

**CITY OF GEARHART
BUILDING INSPECTION PROGRAM
OPERATING PLAN
REVISED JANUARY 2022**

Introduction

OAR 918-020-0080 Delegation of Building Inspection Programs

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

This operating plan was developed to comply with the above administrative rule, and OAR 918-020-0090(7). The plan is on file with the State of Oregon Building Codes Division, has been distributed to surrounding jurisdictions, and is available through this office upon request.

This plan reflects the standards, policies, procedures, and services administered and offered through the City of Gearhart. The plan will be updated as necessary to reflect service changes.

Any questions related to this plan should be directed to:

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Chad sweet - City Administrator
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City Of Gearhart
698 Pacific Way
P.O. Box 2510
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Phone: (503) 738-5501
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ADMINISTRATIVE STANDARDS

FUNDS

The Department operates through a dedicated fund. All plan review and permit revenues are deposited in this fund and all division expenditures are from this fund.

The City of Gearhart for many years operated through the General Fund with support for the program coming from a broad source of revenue. The city still continues its desire to provide a local building inspection program and provides appropriate support through the use of funding from permit fees and a local planning review fee which supports the Department's non-code related functions. Current budgeting projects a 10% operating surplus which will accumulate to a reserve fund to provide a balance of 50% of the operating budget by the end of the fiscal year 2023 operating period. This accumulated balance is intended to provide long-term stability during times of lost revenue from slow construction and serves as a "prudent operating reserve."

EQUIPMENT

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

STAFF AUTHORITY AND RESPONSIBILITIES UNDER 2021 OREGON LAWS CH. 599, SEC. 2 (Enrolled SB 866)

Qualified Employee:

- 1) The qualified employee will conduct all office duties including but not limited to maintaining file records, scheduling, customer assistance, invoicing, permit tracking, utilizing office appliances, management and organization procedures, prepare and process payments.
- 2) The qualified employee is hereby established to examine and evaluate all discretionary decisions made by the contract building official. Furthermore, the qualified employee shall ratify or disapprove all discretionary decisions made by the contracted building official.
- 3) The qualified employee must review and ratify or disapprove the discretionary decision within 30 days of receiving notice of the decision.
 - A) The permit applicant may also submit an appeal of the discretionary decision to the local board within 30 days of receipt of the decision.
 - B) The local board gets 30 days to review the appeal and issue their determination.

Building Official:

- 1) There is hereby established a code enforcement which shall be under the administrative and operational control of the building official, with the governance of the municipality.
- 2) The building official is authorized to enforce all the provisions of this code.
- 3) The building official shall have the power to render written and oral interpretations of this

code and to adopt and enforce administrative procedures in order to clarify the application of its provisions, under the governance of the municipality. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.

4) The third-party BO must provide written notice to the designated qualified employee of any discretionary decisions. Within five business days from making a discretionary decision, the contract building official must:

- A) Notify a qualified employee in writing of the discretionary decision; and
- B) Notify a permit applicant in writing of the discretionary decision that relates to the permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

Plans Examiners:

As per OAR 918-99-055, plans examiners review plans for compliance with the city of Gearhart Building Code ordinance at the level for which the plans examiner is certified by the State of Oregon.

Inspectors:

As per OAR 918-99-045 inspectors conduct plan reviews and inspections of work covered by the specialty code and the level certified by the State of Oregon.

LOCAL APPEALS PROCESS

The City of Gearhart requires a permit applicant to submit any appeal within 30 days after receiving a notice concerning the permit application under subsection (3) set forth in OAR 918-020-0090(7) and the local board shall review and issue a determination of the appeal within 30 days after receiving notice of the appeal.

Any appeal of a plan's examiner decision is reviewed by the county local board as set forth on OAR 918-020-0090(7). The appeal may be verbal or in writing. There is no cost for this initial appeal. A decision is generally rendered within 30 days of the request.

Any appeal of an inspector decision is reviewed by a county local board as set forth on OAR 918-020-0090(7). The appeal may be verbal or in writing. There is no cost for this initial appeal. A decision is generally rendered within 30 days of the request.

