Chapter 447

1977 REPLACEMENT PART

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REGULATION OF PLUMBING GENERALLY

447.010 Definitions for ORS 447.010 to 447.140. As used in ORS 447.010 to 447.140 and subsection (1) of 447.990, unless the context requires otherwise:

(1) "Board" means the advisory board appointed under ORS 447.085.

(2) "Department" means the Department of Commerce.

(3) "Director" means Director of Commerce.

(4) "Plumbing" is the art of installing, altering or repairing in or adjacent to or serving buildings:

(a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.

(b) Fixtures and fixture traps.

(c) Soil, waste and vent pipes.

(d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or alley, or other disposal terminal holding human or domestic sewage.

(e) Storm-water drainage, with their devices, appurtenances and connections.

[Subsection (3) enacted as 1955 c.548 §2; 1957 c.300 §1; 1961 c.401 §1; 1973 c.734 §1; 1973 c.835 §221]

447.020 Plumbing to conform to requirements; enforcement. (1) All installations of plumbing and drainage in buildings and structures in this state and all potable water supply, drainage, and waste installations, within or serving buildings or structures, except in temporary construction camps, and except as otherwise provided in ORS 447.010 to 447.140, shall be made in accordance with the requirements of ORS 447.010 to 447.140.

(2) The Director of Commerce shall make regulations pursuant to ORS chapter 183 for the purpose of setting standards for plumbing and defining compliance with the provisions of ORS 447.010 to 447.140 particularly pertaining to installation of piping, protection and adequacy of the water supply, workmanship and materials, traps and cleanouts, domestic hot water storage tanks and devices, drinking fountains, approval of devices, equipment and fixtures, hangers and supports, drainage and venting, house drains and house sewers, stormwater drains, special wastes, light and ventilation of water closets and bathrooms, and excavation and grading. The director shall appoint an adequate staff experienced and trained to serve as plumbing inspectors to enforce regulations adopted under this subsection.

[Amended by 1957 c.300 §2; 1971 c.753 §48; 1973 c.734 §2; 1973 c.835 §222]

447.030 Registration certificate for plumbing; application; fee; issue; expiration. (1) Every person, firm and corporation engaged in the business of furnishing labor and material, or labor only, to alter, renovate or install plumbing in this state shall, on or before July 1 of each year, file with the Department of Commerce an application in writing for registration. The department may vary the dates of certificate or registration renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) The application shall state:

(a) The name and address of the applicant.

(b) In case of firms, the names and post-office addresses of the individuals composing the firm.

(c) In case of corporations, the names of their managing officials.

(d) The location of the business of the applicant and the name under which the business is to be conducted.

(3) No registration shall be made or entered until the applicant has paid a registration fee of $100 to the board which shall issue to such person, firm or corporation a certificate of registration.

(4) All certificates shall bear the date of issue and date of expiration.

[Amended by 1969 c.540 §1; 1973 c.734 §3; 1973 c.835 §223; 1975 c.429 §3]

447.033 [1955 c.548 §§3, 4; 1969 c.540 §2; repealed by 1973 c.835 §234]

447.034 Disposition of moneys collected under ORS 447.033. All moneys collected by the division under ORS 447.033 shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys are hereby appropriated continuously and shall be used only for the administration and enforcement of ORS 447.033 to 447.140 as these provisions pertain to sewage cesspool work.

[1973 c.427 §2]

Note: 447.034 was enacted into law by the Legislative Assembly but was not added to or made a part of 447.010 to 447.140 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

447.035 [1955 c.548 §5; repealed by 1973 c.835 §234]

447.040 Registration mandatory. No person shall engage in or follow the business or occupation of, or advertise or hold himself out as or act temporarily or otherwise as registered to conduct a plumbing business and no member or employe of a firm, partnership or corporation shall engage in the layout or superintending of plumbing installations without having secured the certificate of registration required by ORS 447.010 to 447.140.
[Amended by 1955 c.548 §6; 1973 c.835 §224]

447.050 Denial and revocation of certificate; hearing; notice. (1) The department may revoke any certificate of registration if it is obtained through error or fraud or if the holder thereof fails to comply with ORS 447.010 to 447.140.

(2) Whenever, in the judgment of the department, the holder of a certificate has failed to comply with ORS 447.010 to 447.140 or the rules and regulations of the department, it shall revoke the certificate.

(3) No application for a certificate shall be denied, nor shall any certificate be revoked, by the department, without first giving the holder thereof full opportunity to be heard regarding the denial or revocation. Notice of the hearing shall be given in writing by receipted registered mail or by personal service, at least 10 days before the date of hearing and shall state the place, date and hour of hearing, and grounds of cancellation or revocation.
[Amended by 1973 c.835 §225]

447.060 Engaging in certain plumbing work not affected. Nothing in ORS 447.010 to 447.140 and subsection (1) of 447.990 prevents a person, firm or corporation from:

(1) Engaging in plumbing work when not so engaged for hire.

(2) Utilizing the services of regular employes in doing any plumbing work for the benefit of property owned, leased or operated by such employer.
[Amended by 1955 c.548 §7; 1973 c.835 §226]

447.070 Registration prerequisite to maintenance of legal action. No person carrying on, conducting or transacting a plumbing business may maintain any suit or action in any of the courts of this state without alleging and proving that he was duly registered under ORS 447.030 at the time of performing such work.
[Amended by 1955 c.548 §8; 1973 c.835 §227]

447.080 City and county plumbing regulations. Nothing in ORS 447.010 to 447.140 prevents any city or county from enacting and enforcing ordinances or building codes for the regulation of the business of master plumbing or which prescribe the manner in which drainage work shall be installed in such city or county, except that such ordinances or codes shall not prescribe a lower standard of installation of drainage work than that prescribed in ORS 447.010 to 447.140.
[Amended by 1955 c 548 §9; 1963 c.47 §1; 1973 c.834 §31; 1973 c.835 §228]

447.085 Plumbing advisory board; duties; appointment; compensation and expenses; qualification; secretary. (1) The director shall appoint an advisory board on plumbing to advise him in formulating regulations adopted under ORS 447.020 and to assist him in reviewing determinations involving plumbing installations or plumbing products made by his staff under such regulations. The members of the board shall serve at the pleasure of the director. Each member shall be entitled to compensation and expenses as provided by ORS 292.495.

