35 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly
36 rate instead of purchasing a permit, two percent of the total hourly charges collected.

37 (c) For the purpose of defraying the cost of administering and enforcing the state building code,
38 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
39 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
40 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

41 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section
42 to the director as provided in ORS 455.220.

43 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that
44 have been previously reviewed.

45 **SECTION 8. Section 2 of this 2013 Act and the amendments to ORS 446.253, 455.148,**

1 **455.150 and 455.210 by sections 3 to 7 of this 2013 Act apply to relief granted to a county under**
2 **ORS 446.253 on or after the effective date of this 2013 Act and to building inspection pro-**
3 **grams and parts of building inspection programs for which a county ceases administration**
4 **and enforcement on or after the effective date of this 2013 Act.**

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