An appeal of a decision of the county local board related to code provisions shall be referred to the State of Oregon Building Codes Division for review and interpretation by the "Chief Inspector" of the specialty code in question per the provisions of ORS 455.475. Appeals of the Chief Inspector's decision may be to the appropriate state advisory board, through the Building Codes Division.

An appeal of a decision of the Building Official unrelated to code provisions is reviewed by the City Administrator.

ACCOUNTING UNDER 2021 OREGON LAWS CH. 599, SEC. 2, SUBSEC. 6 (Enrolled SB 866)

The funding for the Building Department is on a percentage base. The City of Gearhart contracts with a third-party State Certified Building Official with multiple certifications. All expenditures are budgeted in

the Department's dedicated funds. An audit of the finances for the city's building inspection program shall be performed at least once every two years under ORS 297.425. All collections and usage of permit fees and all expenditures of moneys that have occurred from the proceeds of the fees since the last audit or since the City of Gearhart has begun procuring services from a contract building official, whichever period is shorter, will verify all dedicated fees the city collects for plan review, permit issuance or administering and enforcing specialty codes only to the purposes specified in ORS 455.210 and 479.845. The City of Gearhart will make available the results of each audit to the public, the results on the City of Gearhart's website.

RECORDS RETENTION AND RETRIEVAL

All City of Gearhart Building Department records are retained at least for the minimum time outlined by the Oregon State Archivist. In most cases portions of records are retained for significantly longer than the required minimum as part of an ongoing history by location file for each property within the City.

Currently records are retained in their original "paper" format in file cabinets. The City also tracks all land use activities, which include permits issued, for each property within the City on a computer database.

AVAILABILITY OF OPERATING PLAN

The City of Gearhart Building Inspection Program operating plan is available to any interested party upon request. A copy may be supplied in electronic format if desired.

PUBLIC COMMENT/COMPLAINT PROCESS

Public comments or complaints may be submitted verbally (in person or via telephone) or in writing (via email, fax, mail, or personal delivery).

Comments or complaints related to code provisions will be processed by the City Administrator or Qualified Employee. If the comment or complaint becomes an appeal, procedures outlined above will be followed.

Comments or complaints related to employee behavior will be processed by the City Administrator as per City of Gearhart personnel policies.

PUBLIC INQUIRY PROCESS

The Department maintains office hours from 8:00 am to 5:00 pm. Office is closed 12:00 pm - 1:00 pm. Telephones are answered by administrative staff between 8:00 am and 5:00 pm. Inspection requests are accepted during office hours.

The Department's phone number is (503) 738-5501. The fax number is (503) 738-9385.

Customers may telephone to inquire on matters related to permitting, plan review, or inspection processes anytime between 8:00 am and 5:00 pm. Customers may visit our public service counter to inquire on matters related to permitting, plan review, or inspection processes anytime between 8:00 am and 5:00 pm. Customers may verbally contact (in person or via telephone) or in writing (via email, fax, mail, or personal delivery) of this nature at any time.

Responses to customer inquiries are generally conducted on the same day they are received, but not later than the end of the week.

CUSTOMER SERVICE INFORMATION

The jurisdiction of this Department covers all areas within the City of Gearhart limits and the City's Urban Growth Boundary. A map of the jurisdictional boundaries is maintained online on the city's webpage.

The City of Gearhart is a "full service" jurisdiction. Permits for work governed by each specialty code, are available through this office, with the exception of Electrical Permits, which are done through the county.

NOTIFICATIONS

All notices issued pursuant to OAR 918-020-0070 through -0220 shall be sent to the City of Gearhart.

PERMITTING STANDARDS

OFFICE LOCATION AND HOURS OF OPERATION

The Department maintains office hours from 8:00 am to 5:00 pm. Telephones are answered by administrative staff between 8:00 am and 5:00 pm. Permit applications are accepted, and permits are issued anytime between 8:00 am and 5:00 pm. Offices are close 12:00 pm – 1: pm. Permit applications are also accepted in person, via email, mail, or fax.

APPLICATION PROCEDURES

Applications for permits are made on forms provided by the Department. Permit applications received in person, Fax, via email, or mail are checked for completeness, and, if some necessary information is lacking, the customer is contacted within three working days.