(2) The board shall consist of seven persons representing plumbing contractors, journeyman plumbers, manufacturers or dealers in plumbing products, mechanical engineers, local building officials, local plumbing inspectors and the public at large.

(3) A designated representative of the director shall serve as secretary for the board without the right to vote.
[1973 c.734 §7; 1977 c.748 §1]

447.090 [Repealed by 1971 c.753 §74]

447.091 Contracts with sanitary districts and authorities and service districts for inspection of building sewers. The Department of Commerce or local government administering the plumbing specialty code adopted under subsection (2) of ORS 447.020 may, upon request of any sanitary district formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.675 to 450.980, or county service district established under ORS 451.410 to 451.600, contract for the inspection of building sewers constructed to connect a district sewage system if inspectors employed by such district are

certified for sewer inspections under ORS 456.805 to 456.835.
[1977 c.828 §4]

447.095 Fee schedule; inspection fees; inspections by agreement with governmental units. (1) Regulations adopted under ORS 447.020 shall provide a plumbing inspection fee schedule. The schedule shall establish inspection fees for inspections made by the department under ORS 447.010 to 447.140 based on the cost of making inspections as measured by the time required of the inspector.

(2) Plumbing inspections may be made for other governmental units, upon request, pursuant to agreements entered into under ORS chapter 190. Such inspections shall be made in accordance with regulations adopted by the director, with the advice of the board, in accordance with ORS chapter 183.
[1973 c.734 §8]

FIXTURE INSTALLATION REGULATIONS

447.100 Restriction on tank-type water closets in certain buildings. (1) After January 1, 1978, no new hotel, motel, apartment house, dwelling, office building or other structure shall be constructed which employs a tank-type water closet that:

(a) Uses more than three and one-half gallons of water per flush; and

(b) Is not approved by the director as meeting adequate standards of safety and sanitation.

(2) The director shall cause to have adopted and published, pursuant to ORS chapter 183, a list of approved types of tank-type water closets meeting the requirements of this section.
[1977 c.171 §2]

447.105 Suspension of water closet restriction; conditions. The director may suspend the requirements of ORS 447.100:

(1) For a particular building upon determining that the configuration of the building drainage system requires a greater quantity of water to flush the system adequately; or

(2) For a specified period upon finding that there is an inadequate supply, including a choice of styles or colors for the consumer, of approved tank-type water closets to meet the needs of new construction or that such water closets are not available at reasonable prices as compared to water closets not meeting the requirements.
[1977 c.171 §3]

447.110 [Amended by 1963 c.194 §1; 1969 c.443 §1; 1973 c 835 §229; repealed by 1973 c.834 §46]

447.115 "Compost toilet" defined. As used in ORS 447.118 and 447.124, "compost toilet" means a permanent, sealed, water-impervious toilet receptacle screened from insects, used to receive and store only human wastes, urine and feces, toilet paper and biodegradable garbage, and ventilated to utilize aerobic composting for waste treatment.
[1977 c.523 §2]

447.118 Standards for compost toilets; surety bond required of certain installers. (1) Nothing in ORS 447.010 to 447.140 shall prohibit the installation of a compost toilet for a dwelling by the occupant of the dwelling if the compost toilet complies with the minimum requirements established pursuant to subsections (2) and (3) of this section.

(2) Before March 1, 1978, the Department of Commerce shall adopt by rule under subsection (2) of ORS 447.020 minimum requirements for the design, construction, installation and maintenance of compost toilets.

(3) The Department of Commerce may require by rule that, in addition to any other requirements provided by law, any manufacturer or distributor of a compost toilet and any person other than the owner of the dwelling in which the compost toilet is to be installed who proposes to install a compost toilet file with the department a satisfactory bond or other security in an amount to be fixed by the department but not to exceed $5,000, conditioned that such bond or security shall be forfeited in whole or in part to the department for the purpose of carrying out the provisions of ORS 447.124 by failure of such manufacturer, distributor or person to comply with the rules adopted pursuant to subsection (2) of this section.
[1977 c.523 §3]

447.120 [Amended by 1963 c.194 §2; 1969 c.443 §2; 1973 c.835 §230; repealed by 1973 c.834 §46]

447.130 [Repealed by 1973 c.834 §46]

447.124 Inspection of compost toilets; orders to remedy violations; action against security bond; review of orders; costs as lien against dwelling. For the purpose of enforcing ORS 447.118 and the rules adopted thereunder, the Department of

Commerce, with the assistance of the Department of Health:

(1) May conduct periodic inspections of any compost toilet;

(2) Upon making a finding that a compost toilet is in violation of the rules adopted pursuant to subsection (2) of ORS 447.118, may issue an order requiring the owner of the dwelling served by the compost toilet to take action necessary to correct the violation; and

(3) Upon making a finding that a compost toilet presents or threatens to present a public health hazard creating an emergency requiring immediate action to protect the public health, safety or welfare, may issue an order requiring the owner of the dwelling served by the compost toilet to take any action necessary to remove such hazard or threat thereof. If such owner fails to take the actions required by such order, the department shall take such action, itself or by contract with outside parties, as necessary to remove the hazard or threat thereof. The department shall keep a record of all necessary expenses incurred by the department in carrying out such action, including a reasonable charge for costs incurred and equipment and materials utilized by the state. Any owner who fails to take action required by an order issued under this subsection shall be responsible for such necessary expenses incurred by the state. Based on the record compiled by the department, an owner responsible for expenses due to the failure of a manufacturer, distributor or person to comply with the rules adopted under subsection (2) of ORS 447.118 shall have a setoff against the bond or other security forfeited under subsection (3) of ORS 447.118 to the extent that such expenses are due to such failure of the manufacturer, distributor or person. The department shall make a finding and enter an order against the owner for the necessary expenses. Orders issued under this section may be appealed pursuant to ORS chapter 183 but not as a contested case. Any amount due the department under this subsection and not paid in full within 30 days after the order is entered, or, if the order is appealed, within 30 days after there is no further right to appeal, shall become a lien upon the dwelling of the owner. The department shall file a notice of the lien with the recording officer of the county in which the dwelling is located and the recording officer shall record the notice in a manner designed to appear in the mortgage records of the county.

(4) The department may contract with any state or local agency for the purpose of carrying out the provisions of this section.
[1977 c.523 §4]

447.135 Utility hot water heaters; installation; sale. (1) After July 1, 1967, no person shall install an automatic utility hot water heater of the kind described by subsection (2) of this section unless the heater is equipped with a safety device of a kind approved by the Commissioner of the Bureau of Labor in accordance with ORS 480.510 to 480.615.

(2) Subsection (1) of this section applies to new or used automatic utility hot water heaters, not used for space heating, containing only water and which do not exceed 120 gallons in capacity, or water temperature of 200 degrees F., or pressure, of 150 pounds per square inch gauge pressure or a heat input in excess of 200,000 BTU per hour.

(3) After January 1, 1968, no person shall sell or offer for sale in this state any automatic utility hot water heater of the kind described by subsection (2) of this section unless the heater is equipped with a safety device of a kind approved by the Commissioner of the Bureau of Labor in accordance with ORS 480.510 to 480.615.

(4) The requirements established by subsections (1) to (3) of this section are in addition to any standards established by or pursuant to ORS 447.010 to 447.140 or 480.510 to 480.615.
[1967 c.308 §§2, 3, 4]

447.140 Waste and sewage; requirements; prohibitions. (1) All waste water and sewage from plumbing fixtures shall be discharged into a sewer system, septic tank disposal system or sewage cesspool.

(2) No plumbing fixture, device or equipment shall be installed, maintained or offered for sale which will provide a cross-connection between the distributing system of water for drinking and domestic purposes and any other water supply, or a drainage system, soil or waste pipe so as to permit or make possible the backflow of contaminated water, sewage or waste into the water supply system.

(3) No flush valve, vacuum breaker or syphon preventer shall be offered for sale or installed that has not been approved by the department.

(4) The use or installation of water-operated sump pumps or sewage ejectors, if connected to the potable water supply, is prohibited.

(5) No pan, plunger, offset washout, washout, long hopper, frost proof or other water closets having invisible seals or unventilated spaces, or walls not throughly washed at each flushing, shall be installed or sold for use in any building.

(6) No plumbing fixture, appurtenance or device, the installation of which would be in violation of this code and the regulations of the department shall be sold, offered for sale or installed.

[Amended by 1955 c.548 §10; 1961 c.545 §1; 1973 c.835 §231]

447.150 Safety standards for glass and plastic installed in buildings. (1) The Health Division shall adopt rules to establish minimum safety standards for glass and plastic to be installed in any building for those openings subject to human impact such as entrance or exit doors, sliding doors, storm doors, shower doors and bathtub inclosures, including transparent panels which may be mistaken as a point of ingress or egress.

(2) In adopting rules under subsection (1) of this section, the Health Division may consider:

(a) The technological advances of the affected manufacturing and construction industries;

(b) The practicability of following the standards under consideration, if adopted;

(c) The probability, extent and gravity of the injury to the public which would result from failure to follow the standards under consideration; and

(d) Safety standards followed, proposed, or approved by responsible members of the affected manufacturing industries, the construction industry, and city and county building code agencies.

(3) After due consideration of paragraphs (a) to (d) of subsection (2) of this section, the Health Division may, if it deems appropriate, incorporate by reference nationally recognized standards which substantially achieve the purposes of this section.

(4) The Health Division shall exempt from the application of these rules any city or county that has adopted rules or ordinances which achieve the same general level of safety as in the opinion of the Health Division are achieved by the adopted rules.

(5) Violation of the rules adopted under subsection (1) of this section, unless exempted under subsection (4) of this section, is a misdemeanor.

[1969 c.452 §1]

STANDARDS AND SPECIFICATIONS FOR ACCESSIBILITY TO PHYSICALLY HANDICAPPED

447.210 Definitions for ORS 447.210 to 447.280. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

(1) "Architectural barriers" are physical design features that restrict the full use of government buildings, public buildings and their related facilities by physically handicapped persons.

(2) "Facilities" include but are not limited to sidewalks, curbings and entrances giving access to government buildings and public buildings and accommodations in such buildings available for use by the public or employes generally such as bathrooms, restrooms including toilet stalls, dining areas or dining rooms, drinking fountains, phone booths and lodging rooms or quarters.

(3) "Government buildings" include all buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of state, county or municipal funds or the funds of any political subdivision of the state; and, to the extent not required otherwise by federal law or regulations or not beyond the power of the state to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by the use of federal funds.

(4) "Public buildings" include all buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of private funds where the building or structure has a ground area of more than 4,000 feet and is more than 20 feet in height from the top surface of lowest flooring to the highest interior overhead finish of the building or structure. "Public buildings" does not include private buildings rented by election officers solely for use as an election polling place.

[1971 c.230 §2; 1973 c.539 §1; 1975 c.675 §35]

447.220 Purpose. It is the purpose of ORS 447.210 to 447.280 to make government buildings, public buildings and their related facilities in the state accessible to, and usable by, the physically handicapped.

[1971 c.320 §1; 1973 c.539 §2]

447.230 Standards and specifications to eliminate architectural barriers; advisory committee; application of ORS 447.210 to 447.280. (1) The Director of Commerce or his designated representative shall, pursuant to ORS chapter 183, establish standards and specifications necessary to eliminate architectural barriers to entry to and use of government buildings, public buildings and their related facilities by disabled, physically handicapped or aged persons.

(2) The Director of Commerce or his designated representative shall, to assist in the identification of architectural barriers and in the development of the standards and specifications referred to in subsection (1) of this section, be assisted by an advisory committee. The advisory committee shall be appointed by and serve at the pleasure of the Governor. The Director of Commerce or his designated representative shall be the chairman of the advisory committee but shall vote only in the case of a tie vote. The membership of the committee shall include an architect licensed as provided by ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 who is particularly knowledgeable in the field of architectural barriers, the chairman of the Governor's Committee on Employment of the Handicapped, the state architect employed by the Department of General Services, the Assistant Director for Vocational Rehabilitation and four members of the public. At least two of the four public members shall be handicapped citizens who use wheelchairs to ambulate.