Applications for one- and two-family dwellings shall, as part of the application, have attached a copy of the approved checklist as required by OAR 918-020-009(3)(a)(c) and (4). All items on the list shall be provided as noted unless marked as "N/A" (not applicable) by city staff. Plan review cannot proceed until the application is "complete" per the noted items on the checklist. Copy of checklist attached.

APPLICATION & PERMITTING TIME FRAMES

One- and Two-Family Dwelling Code Permits:

Permit applications for minor work regulated by the One- and Two-Family Dwelling Code are issued over the counter when possible. Applications, which are "complete" as noted above, and are "simple one- or two-family dwellings" shall be reviewed and permitted within 5 days. If the application will not be reviewed and permitted within 10 days; the city will notify the applicant within 3 days of receiving that application with an estimated date of completion. The City shall also notify the applicant of their ability to select a plan reviewer who has been licensed by the State under OAR 918-

090-0210 to provide the plan review if they so choose. The City will accept the work of all firms licensed by the State and shall make that list available to the applicant.

“Simple one- or two-family dwellings” shall be defined as those that:

- (a) Comply with the requirements for prescriptive construction under the One and Two Family Dwelling Specialty Code; or
- (b) Comply with the Oregon Manufactured Dwelling Standard; and
- (c) Be a structure of three stories or less with an enclosed total floor space of 4,500 square feet or less, inclusive of multiple stories and garage(s).

They may also:

- (a) Include pre-engineered systems listed and approved by nationally accredited agencies as approved in accordance with the appropriate specialty code, or by state interpretive rulings approved by the appropriate specialty board, that require no additional analysis; and
- (b) Be designed by an architect or engineer and be considered a simple one and two family dwelling if all other criteria in this rule are met.

Also considered as “simple one- and two-family dwellings” are:

- (a) Master plans approved by the authority having jurisdiction or under ORS 455.685, which require no additional analysis; and
- (b) Plans that include an engineering soil report if the soil report allows prescriptive building construction and requires no special systems or additional analysis.

Plans which do not meet the above definition of “Simple” shall be deemed “Complex”. In the event that the City cannot perform the plan review in a timely manner for “complex one- and two-family dwellings” upon receipt of a complete application, the City may inform an applicant of the expected time frame and allow the use of licensed plan review providers as described above.

Manufactured Dwelling Permits:

Permit applications for work regulated by the Oregon Manufactured Dwelling Standards are issued over the counter when possible. If the permit requires some in-depth review and cannot be issued over the counter, staff will apply the same standards as noted for “simple one- and two-family dwellings” above.

Other Permits:

Permit applications for work regulated by the Structural, Mechanical and Plumbing Codes are issued over the counter when possible. If the permit requires some in-depth review and cannot be issued over the counter, the Department will notify the applicant within two weeks of any plan deficiencies. Permits are then generally issued within two weeks from the date that the completed application was received.

Phased Permitting and Deferred Submittals:

On large or complex commercial structures, the City may accept “phased permitting” or “deferred submittals” for some projects in order to provide better timing of construction due to the seasonal fluctuation in the population, weather related construction issues, and/or design submittal delays by subcontractors. The acceptance of this process shall only be with prior approval by the Building Official and submittals made shall be as required by Oregon Structural Specialty Code Section 106.3.4.2 which shows review and acceptance by the architect or engineer of record and shall be noted as such on all submitted plans and specifications.

Electrical Permits:

Electrical Permits are issued by Clatsop County Building Department in the City of Astoria and may be obtained in their offices.

Located at: Building Codes Division, 800 Exchange, Astoria, OR 97103

Or by Phone: 1-503-338-3697

MINOR PLUMBING LABELS

The City's minor plumbing label program is administered through an Intergovernmental Agreement (IGA) between the cities within Clatsop County and the State of Oregon Building Codes Division.

Minor labels are purchased through the Building Codes Division office with use in any and all parts of the County under this IGA. Issuing by the State is done with their staff review for licensing requirements under ORS 447 and ORS Chapter 693. Upon completion of minor label by sheet, the City will provide required inspections; notify permittee of any corrections needed; return completed inspection and corrections to the State office for filing; and retain a copy for City records.

A copy of the IGA is available for review at Gearhart City Hall.

FAXED APPLICATIONS

The Department accepts faxed applications. Faxed applications are processed in the same manner and with the same conditions as any other application.

VERIFICATION OF LICENSES AND REGISTRATIONS

Prior to the issuance of any permit, staff verifies that the applicant meets the licensing and registration requirements per ORS Chapters 446, 447, 455, 479, 693 and 701 and the applicant's Contractor's Construction Board are noted.

PLAN REVIEW STANDARDS

COMPLIANCE WITH SPECIALTY CODES

Plan review staff is certified by the State of Oregon in all codes administered by the Department. The plans examiners review and approve structural, mechanical, plumbing, fire/life safety, energy, disabled access, and manufactured dwelling plans, including any current interpretive rulings adopted pursuant to ORS 455.060 or ORS 455.475 and Oregon Structural Specialty Code Appendix Chapter 9, Division III which has been adopted by the city.

AVAILABILITY OF CHECKLISTS/INFORMATION

The Department has created a variety of information to assist the public in the permit application process. This information is available to the public online.

The Department also offers optional predevelopment and preconstruction meetings at no cost to the applicant. Predevelopment meetings generally occur prior to plan submittal and provide an City of Gearhart, opportunity for the applicant to summarize the project being submitted for review, discuss any requested alternate methods or materials, requested interpretations, and hear a preliminary assessment of the project. Preconstruction meetings generally occur in conjunction with the issuance of the permit. The meeting provides an opportunity for the applicant and his/her associates to discuss any unique aspects of the project, clarify special inspection requirements, coordinate public infrastructure issues, and reach a consensus on remaining issues identified during the review process.

VERIFICATION OF STAMP BY DESIGN PROFESSIONALS

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

AVAILABILITY AND LISTING OF PLAN REVIEW STAFF

A roster of the City's plan review staff, including current certifications and continuing education records, are available to any interested party upon request.

INSPECTION STANDARDS

INSPECTION SCHEDULE

Inspection services are available between 8:00 am and 12:00 pm Monday, Wednesday, and Friday. Inspections outside of these hours may be arranged through the city building staff assistant.

INSPECTION POLICIES AND PROCEDURES

The Department takes most of its inspection requests by phone or in person during regular office hours. Inspection requests are taken by the city building staff assistant and other City staff at the front counter.

Inspections received prior to 9:00 am are generally made for the next inspection day, those received after 9:00 am may be scheduled for the following available inspection day.

Approved plans are required to be available on the job site when they are part of the approval process unless other arrangements have been made with the Building Official.

A written report is issued by the inspector for each inspection. The report will reflect approval, conditional approval, or failure. A conditional approval allows the work to proceed while documented corrections are made and a re-inspection is to be requested. In the case of a failed inspection, a list of needed corrections is provided in the report and work may not proceed until those corrections are made and the procedure has been reinspected and approved. A copy of the written report is left on the job site and filed with the Department's records.

LISTING OF INSPECTION STAFF

A roster of the City's inspection staff, including current certifications and continuing education records are available to any interested party upon request.

STOP WORK ORDERS

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

The authority to issue a stop work orders is delegated to the inspection staff of the department by the approval of the City, and “stop work” orders are also issued by the Police Department for work which is being done without proper building permits during weekends.

INVESTIGATION OF ELECTRICAL AND PLUMBING VIOLATIONS

Plumbing inspectors conduct random spot checks to verify compliance with plumbing licensing and registration requirements. In cases of a violation, the inspector is provided the discretion to stop the work and issue a warning, or citation to the Municipal Court under the governance of the City.

COMPLIANCE PROGRAMS

CODE VIOLATIONS: REPORTING AND PROCESS

Reports of work performed without a proper permit, in violation of the City Building Code, and/or in violation of ORS 479.550, 479.620, 447.030, 447.040, 693.030, and 693.040 are accepted in person, via email, mail, telephone or fax. All reports are investigated by the inspection staff.

INVESTIGATION OF REPORTED VIOLATIONS

Reports as described above are investigated to determine whether or not a violation exists. If no violation exists, the case is closed. If a violation exists, there are several possible actions that may be taken by the Department, including but not limited to a stop work order, assessment of investigation fees, citation to the Municipal Court, and referral to the Building Codes Division Compliance Section through the process identified in ORS and OAR.

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