(3) In the development of standards and specifications, the committee and the Director of Commerce or his designated representative shall be familiar with and give full consideration to the standards and specifications developed by the American Standards Association for making buildings and facilities accessible to and usable by the physically handicapped.

(4) ORS 447.210 to 447.280 applies to government buildings and their related facilities and to public buildings and their related facilities unless the cost of eliminating the architectural barriers exceeds 25 percent of the total cost of the construction, renovation, alteration or modification.
[1971 c.320 §3; 1973 c.539 §3]

447.235 Renovation of government and public buildings required to meet standards. Except as provided in subsection (4) of ORS 447.230, this state, any political subdivision thereof, a county, city or person that owns a government or public building and its related facilities shall renovate that building and its related facilities so that they meet the standards and specifications of the Director of Commerce relating to making government and public buildings and their related facilities accessible to, and usable by, the physically handicapped.
[1973 c.539 §11]

Note: 447 235 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 447 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

447.240 Construction of government building with one primary entrance accessible to handicapped required; identification; renovation to meet standards. (1) After January 1, 1973, no person shall construct or permit the construction of a government building unless there is at least one primary entrance into the government building that is accessible by an appropriate ramp or entrance that meets the requirements of ORS 447.210 to 447.280. The location of the primary entrance into the government building shall be as close to adjacent parking spaces as possible, identified by signs showing a uniform, nationally recognized physically handicapped symbol and the government building and its related facilities shall meet the standards and specifications of the Director of Commerce or his designated representative relating to making government buildings and their related facilities accessible to, and usable by, the physically handicapped.

(2) After January 1, 1973, no person shall renovate or permit the renovation of a government building unless the portions or areas being renovated will meet, after renovation, the standards and specifications of the Director of Commerce or his designated representative relating to making government buildings and their related facilities accessible to, and usable by, the physically handicapped.
[1971 c.320 §4; 1973 c.539 §4; 1973 c.540 §1; 1974 s.s. c.36 §14]

447.243 Construction of public building with one primary entry accessible to handicapped required; identification; renovation to meet standards. (1) No person shall construct or permit the construction of a public building unless there is at least one primary entrance into the public building that is accessible by an appropriate ramp or entrance that meets the requirements of ORS 447.210 to 447.280. The location of the primary entrance to the public building shall be as close to adjacent parking spaces as possible, shall be posted clearly as the main

entrance to the public building and the public building and its related facilities shall meet the standards and specifications of the Director of Commerce or his designated representative relating to making public buildings and their related facilities accessible to, and usable by, the physically handicapped.

(2) No person shall renovate or permit the renovation of a public building unless the portions or areas being renovated will meet, after renovation, the standards and specifications of the Director of Commerce or his designated representative relating to making public buildings and their related facilities accessible to, and usable by, the physically handicapped.
[1973 c.539 §6]

447.245 Identification of certain government building entrances. Entrances to government buildings constructed before January 1, 1973, accessible by a ramp or entrance which meets the standards of ORS 447.210 to 447.280 shall be identified as provided in ORS 447.240.
[1973 c.539 §17; 1973 c.540 §3]

447.250 Waivers or modifications of standards and specifications. (1) When a person or governmental entity undertaking the construction, renovation, alteration or modification of a government building, public building or their related facilities determines that full compliance with a particular standard or specification is impractical in that it would defeat the purpose of the project proposed or in process, it may apply to the Director of Commerce or his designated representative for a waiver or modification of such standard or specification, setting forth the reasons for its determination and a proposal for the work complying with the particular standard or specification to the maximum extent that it considers practical.

(2) The Director of Commerce or his designated representative shall thereupon investigate the application. If he finds that the proposal submitted with the application would constitute a substantial compliance with, or an acceptable alternative to, the particular standard or specification in view of the objectives of ORS 447.210 to 447.280, he shall grant the application. If he finds otherwise, he shall promptly deny the application and notify the requesting person or governmental entity of the denial.

(3) The findings of the Director of Commerce or his designated representative shall include the estimated building costs and the additional cost of construction to conform to the requirements of ORS 447.210 to 447.280 over the cost of a nonconforming feature or any other special reason or circumstance that, in the judgment of the Director of Commerce or his designated representative, justify the decision.
[1971 c.320 §5; 1973 c.539 §7]

447.260 Promulgation of rules. The Director of Commerce or his designated representative may promulgate rules reasonably necessary to implement and enforce ORS 447.210 to 447.280 including, but not limited to, rules authorizing him to waive or modify any standards and specifications with respect to work on government buildings and their related facilities and work on public buildings and their related facilities where he determines, with respect to emergency or temporary construction, that compliance with such standards or specifications would not be necessary to fulfill the objectives of ORS 447.210 to 447.280 or would be impractical.
[1971 c.320 §6; 1973 c.539 §8]

447.270 Cooperation with public officials and agencies required. The Director of Commerce or his designated representative shall cooperate with and receive the assistance of all persons, all appropriate elective or appointive public officials and all state or governmental agencies in carrying out his responsibilities under ORS 447.210 to 447.280.
[1971 c.320 §7; 1973 c.539 §9]

447.280 Enforcement powers. The Director of Commerce or his designated representative shall have all necessary powers to require compliance with standards, specifications and rules adopted under ORS 447.210 to 447.280, including power to institute and prosecute proceedings in the circuit court to compel such compliance. He shall not be required to pay any filing fee in connection with the institution of such proceeding.
[1971 c.320 §8; 1973 c.539 §10]

447.310 Standards for curbing. (1) The standard for construction of curbs on each side of any city street, county road or state highway, or any connecting street, road or highway for which curbs and sidewalks have been prescribed by the governing body of the city or county or Department of Transportation having jurisdiction thereover, shall require not less than two curb cuts or ramps per lineal block to be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 48 inches wide, where

possible, and a minimum of 36 inches wide where a 48-inch width will not fit, at a slope not to exceed one-inch rise per 12-inch run. If a 12:1 slope will not fit, an 8:1 slope is acceptable if so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

(2) Standards set for curb cuts and ramps under subsection (1) of this section shall apply whenever a curb or sidewalk is constructed or replaced at any point in a block which gives reasonable access to a crosswalk.
[1973 c.176 §1; 1975 c.468 §1]

BUILDING CODE FOR BURIAL STRUCTURES

447.610 Definitions for ORS 447.610 to 447.730. As used in ORS 447.610 to 447.730:

(1) "Enforcement agency" means the department, bureau or officer of every city and county charged with the enforcement of laws or ordinances regulating the construction or alteration of buildings.

(2) "Companion crypts" or "nests of crypts" means two or more crypts entered through a single opening and as used in ORS 447.610 to 447.730 "companion crypts" shall include "companion vaults," and "nests of crypts" shall include "nests of vaults."

(3) "Uniform Building Code" means the 1955 edition of the Uniform Building Code adopted and published by the Pacific Coast Building Officials Conference.
[1957 c.278 §1]

447.620 Burial structures to conform to requirements; enforcement; city and county regulations. (1) All mausoleums and columbariums constructed after August 20, 1957, and all structures altered after August 20, 1957, for use as a mausoleum or columbarium, including any portion of said mausoleum, columbarium or structure not to be used for mausoleum or columbarium purposes, shall conform to the requirements prescribed in ORS 447.610 to 447.730 as a minimum.

(2) All additions to or alterations of any existing mausoleum or columbarium, including an alteration from a mausoleum to columbarium and from a columbarium to mausoleum, shall conform to the requirements prescribed in ORS 447.610 to 447.730 as a minimum; provided, however, that the requirements of ORS 447.610 to 447.730 shall not extend to any part of existing mausoleums or columbariums which are not physically altered after August 20, 1957.

(3) Nothing in ORS 447.610 to 447.730 prevents any city or county from enacting and enforcing regulations as to building standards for mausoleums and columbariums, but such regulations shall not prescribe a lower standard than prescribed in ORS 447.610 to 447.730.

(4) The enforcement agency of every city and county shall enforce the provisions of ORS 447.610 to 447.730 and subsection (2) of ORS 447.990 in its respective territory, and any city or county not having an enforcement agency on August 20, 1957, shall by ordinance or resolution designate an enforcement agency or enforcement officer.

(5) In addition to all other remedies, every city and county, acting through its enforcement agency, may institute an action in the circuit court of any county in which an alleged violation of any provision of ORS 447.610 to 447.730 exists or is threatened, and such court may, upon a satisfactory showing by the enforcement agency, enjoin the defendants from conduct violating ORS 447.610 to 447.730 or from a threatened violation.
[1957 c.278 §§2, 13, 22]

447.630 Building permit required. No one shall construct, reconstruct or alter any mausoleum, columbarium, or any structure to be used as such, without having first procured a building permit for each such structure or alteration from the enforcement agency, if the value of the work proposed shall exceed $500; provided, however, if a structure shall include both a mausoleum and columbarium, only one permit shall be required for each construction or alteration thereof.
[1957 c 278 §3]

447.640 Application for building permit; fee; documents to accompany application. (1) Anyone desiring a building permit shall file a written application on forms furnished by the enforcement agency. The application shall:

(a) State the name and address of the owner, both legal and beneficial;

(b) Show in detail the proposed construction, reconstruction, or alteration;

(c) State the name and address of the architect, structural engineer, or contractor, if any;

(d) State the estimated total cost of the structure for which a permit is sought; and

(e) Give any other data or information required by the enforcement agency, including

computations, stress diagrams and other data sufficient to show the correctness of the plans.

(2) The application shall be accompanied by:

(a) Two full and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction or alteration;

(b) Two sets of specifications describing the proposed work;

(c) Two sets of a plat of the land on which the work is proposed to be done; and

(d) A permit fee in an amount allowed by the enforcement agency's established schedule. If it has no such schedule, then in such amount as the enforcement agency shall determine to be necessary for the inspection required by ORS 447.610 to 447.730; provided, however, that said fee shall not be in excess of one percent of the estimated total construction costs.

(3) Plans shall be drawn to scale upon substantial paper or cloth and shall delineate the sections, halls, rooms, corridors, elevation and other divisions, with descriptive names or numbers. Plans and specifications shall be of sufficient clarity and detail to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of ORS 447.610 to 447.730.
[1957 c.278 §4]

447.650 Modification of plans, specifications or statements. The enforcement agency may, from time to time, approve modification in any plans, specifications, or statements, if the changes are in conformity with the provisions of ORS 447.610 to 447.730. Upon request, the enforcement agency shall furnish a written statement of the modifications approved.
[1957 c.278 §6]

447.660 Issuance of permit; time for commencement of work; revocation of permit. (1) The enforcement agency shall cause all plans, specifications, plats and statements to be examined, and if they conform to the provisions of ORS 447.610 to 447.730, shall issue a permit and indorse approval on one set of the documents submitted by the applicant, and deliver said permit and set to the applicant.

(2) The granting of a permit or approval of modifications is not a permit for or approval of any violation of any provision of ORS 447.610 to 447.730 and subsection (2) of ORS 447.990.

(3) Failure to commence work within 90 days from the issuance of the permit shall void the permit; and a new permit shall be obtained before the work proceeds.

(4) In the case of refusal or neglect of the person to whom a permit has been issued to comply with all of the provisions of ORS 447.610 to 447.730, or in case any false statement or misrepresentation is made in any of the plans, specifications, plats or statements filed for the permit or to obtain approval of modifications, the enforcement agency shall revoke any permit or approval of modifications previously issued.
[1957 c.278 §§5, 7, 9, 10]

447.670 Approved documents upon which permit is issued subject to inspection; posting permit. The approved documents upon which the permit is issued shall be kept on the premises where the work is to be done at all times after approval thereof until a certificate of occupancy is issued for the structure, and shall be subject to inspection by the enforcement agency. During all such times, the permit shall be prominently posted near the work.
[1957 c.278 §8]

447.680 Inspection of construction work; issuance of certificates of occupancy, partial occupancy, noncompliance. (1) At such time during construction as the enforcement agency shall determine, it shall inspect the work, and shall issue to the applicant a certificate of occupancy if the work is completed and conforms to the plans, specifications and statements filed, and the permit and the modifications approved and the provisions of ORS 447.610 to 447.730, and is ready for the interment of human remains; and if not ready the agency shall issue to applicant a certificate of noncompliance in writing stating the particulars of noncompliance.

(2) Upon request, the enforcement agency shall inspect any work and if it shall find that a portion of the structure is complete, and it further finds that a portion of the interior therein is completed in accordance with the plans, specifications, and statements and the permit and modifications thereof and the provisions of ORS 447.610 to 447.730, and is ready for the interment of human remains, the agency shall issue to applicant a certificate of partial occupancy for use of said portion for the interment of human remains prior to the completion of the entire structure; and, if not, the agency shall issue to applicant a

certificate of noncompliance in writing as to said portion stating the particulars of noncompliance.
[1957 c.278 §§11, 12]

447.690 Alteration of burial structures to conform to Uniform Building Code, plumbing code and electrical code. (1) All mausoleums, columbariums, and all structures altered for use as a mausoleum or columbarium shall conform to Type I Construction as specified in the Uniform Building Code, unless otherwise specified in ORS 447.610 to 447.730.

(2) All mausoleums, columbariums and all structures altered for use as a mausoleum or columbarium shall conform to the plumbing laws of the State of Oregon and the regulations promulgated by the Health Division relating thereto.

(3) All mausoleums, columbariums, and all structures altered for use as a mausoleum or columbarium shall conform to the electrical code of the State of Oregon and the regulations promulgated by the Commissioner of the Bureau of Labor relating thereto.
[1957 c.278 §§14, 15, 16]

447.700 Building material and construction specifications generally. (1) All materials used in construction or alteration shall be incombustible, except temporary partitions, interior doors and door frames, interior frames for glass screens, movable fixtures, furniture, furnishings, waterproofing felt, building paper, roofing, floor coverings, including asphalt and other combustible tile.

(2) All footings, bearing walls, beams, columns, floor slabs and other structural members shall be of poured-in-place, reinforced concrete or fireproofed structural steel and shall be designed and constructed in accordance with the Uniform Building Code.

(3) All floors shall be designed and constructed for a live load of not less than 100 pounds per square foot.

(4) The total load on any footing shall not exceed the safe soil bearing value as determined by loading test. Footings shall be designed for total loads, with a proper reduction for soil bearing value above normal; provided, however, that the relative size of the footings shall be governed by dead load only.

(5) All crypt walls and crypt floor slabs shall be constructed of poured-in-place, reinforced concrete. Crypt walls shall be not less than three and one-half inches in thickness, and crypt floor slabs shall be not less than three inches in thickness.

(6) Each crypt, including each crypt in a companion crypt or in a nest of crypts, shall be designed for a total live load of 600 pounds.

(7) Where any wall is constructed against a bank of earth, rock or other porous material, or where crypts are adjacent to an outside building wall below grade, the wall shall be thoroughly primed and waterproofed.
[1957 c.278 §§17, 18]

447.710 Masonry trim and veneers. (1) All interior or exterior masonry trim and veneers shall be of stone, brick, cast stone, granite or marble. Cast stone shall meet all requirements for cast stone set forth in the Uniform Building Code.

(2) Marble for trim, crypt and niche fronts, and veneer, which is exposed to the weather, shall be travertine, serpentine marble or Grade A exterior type marble, only.

(3) All veneer referred to in subsection (1) of this section shall be attached to the supporting wall in accordance with the requirements of the Uniform Building Code.
[1957 c.278 §19]

447.720 Construction requirements when continuous seepage exists. (1) Wherever the enforcement agency shall discover evidence that continuous seepage exists, floor slabs placed on earth shall be constructed in the following manner or in a manner proven to be equal to the following manner:

(a) A layer of gravel at least six inches thick.

(b) Place a subslab of concrete two inches thick on top of said gravel.

(c) Place two layers of fifteen pound waterproofing felt sealed tightly to subslab and to each other with waterproofing asphalt; felt to be turned up one inch on walls and be asbestile type sealed around perimeter of walls.

(d) Completely coat felt with waterproofing asphalt and dry dust with cement.

(e) Install poured-in-place reinforced concrete floor slab.

(2) Under normal conditions where no evidence of continuous seepage exists, it shall be sufficient to construct the floor by following the requirements of paragraphs (a), (b) and (e) of subsection (1) of this section.
[1957 c 278 §17]

447.730 Uniform Building Code; certified copies; evidence. The Commissioner of the Bureau of Labor shall obtain and keep on file in his office a copy of the 1955 edition of the Uniform Building Code adopted and published by the Pacific Coast Building Officials Conference. The commissioner shall obtain and certify copies of the Uniform Building Code and deliver them to persons requesting the same at cost. Any such duly certified copy of the Uniform Building Code shall be received in all courts as conclusive evidence of the contents of the original.
[1957 c.278 §20]

PERMITS

447.800 Definitions for ORS 447.800 to 447.865. As used in ORS 447.800 to 447.865, unless the context requires otherwise:

(1) "Affected agency" means a state agency requiring a permit for which a public informational hearing or a contested case hearing is permitted or required.

(2) "Agency" or "state agency" means an "agency" as that term is defined in ORS 183.310.

(3) "Contested case hearing" means a proceeding in a "contested case" as that term is defined in ORS 183.310 and for which procedures are established in ORS 183.310 to 183.500.

(4) "Department" means the Executive Department.

(5) "Director" means the Director of the Executive Department.

(6) "Permit" means any approval required from a state agency prior to construction or operation of a project.

(7) "Project" means any new public or private activity or expansion or addition to an existing public or private activity requiring two or more permits, excluding activities subject to siting under ORS 453.765, 453.770 and 469.300 to 469.590.

(8) "Public informational hearing" means a noncontested hearing held prior to an agency's decision on a permit primarily for the purpose of soliciting information and views from the public concerning the proposed project.

(9) "Specific application form" means an application prepared by a state agency for the purpose of gathering information to assist in deciding whether to approve a project.
[1975 c.677 §1; 1977 c.58 §1]

447.805 Purpose. (1) The Legislative Assembly finds that many individuals are unaware and unable to obtain information about state agency permit requirements and processes.

(2) The Legislative Assembly further finds that state agency processes in making decisions regarding issuance of permits for projects may impose unnecessary costs on project developers and deny citizens the opportunity for effective participation in the decision-making process.

(3) The purposes of ORS 447.800 to 447.865 are to simplify the permit issuance procedure, accelerate decision-making, make available permit application information for state government at one place, encourage federal and local government agency participation in a coordinated procedure of permit issuance and provide more effective notice to affected or concerned citizens.
[1975 c.677 §2]

447.810 Department employment of staff; rules. (1) The department shall provide such staff as it determines necessary to accomplish the purposes of ORS 447.800 to 447.865. In addition to his salary, subject to the limitations otherwise provided by law, any employe of the department shall be reimbursed for all expenses actually and necessarily incurred in the performance of official duties.

(2) Subject to the applicable provisions of the State Merit System Law, the director shall appoint all subordinate officers, including hearings officers, and prescribe their duties and fix their compensation.

(3) The director shall adopt rules necessary for the administration of ORS 447.800 to 447.865 pusuant to ORS chapter 183.
[1975 c.677 §2a]

447.815 Agencies to submit list of administered projects and permits to department; department to provide information on permit requirements; summary report. (1) Not later than September 15, 1975, the department shall request and each state agency shall submit a list of all types of projects and permits administered by the state agency. Specific application forms, any applicable agency rules and the time period necessary for permit application consideration based upon experience and statutory requirement shall be included in the report of each agency.

(2) Federal and local government agencies shall be encouraged to participate in the

permit coordination processes of the department and in the submission of permit authority and application forms applicable to projects in Oregon coordinated by the department under ORS 447.800 to 447.865.

(3) Not later than January 1, 1976, the department shall provide information, upon request, on state agency permit requirements for projects and shall make the information available to the public at the offices of the department and through distribution to appropriate local government offices. In addition, the department may provide a toll-free telephone information and referral service for the entire state to aid project permit applicants and members of the public.

(4) The department shall prepare a report summarizing the information collected from state agencies under subsection (1) of this section and submit the report to the Fifty-ninth Legislative Assembly. The report may include any suggestions for legislation to clarify state agency permit programs for projects.
[1975 c.677 §2b]

447.820 Application to department for issuance of all necessary permits. (1) After January 1, 1976, any person proposing a project may submit an application to the department requesting issuance of all permits necessary prior to construction and operation of the project in this state. The application shall be on a form furnished by the department and shall contain specific and accurate information on the location of the project, the nature of the project, and any other information on the project required by rule of the department.

(2) The application shall contain a detailed description of the proposed site of the project.

(3) After receipt of a properly completed application, the department shall immediately notify in writing each state agency having a possible interest in the application. The notification shall be accompanied by a copy of the application together with the date by which the agency shall respond.

(4) Each notified state agency shall respond in writing to the department within the specified date in subsection (3) of this section, not exceeding 30 days from receipt of the notice. The notified state agency shall advise the department:

(a) Whether the state agency has an interest in the application; and

(b) The permit programs under the state agency's jurisdiction to which the project described in the application is pertinent.

(5) Each notified state agency which responds within the specified date that it does not have an interest in the application, or does not respond by the date specified in subsection (3) of this section shall not require a permit of the applicant for the project described in the application.

(6) The restrictions provided in subsection (5) of this section shall not apply if the application provided the notified state agency contained false, misleading or deceptive information, or failed to include pertinent information, the lack of which would reasonably lead a state agency to misjudge its interest in the application.

(7) The department shall submit specific application forms to applicants for permits required, with a direction to the applicant to complete and return the application to the designated state agency.

(8) Upon receipt of the completed specific application forms each agency shall forward one copy to the department.
[1975 c.677 §3]

447.825 Consolidated hearing; contents of notice. (1) Upon request of the applicant or any affected agency for a consolidation of either public informational hearings or contested case hearings concerning a particular project for which application has been made to the department pursuant to ORS 447.820, the department may require the consolidation of any or all hearings otherwise permitted or required by law for each of the affected state agencies. Public informational hearings shall not be consolidated with contested case hearings.

(2) If the department determines to hold a consolidated public informational hearing, it shall cause a notice to be published once each week for three consecutive weeks in a newspaper of general circulation in the county in which the project is proposed to be constructed or operated, the third publication being no more than 20 days prior to the date of the hearing for which the notice is given, unless otherwise provided by law. Notice shall also be sent by registered mail to the applicant and all affected agencies, and by regular mail to persons who have requested that their names be placed on mailing lists maintained by the department and any affected agency for such purposes. The department may broadcast notice of a consolidated public informational

hearing as provided in ORS 193.310 to 193.360. Both the published and mailed notice shall describe the project proposed, the project's location, the state agencies having jurisdiction over the project, all state permits applied for, the state permits which will be considered at the hearing, and the time, place and purpose of the hearing. The notice shall also state that relevant public testimony will be taken in oral or written form at the hearing, that a copy of the application is available for public inspection at the department and that copies of all specific applications are available for public inspection at the department and the affected state agencies.

(3) If the department determines to hold a consolidated contested case hearing, it shall cause notice of the hearing to be given in accordance with subsections (1) and (2) of ORS 183.415.
[1975 c.677 §4; 1977 c.58 §2]

447.830 [1975 c.677 §5; repealed by 1977 c.58 §3; (447.831 and 447.834 enacted in lieu of 447.830)]

447.831 Consolidation of informational hearings; record of hearing. If the applicant or an affected agency requests a consolidation of public informational hearings, the director may consolidate any or all such hearings into one or more consolidated hearings, at least one of which must be held in the county in which the project is proposed to be constructed or operated. The director or his designee shall be the presiding officer at a consolidated public informational hearing and shall determine its time, place, agenda and procedures. A verbatim oral or written record of the hearing shall be kept and made available to affected agencies by the department. However, the record need not be transcribed.
[1977 c.58 §4(enacted in lieu of 447.830)]

447.834 Consolidation of contested case hearings; procedure; prehearing conference; notice. (1) If the applicant or an affected agency requests a consolidation of contested case hearings, the director may consolidate any or all such hearings into one or more consolidated contested case hearings. The director or his designee shall be the presiding officer at a consolidated contested case hearing. The notice, parties, procedures, record and appeal of a consolidated contested case hearing shall be consistent with the provisions of ORS 183.310 to 183.500 relating to contested cases. At his discretion, the director may allow intervention in all or a part of the consolidated proceedings of the hearing and shall have the authority to adopt rules of procedure for the conduct of the consolidated contested case hearing.

(2) Prior to a consolidated contested case hearing, the director may, in his discretion, require that all parties to all hearings subject to the consolidation appear at a prehearings conference to consider:

(a) The type, time, place, parties and issues of the hearing or hearings which will be held;

(b) The necessity of special procedures;

(c) The simplification of the issues;

(d) The possibility of obtaining admissions of fact and of documents, and the limitation of repetitious or immaterial testimony; and

(e) Any other matters which may aid in the disposition of the issues.

(3) Notice shall be given to parties to the conference which is consistent with the provisions of subsections (1) and (2) of ORS 183.415 and which also describes the purpose and procedures of the conference. The director or his designee shall be the presiding officer at the conference and at its conclusion shall issue an order which recites the agreements made and actions taken at the conference.
[1977 c.58 §5(enacted in lieu of 447.830)]

447.835 Copy of transcript and proposed order to be sent to agencies after hearing. (1) Within 30 days of the final adjournment of a consolidated contested case hearing held pursuant to ORS 447.800 to 447.865, the director or his designee shall prepare and serve upon all parties to the hearing a proposed order, including proposed findings of fact and conclusions of law. The parties to the hearing, excluding affected agencies, shall be given the opportunity to file exceptions to the proposed order with the appropriate affected agency or agencies issuing the final orders.

(2) An extension of time for forwarding of the proposed order may be granted by the department, up to an additional 30 days.
[1975 c.677 §6; 1977 c.58 §6]

447.840 Issuance of final orders. Each affected agency participating in a consolidated contested case hearing shall issue a final order within the time otherwise provided by law for agency action. The final order shall:

(1) Be issued in accordance with the requirements of ORS 183.470;

(2) Set forth the basis for any conclusion including findings of fact and conclusions of law; and

(3) Include any conditions that the state agency, within its statutory authority, wishes to impose upon the permit.
[1975 c.677 §7; 1977 c.58 §7]

447.845 Conflicting permit terms and conditions. In case of a conflict in the permit terms and conditions proposed by state agencies, the permits shall be referred to the director or his designee for reconciliation of the conflict.
[1975 c.677 §8]

447.850 Judicial review. Any party to a consolidated contested case hearing conducted under ORS 447.834, 447.840 and this section aggrieved by a final decision of any affected agency may obtain review of that decision by appeal to the Court of Appeals pursuant to ORS chapter 183. Appeals from final orders arising from any one consolidated contested case hearing shall be consolidated and shall be based upon the record and agency findings.
[1975 c.677 §9; 1977 c.58 §8]

447.855 Informal conference. The department may call an informal conference of parties to resolve questions arising from permit application procedures on any proposed project.
[1975 c.677 §9a]

447.860 Permit procedure under ORS 447.800 to 447.865 optional. (1) No person shall be required to obtain permit approval through the method provided by ORS 447.800 to 447.865.

(2) An applicant may, in lieu of procedures established by ORS 447.800 to 447.865, proceed with permit approval procedures established by individual state agencies.

(3) Any applicant may withdraw his application at any time without forfeiture of any permit approval he may have obtained for the project as submitted pursuant to the procedures set forth in ORS 447.800 to 447.865.
[1975 c.677 §10]

447.865 Collection of hearing costs. (1) The department shall, within 60 days after the conclusion of a consolidated public informational hearing or a consolidated contested case hearing, collect from each affected agency participating in the hearing that agency's proportionate share of the costs associated with the hearing and incurred by the department, including the costs of:

(a) Preparing, sending and publishing notice;

(b) Arranging and conducting a prehearings conference;

(c) Arranging and conducting the hearing;

(d) Preparing a record;

(e) Preparing a transcript if necessary;

(f) Preparing a proposed order ; and

(g) Performing any other functions necessary or appropriate to the type of hearing held.

(2) Such moneys are continuously appropriated for purposes of administering ORS 447.800 to 447.865.
[1975 c.677 §11; 1977 c.58 §9]

447.875 Definitions for ORS 447.875 and 447.880. As used in ORS 447.880 and this section:

(1) "Permit" means any approval required from an agency of a city or county prior to construction or operation of a project.

(2) "Project" means any new public or private activity or expansion or addition to an existing public or private activity for which any permit is required.

(3) "Development charge" means an assessment, charge or fee imposed upon any property for the purpose of increasing the capacity of existing public facilities to provide public services to the property necessitated by improvements made on the property.
[1977 c.319 §1]

Note: 447.875 and 447.880 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 447 or any series therein by legislative action See the Preface to Oregon Revised Statutes for further explanation.

447.880 Public access to list of development charges and permits required by cities and counties; list of state permits; file to be maintained at central location. Not later than January 1, 1978, the governing body of each city and county shall make available to the public a list of all development charges and permits issued by the city or county. The list shall include a brief description of the permit, its basic unit cost or fee, if available, and the agency from which the permit may be obtained. The Executive Department shall make available to all city and county governments the information on state agency permit requirements compiled under ORS 447.815. These lists shall be maintained at a central location.
[1977 c.319 §2]

Note: See note under 447.875

PENALTIES

447.990 Penalties. (1) Violation of any of the provisions of ORS 447.010 to 447.140 or the lawful rules and regulations made by the department pursuant to ORS 447.010 to 447.140 is punishable, upon conviction, as a Class A misdemeanor.

(2) Any violation of ORS 447.610 to 447.730 is a misdemeanor and punishable as such.

[Subsection (2) enacted as 1957 c.278 §21; 1973 c.734 §4; 1973 c.835 §232]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel