



City Council - Supplemental Agenda  
September 29, 2020  
6:30 PM

## RESOLUTIONS

**4. THE MATTER OF ADOPTING RESOLUTION NO. 1245 TO BEGIN THE PROCESS OF THE CITY OF HARRISBURG ASSUMPTION OF THE BUILDING AND ELECTRICAL CODE PROGRAMS**

Exhibit A: Draft IGA between Harrisburg and Junction City

Exhibit B: IGA, Harrisburg/Linn County

Exhibit C: HMC 15.05.010

Exhibit D: Building Permit Program Financials

Exhibit E: Proposed Resolution No. 1245

**ACTION: I MOVE TO ADOPT RESOLUTION NO. 1245, "A RESOLUTION APPROVING SUBMISSION OF OREGON STATE BUILDING CODES DIVISION, "PROGRAM ADMINISTRATION REQUEST" AND ASSURING CITY COMPLIANCE WITH ALL REQUIREMENTS AND STANDARDS OF OAR CHAPTER 918 AND ORS CHAPTERS 455 AND 479"**

OTHER ITEMS

ADJOURN

Agenda Bill  
**Harrisburg City Council**  
Harrisburg, Oregon

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**THE MATTER OF ADOPTING RESOLUTION NO. 1245 TO BEGIN THE PROCESS OF THE CITY OF HARRISBURG ASSUMPTION OF THE BUILDING AND ELECTRICAL CODE PROGRAMS**

- Exhibit A: Draft IGA between Harrisburg and Junction City
- Exhibit B: IGA, Harrisburg/Linn County
- Exhibit C: HMC 15.05.010
- Exhibit D: Building Permit Program Financials
- Exhibit E: Proposed Resolution No. 1245

**ACTION: I MOVE TO ADOPT RESOLUTION NO. 1245, “A RESOLUTION APPROVING SUBMISSION OF OREGON STATE BUILDING CODES DIVISION, “PROGRAM ADMINISTRATION REQUEST” AND ASSURING CITY COMPLIANCE WITH ALL REQUIREMENTS AND STANDARDS OF OAR CHAPTER 918 AND ORS CHAPTERS 455 AND 479”**

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**THIS AGENDA BILL IS DESTINED FOR:** Regular Agenda – September 29, 2020

<b>BUDGET IMPACT</b>		
<b>COST</b>	<b>BUDGETED?</b>	<b>SOURCE OF FUNDS</b>
N/A	N/A	N/A

**STAFF RECOMMENDATION:**  
Staff recommends approval of Resolution No. 1245, in order to begin the process of the City of Harrisburg administrating our own building and electrical inspection programs on July 1, 2021, should the State of Oregon Building Codes Division approve the assumption plan.

**BACKGROUND INFORMATION:**  
It has been previously discussed at two or three City Council meetings, that there are advantages for the City of Harrisburg to be operating (assuming) our own building and electrical code program administration and enforcement. All actual building and electrical code (including plumbing, mechanical and mobile home placement) plan reviewing, processing, inspections and permit finals would be done through certified/licensed individuals at the City of Junction City as per the IGA draft in **Exhibit A**. Currently, these permits are all processed through the Linn County Planning and

Building Department, as per **Exhibit B**. The City’s current code, HMC 15.05 in relation to state building code, can be found in **Exhibit C**.

There are several advantages to making this potential change:

- 1. We keep an additional 10% of permit fees and all of our plan review fees, of which we currently retain none. (Building Permit Financials shown in **Exhibit D**)
- 2. The proposed IGA requires Junction City to schedule maximum permit review and processing times. The Linn County IGA imposes no such requirements.
- 3. Meetings between contractors/applicants and Inspectors will be much easier and timely for both parties.
- 4. The Junction City Building Official has agreed to meet with developers, and other city officials, in pre-application conferences at no cost to the City or the applicants. Linn County Building Officials have declined such meetings and there is no provision for such in the current IGA.

Proposed Resolution No. 1245 is shown in **Exhibit E**.

REVIEW AND APPROVAL:

John Hitt	Date
City Administrator	

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITIES OF JUNCTION CITY AND CITY OF HARRISBURG  
FOR BUILDING PERMIT PROGRAM SERVICES**

This agreement is made and entered into by and between the cities of Junction City and City of Harrisburg, hereinafter referred to respectively as “Junction City” and “Harrisburg” or collectively as “Cities.”

**RECITALS**

WHEREAS, Cities are authorized pursuant to ORS 190.003 through 190.110 to enter into intergovernmental agreements for the performance of any or all functions which a party to the agreement has the authority to perform; and

WHEREAS, Cities are authorized pursuant to ORS 455.148(3), ORS 455.150(3), and OAR 918-020-0090 to combine in the appointment of a single Building Official for the purpose of administering a Building Inspection Program within their communities; and

WHEREAS, the City of Junction City Public Works & Development Department employs both a certified Building Official and an Electrical Specialty Code Inspector; and

WHEREAS, Cities find it beneficial to enter into this Intergovernmental Agreement (Agreement) to obligate and authorize Junction City to provide building official, inspection, plan review, electrical specialty code and other building permit program services to Harrisburg , subject to the terms and conditions herein.

**AGREEMENT**

NOW, THEREFORE, it is agreed by and between the parties as follows:

1. Effective Date. This Agreement shall be effective on **July 1, 2021**.
2. Duration and Termination. The term of this Agreement will extend for one (1) year from the Effective Date, at which point it shall automatically renew for successive one (1) year terms unless and until either party provides at least sixty (60) days’ written notice to the other party of its intent to terminate this Agreement. Termination of this Agreement shall not affect any obligations or liabilities accrued to the parties prior to such termination.
3. Services. Junction City agrees to provide building official, inspection, plan review, and electrical specialty code services to Harrisburg, as more specifically outlined in the attached Exhibit A (collectively, “Building Permit Program Services”).

- 4. Consideration. Harrisburg will pay to Junction City:
  - A. Sixty-five percent (65%) of all fees collected by Harrisburg in conjunction with its Building Permit Program for Services performed pursuant to Section 3 of this Agreement; and
  - B. Invoiced amounts on a time and materials basis for Services provided for which Harrisburg collects no fees, as outlined on the fee schedule attached as Exhibit B.
  
- 5. Harrisburg Obligations. Harrisburg shall:
  - A. Designate the Junction City Building Official as the Harrisburg Building Official. The Building Official shall have final authority over all building program decisions and will hold full discretionary authority over Harrisburg’s building program.
  - B. Designate the Junction City Electrical Specialty Code Inspector as the Harrisburg Electrical Specialty Code Inspector. The Electrical Specialty Code Inspector shall have final authority over Harrisburg’s electrical program and will hold full discretionary authority over Harrisburg’s electrical program.
  - C. Maintain detailed financial records of all revenue received in the operation of Harrisburg’s Building Permit Program.
  - D. Review site development plans for conformance with city land use regulations and notify the Building Official when approved.
  - E. Provide Junction City Building Permit Program Services providers space for storage of files and plans, office space and computer access and provision of necessary clerical support as may be necessary for the provisions of said Services by Junction City.
  - F. Not later than the 10<sup>th</sup> day of each month, provide to Junction City sixty-five percent (65%) of all fees collected during the preceding month for Harrisburg’s Program. Fees will be charged in accordance with the State of Oregon Building Code Division fee and evaluation schedules, in addition to any other Program fees properly adopted by Harrisburg.
  - G. Receive all building permit applications and collect all building permit fees in accordance with the State of Oregon Building Code Division fee and evaluation schedules, in addition to any other Program fees properly adopted by Harrisburg.
  - H. Within thirty (30) days of receipt, pay Junction City’s invoiced fees as outlined in ‘Exhibit B’.
  - I. Harrisburg shall assist with Junction City in implementation of the Oregon State

electronic permitting system and shall share the fees and costs of said system on an equitable basis.

- J. For permits not requiring plan review, Harrisburg may immediately issue such permits, collect the appropriate fees and retain 35% of the fee collected.
- K. All required reports and required administrative tasks undertaken by Junction City on behalf of the Harrisburg shall be tracked on an hourly basis by Junction City and billed on a quarterly basis to Harrisburg, not to exceed \$70/hour.
- L. Land Use Regulations: Harrisburg agrees that it will not submit to Junction City any permit applications that have not been signed by authorized Harrisburg personnel attesting that the proposed work will be in compliance with Harrisburg’s zoning and other land use and development ordinances.

6. Junction City Obligations.

- A. Junction City will employ a qualified Building Official, in compliance with ORS 455.148(3) and OAR 918-020-0090, and an Electrical Specialty Code Inspector.
- B. Delegation. Junction City may not delegate discretionary responsibilities associated with its Building Permit Program Services but may contract with other agencies or third-party contractors to perform ministerial services associated with inspections, plan review, or other technical assistance services.
- C. Junction City will keep a record of all hours worked by Junction City employees and third-party contractors or agencies to provide Building Permit Program Services to Harrisburg and bill those amounts to Harrisburg which exceed Harrisburg’s percentage payment, or for which Harrisburg collects no Building Permit Program fees. Any such charges shall be billed to Harrisburg on a quarterly basis not to exceed sixty-five percent (65%) of fees collected by Harrisburg during the same quarter.
- D. Junction City will evaluate all Harrisburg permit applications and plans submitted to it to determine the required fee to be collected by Harrisburg.
- E. After approval of the plans/permits by Junction City, and calculation of the required fee(s), Junction City shall return the application with at least one set of approved plans, and an inspection card to Harrisburg which shall then issue the permit and collect the appropriate fee.
- F. Junction City shall prepare and submit all required reports to the Oregon State Building Code Division and Linn County Assessor including, but not limited to: a) monthly surcharge reports based on fees collected, b) monthly and year-end building permit activity reports, and c) required notifications regarding the Harrisburg Building Permit Program. d) In addition, Junction City shall prepare

and submit to Harrisburg within 30 days of the end of each calendar quarter a summary report of completed and open building permits. e) Junction City shall keep track of, and inform Harrisburg and permit applicant of building permits that have been expired by Junction City.

- 7. General Provisions. Each City will designate Junction City’s Building Official to supervise and coordinate the Building Permit Program.
- 8. Land Use Regulations. Junction City shall enforce Harrisburg land use regulations, involving dimensional standards (**setbacks, lot coverage, etc.**) for buildings, and controls for drainage as they are specified on the site plan by a Harrisburg official. Any necessary legal action resulting from the enforcement of land use regulations is the responsibility of the City of Harrisburg.
- 9. Mutual Indemnification. Each party shall defend, indemnify and hold the other harmless from and against any and all claims, lawsuits, or actions for damages, costs, losses or expenses arising from the indemnifying party’s actions pursuant to this Agreement.
- 10. Attorneys’ Fees. In the event an action, lawsuit or proceeding, including appeal therefrom, is brought for failure to fulfill or comply with any of the terms of this Agreement, each party shall be responsible for its own attorneys’ fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.
- 11. No Waiver of Claims. The failure by either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that provision or any other provision of this Agreement.
- 12. Entire Agreement. This Agreement constitutes the entire Agreement between the parties concerning Building Permit Program Services and supersedes any and all prior or contemporaneous negotiations or agreements among the parties, if any, whether written or oral, concerning the Building Permit Program Services, which are not fully expressed herein. This Agreement may not be modified or amended except in writing signed by each party to this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be signed by their duly authorized representatives as of the dates set forth below.

CITY OF JUNCTION CITY, OREGON

By: \_\_\_\_\_  
Jason Knope, City Administrator

Dated \_\_\_\_\_, 2020

CITY OF HARRISBURG, OREGON

By: \_\_\_\_\_  
John Hitt, City Administrator

Dated \_\_\_\_\_, 2020

**Exhibit A**

**City of Harrisburg**

**Building Permit Program Services**

• **BUILDING OFFICIAL**

The Building Official must be certified by the State of Oregon and develop a relationship with City Staff (Public Works, Planning, Administration) to provide excellent service related to administration of building inspection services.

**Availability:**

- Accessible via phone, email, and in person (by appointment, at Harrisburg City Hall)
- Adequate response time (reply within 48hrs) regarding disputed inspections and other concerns.
- Responsive to Harrisburg City Staff:
  - Available for Pre-application and pre-construction meetings, as requested/by appointment
  - Responsive to inquiry, as needed, within 48 hours, or the next business day, whichever is later.
- Receives public complaints regarding code provisions, inspections and employee behavior
  - Code provisions: Referred to the most appropriate Staff member; may escalate to an appeal, at which point Appeal procedures are followed.
  - Employee behavior: Processed by Building Official per personnel procedures.
  - The Harrisburg City Administrator shall be briefed on all public complaints, and the resolution thereof, while still protecting the privacy rights of the public and Junction City employees.

**Extent:**

- Provides and assures training and maintenance of examiners’ and inspectors’ certifications
- Collaborates with Harrisburg City Staff, and the Harrisburg and/or Linn County Fire Marshal to maintain appropriate policies and procedures for complying with State Building Code requirements including but not limited to:
  - Oregon Structural Specialty Code updates
  - Risk Areas: Floodplain, Steep Slopes (excavation and grading), Wetlands
  - Oregon State Fire and Life Safety Code
- Issues initial Certificate of Occupancy, upon sign-off from City Staff as well as re-certifies Occupancy of existing buildings following modification or changes in use. May also issue Temporary/Conditional Certificate of Occupancy upon approval of Harrisburg City Staff.

- Declares dangerous buildings or condemnation orders following evaluation criteria specified by the State of Oregon and makes presentation to the Harrisburg City Council upon consideration of a city declaration of a nuisance or hazardous structure.
- Verifies licenses and registrations required under ORS Chapters 446, 447, 455, 479, 693 and 701
- Adjudicates appeals, as filed, per Oregon Revised Statutes

**Process:**

- Provides monthly Building Inspection report to City Staff for public review; aggregates data for an annual report to the City each fiscal year.
- Hears appeals from disputed inspections
- As per ORS 455.690, manages aggrieved/disputed inspections and appears before the municipal appeals board or to the appropriate state advisory board.

- **PLANS EXAMINERS**

Plans Examiners provide code compliance review through three stages: 1) Primary plans examination, 2) Remedial review, and 3) As-built review.

1. **Primary Plans Examination** is the bulk of plan review for Specialty Code and Fire Code items.
  2. **Remedial Review** is the additional review, as required, to remedy deficiencies identified in the primary review.
  3. **As-Built Review** provides assurance that what is drawn and approved was built to noted specifications prior to issuance of a Certificate of Occupancy.
- Appointed by Building Official, certified by State of Oregon in one or more specialties (structural, mechanical, plumbing, electrical) for both/either Residential or Commercial construction.
  - Available by phone, email, and in person (by appointment at least one day a week, at Harrisburg City Hall) between 9am and 5pm Monday through Friday.
  - Adequate response time (reply within 24hrs) regarding applicant inquiries and other concerns.
  - Single Family, or two family dwelling plans for grading, construction, demolition, plumbing or mechanical permits shall be returned to the City of Harrisburg within the lesser of 216 hours or 7 business days from receipt, by Junction City, of a complete and adequate set of plans and/or permit applications.
  - Multi-Family, or Commercial Plan review and permit applications for grading, construction, demolition, mechanical and plumbing permits shall be returned to the city of Harrisburg within the lesser of 576 hours or 20 business days from receipt, by Junction City, of a complete and adequate set of plans and/or permit applications.
  - Review for compliance with Oregon Structural Specialty Code, Oregon Fire Code.
  - Provide additional review for compliance related to risk areas: Floodplain management, Grading and excavation.

- **INSPECTORS**

Inspectors build rapport with developers (residential and commercial) by providing clear expectations, personable and polite interaction, and fair assessment in assuring compliance with applicable Building Codes and Development Code Conditions of Approval.

**Availability:**

- Appointed by Building Official, certified by State of Oregon in one or more specialties (structural, mechanical, plumbing, electrical) for both/either Residential or Commercial construction.
- Adequate number of specialized inspectors to provide inspections consistent with the following schedule, within 24 hours of the request:
  - Residential Plumbing, Structural, Mechanical: Tuesday and Thursday
  - Electrical: Tuesday and Thursday
  - Commercial Plumbing, Structural, Mechanical: Tuesday and Thursday
  - Requests for emergency inspections on Monday, Wednesday, and Friday may be requested. Inspectors will provide the inspections based on availability.
  - Requests for inspections and inquiries should provide similar response to Plans Examination response (24 hours) or sooner.
- Backup inspectors provided to assure coverage in case of absence.

**Extent:**

- Provide pre-development/pre-construction meetings upon request to discuss any unique aspects of the project, clarify special inspection requirements, coordinate public infrastructure issues, and reach consensus on any issues identified during the review process.
- Each inspection visit shall be documented and held on-file at Harrisburg as well as at the jobsite until Final Inspection is performed.
- Inspects and ensures compliance of dimensional standards for buildings, as well as drainage as specified on the site plan.
- May issue stop work orders after consultation with Harrisburg City Staff regarding that decision.
- Performs investigations into certifications, license/registration requirements in addition to verification of compliance of electrical, plumbing, mechanical, and other work.
- Responds to reported Code Violations to determine whether a violation exists. Will be responsible for reviewing all possible building code violations within the City of Harrisburg, as may be reported and take appropriate follow-up action.
- Issues civil penalties on the City’s behalf as authorized by ORS 455.156.
- **PROGRAM PARTICIPATION**

Building Inspection services shall work with the following programs, as delineated by the State, for all building disciplines:

- Bulk labels
- Temporary permits
- Master Permitting

**Exhibit B  
Fee Schedule**

Junction City's hourly rates for Building Permit Program Services and Services provided for which Harrisburg collects no Building Permit Fees are as follows:

Building Official: \$70  
Building Permit Specialist Services: \$50

Reimbursable expenses:

24"x36" Blueprints.	\$3.00/page
FedEx/UPS	Cost
US Mail	Cost
Standard Black/white	\$.25 each
11"x17" photocopies	\$.50 each
Large B/W	\$.50 per square foot
Color Copies regular	\$1.00 each
Color 11"x17"	\$2.00 each
Mileage	Current IRS rate.

1.

**FILED**

FEB 26 1997

STEVE DRUCKENMILLER, Clerk  
By *Fran Jank* Deputy

INTERGOVERNMENTAL AGREEMENT

Agreement between the City of Harrisburg and Linn County, made on this 26<sup>th</sup> day of February, 1997.

WHEREAS, pursuant to ORS 190.003 to 190.250, Linn County and the **City of Harrisburg** desire to enter into an intergovernmental agreement; and

WHEREAS, the State of Oregon has promulgated a state building code, hereinafter referred to as "codes", which includes the Oregon State Structural Specialty Code and Fire and Life Safety Regulations, the Oregon State Mechanical Specialty Code and Fire and Life Safety Regulations, the Oregon State Plumbing Specialty Code, the Oregon State One and Two Family Dwelling Code, and Oregon Administrative Rules for installation of manufactured dwellings, for mobile home parks, and for recreational parks and organization camps; and

WHEREAS, the codes are uniform and applicable throughout the State of Oregon, including all cities and counties; and

WHEREAS, the City of Harrisburg hereinafter referred to as "CITY", and Linn County hereinafter referred to as "COUNTY", have worked together for a number of years in administering the building codes, and desire to continue this relationship whereby the CITY will sell COUNTY building permits for building projects on properties within the incorporated limits of the CITY.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

(1) Contract for Services

The CITY agrees to sell building permits on behalf of the COUNTY for those projects and activities requiring building inspection within the incorporated boundaries of the CITY. It shall be the responsibility of the COUNTY to perform all required inspections and building plan reviews and other duties as outlined in this agreement. The CITY agrees that it will issue no permits nor cause any inspections to be made that are required by the codes except through this agreement.

The COUNTY shall continue to sell electrical permits, perform electrical inspections, and perform all other obligations required in the administration of the electrical inspection program. The CITY has no obligation to sell electrical permits or participate in the administration of the electrical inspection program.

(2) Applications and Permits

The COUNTY agrees to provide the CITY with the necessary permit application forms, procedural guides, and fee schedules and to instruct authorized CITY personnel in the proper procedure to prepare the applications.

Order #97-026A

1.

Except for the issuance and processing of electrical permits, the CITY agrees to accept applications for all permits required by the codes and administrative rules within the CITY boundaries and to issue the permits. For permits not requiring plans review, the CITY may immediately issue the permit and collect the appropriate fees.

For permits requiring plan review the CITY agrees to transmit the application together with two complete sets of plans to the COUNTY. The COUNTY agrees to evaluate the application and plans and to determine the fees. After approval of the plans, the COUNTY shall return the completed application together with one set of the approved plans, and an inspection card to the CITY. The CITY shall then issue the permit and collect the appropriate fees.

(3) Inspections

The COUNTY agrees to perform the required inspections upon notification by the permit holder that the work is ready for inspection. The COUNTY agrees to provide the CITY with a copy of the inspection record upon satisfactory completion of all work authorized by the permit.

Within 15 days after final approval, the COUNTY shall provide the CITY with a copy of each building permit having been satisfactorily completed and signed off by the COUNTY. The COUNTY shall also inform the CITY of all building permits which have been expired by the COUNTY.

(4) Fees Collected and Distributed

The CITY and COUNTY agree that fees shall be paid and distributed according to the following:

- (a) The CITY shall retain as payment for its services under this contract 25 percent (25%) of the actual permit inspection fees per calendar year.
- (b) The CITY shall send all plan review fees to the COUNTY.
- (c) The remaining permit inspection fees, the plan review fees, and the state surcharge fees shall be transmitted by the CITY to the COUNTY, on a monthly basis, said transaction to be completed by the 10th day of each month. The COUNTY shall be responsible for completion and submittal of all reports to the Building Codes Agency, including the monthly surcharge reports. The CITY shall complete the Census Reports.
- (d) Fees charged by the CITY and payable to the COUNTY shall be the same as those charged by the COUNTY for work in the unincorporated areas of the COUNTY.
- (e) All fees collected by the CITY pursuant to this agreement shall be deemed to be in the possession of the CITY until received by the COUNTY. Any loss in transit shall be deemed as the CITY's loss.

(5) Land Use Regulations

The CITY agrees that it will not submit to the COUNTY, and the COUNTY agrees that it will not process any permit applications that have not been signed by authorized CITY personnel attesting that the proposed work will be in compliance with the CITY's zoning and other land use and development ordinances. The COUNTY will not accept any responsibility for enforcement of the CITY's land use regulation.

The COUNTY shall assure that CITY land use regulations involving dimensional standards for buildings which are noted on the face of the permit application shall be enforced as part of the normal inspection process. The COUNTY shall not give final approval to a building permit until it receives assurance from the CITY that all CITY land use requirements noted on the permit have been met. However, any necessary legal action resulting from the enforcement of land use regulations is the responsibility of the CITY.

(6) Enforcement

All enforcement responsibility with regard to the codes rests with the COUNTY. The COUNTY agrees that it will pursue enforcement responsibility within the CITY to the same degree as it would were the situation to apply to properties within the unincorporated areas of the COUNTY.

The COUNTY agrees that it shall provide notice of violation to individuals who have violated the codes. A copy of such notice shall also be provided to the CITY. If the notice of violation does not bring about compliance, the COUNTY shall notify the CITY of the violation and the COUNTY's efforts to obtain compliance. It shall be the COUNTY's responsibility to seek legal action to gain compliance with the codes, should legal action become necessary.

(7) Effective Date of Agreement

This agreement shall go into effect on January 1, 1997.

(8) Term of Agreement

This agreement shall remain in effect until terminated by either party. Notice of intent to terminate must be provided by December 31 of any calendar year. The effective date of any termination shall be the following June 30. Modifications to the agreement shall be made only upon mutual agreement by both parties.

(9) Repeal

The current agreement dated September 29, 1993, between the CITY and COUNTY is automatically repealed with the adoption of this agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first written above.

CITY OF HARRISBURG, OREGON

LINN COUNTY BOARD OF COMMISSIONERS

*Harvey E Nokes*

~~Bill Cherry, Mayor~~

Harvey Nokes, Council President

*Dan Eckles*

Dan Eckles, City Administrator

**ABSENT**

David R. Schmidt, Chairman

*Larry J. Johnson*

Larry J. Johnson, Commissioner

*Catherine Skiens*

Catherine Skiens, Commissioner

APPROVED AS TO FORM:

*[Signature]*

Linn County Legal Counsel

## Chapter 15.05 BUILDING CODES

Sections:

[15.05.010 Codes adopted.](#)

[15.05.020 City building code administration.](#)

[15.05.030 Excavation and grading – General provisions.](#)

[15.05.040 Excavation, grading – Permit procedure.](#)

[15.05.050 Definitions.](#)

[15.05.060 Excavation, grading – Drainageways.](#)

[15.05.070 Excavation, grading, fill – Application procedures.](#)

[15.05.080 Floodway.](#)

[15.05.090 Storm water drainage required.](#)

[15.05.100 Local interpretation.](#)

[15.05.110 Unsafe buildings.](#)

[15.05.120 Underground utility and cable TV service.](#)

[15.05.130 Public facilities requirements.](#)

[15.05.140 Special permit fees.](#)

[15.05.150 Violations and penalties.](#)

[15.05.160 Liability – Exemptions.](#)

### **15.05.010 Codes adopted.**

1. The One- and Two-Family Dwelling Specialty Code (a.k.a. Oregon Residential Specialty Code), as adopted by OAR 918-480-0005 to 918-480-0010, is enforced as part of this chapter;
2. The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100 to 918-305-0105, is enforced as part of this chapter;
3. The Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0110 to 918-750-0115, is enforced as part of this chapter;

4. The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 to 918-460-0015, is enforced as part of this chapter;
5. The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 to 918-440-0012, is enforced as part of this chapter;
6. The Manufactured Dwelling Installation Specialty Code, as adopted by OAR 918-500-0510 to 918-500-0520, is enforced as part of this chapter;
7. The Oregon Reach Code, as adopted by OAR 918-465-0030 to 918-465-0040, is enforced as part of this chapter;
8. The Oregon Energy Efficiency Specialty Code, as adopted by OAR 918-460-0500, is enforced as part of this chapter; and
9. The Oregon Boiler and Pressure Vessel Specialty Code, as adopted by OAR 918-225-0430 to 918-225-0435, is enforced as part of this chapter.
10. All construction standards and applicable administrative rules relating to building codes that have been adopted by Linn County are adopted. [Ord. 952 § 1 (Exh. A), 2017; Ord. 929 § 1 (Exh. A), 2015; Ord. 906 § 1, 2012; Ord. 875, 2008; Ord. 856, 2007; Ord. 737 § 1, 1997; Ord. 692 § 1, 1995.]

#### **15.05.020 City building code administration.**

1. City Administration Procedures. The City shall provide for the administration of a plan checking, building permit and inspection program for structural, plumbing and mechanical work, but not for electrical work. The City program is applicable to public building, including State building, as well as private building.
2. Demolition Permit Requirements and Procedures. The City shall issue demolition permits for all structures known to be listed on the Linn County Assessor tax rolls, and provide inspections upon notification by the applicant of completion of the work. The City shall also notify the Linn County Assessor of the demolition permit, for removal of the structure from the tax rolls. The City shall inspect the area for removal of all debris. If no residence will replace the demolished residence, inspect:
  - a. Capping of the sewer line or, if there is no City sewer service, inspect the septic system to be sure it has been adequately removed.
  - b. Removal of water meter. [Ord. 737 § 2, 1997; Ord. 692 § 2, 1995.]

#### **15.05.030 Excavation and grading – General provisions.**

The rules prescribed in this chapter shall apply to all lands within the City limits of the City of

Harrisburg.

1. Compliance. No excavation or grading operation shall hereafter be performed, or existing graded lot altered, without full compliance with the terms of this chapter and other applicable regulations.

2. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

However, where this chapter and other chapters conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3. Relationship to Permits Required by State or Federal Agencies. Excavation, grading, and fill activities may require State and/or Federal permits. Such permits are likely to be required if hydric soils are present on the site or if the site contains other wetland characteristics. The issuance of a permit by the City of Harrisburg under this chapter does not eliminate the need for compliance with other State, Federal, or local regulations.

4. Warning and Disclaimer of Liability. The issuance of a permit by the City of Harrisburg under this chapter constitutes a determination that the applicant has met the minimum requirements for the City's regulatory purposes. Issuance of a permit does not relieve the permit holder from any responsibilities or liabilities that grading, excavation or fill activities may create if third parties are damaged or injured by such actions. [Ord. 692 § 3, 1995.]

**15.05.040 Excavation, grading – Permit procedure.**

Application for an excavation and grading fill permit shall be made to the City Recorder on forms furnished by the City Recorder. [Ord. 692 § 4, 1995.]

**15.05.050 Definitions.**

“Development” means any manmade changes to improved or unimproved real estate, to include, but not be limited to, filling, excavation, drilling or dredging operations.

“Drainage course” means any natural or developed area that is or has been used for conveying of water, either year round or intermittently, through, across, below or around an elevation to a lower point.

“Drainageway” means a natural or manmade path which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Grading and/or Fill. For the purpose of this chapter, “grading” and “fill” can be, and are, used interchangeably. [Ord. 906 § 1, 2012; Ord. 737 § 3, 1997; Ord. 692 § 5, 1995.]

**15.05.060 Excavation, grading – Drainageways.**

The following standards shall also be adopted as part of the engineering standards:

1. Grading operations will not be permitted in City-recognized open drainageways, nor on land adjacent to a drainageway, without detailed engineering calculations submitted by the applicant to the City Engineer with which the City Engineer can determine that the operation will not adversely affect the existing and ultimate developments, nor the land adjacent to the drainageway.
2. Any grading operation which takes place in an open drainageway, or on the land adjacent to the drainageway, must be found by the City Engineer to (a) have some beneficial purpose and (b) be no more grading than is necessary to achieve that purpose. [Ord. 775 § 1, 2000; Ord. 692 § 6, 1995.]

**15.05.070 Excavation, grading, fill – Application procedures.**

1. Except as provided in subsection (2) of this section, developers or property owners shall obtain a fill permit from the City prior to placing on a lot:
  - a. More than 50 cubic yards of fill;
  - b. Fill that is more than one foot in depth on a buildable lot; or
  - c. Fill that will impact drainage on another lot.

The material must be placed and compacted in accordance with standard engineering practices.

2. Exceptions.

- a. Excavation associated with a building authorized by a valid building permit, such as footings or basements not having an unsupported height greater than five feet.
  - b. Fill and/or backfill material placed around a building foundation in accordance with normal construction practices.
  - c. Cemetery graves.
  - d. Refuse disposal sites controlled by other regulations.
  - e. Mining and quarrying activities controlled by other regulations.
  - f. Soil and geologic exploratory excavation.
  - g. Excavations less than two feet in depth, or which do not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical.
3. If a fill permit is needed, the application shall contain a plan in sufficient detail to indicate the nature and extent of the work and must include:
    - a. Location of the work.

- b. Name of the owner and name of the person who prepared the plan.
- c. Dimensions and depth of cut and fill.
- d. Location of any building or structure on the lot where the work is to be performed.
- e. Location of any other building or structure within 15 feet of the proposed project.
- f. Location and type of any known geologic hazards such as landslide areas, springs, etc.
- g. A drainage plan or narrative statement that indicates the effect the fill will have on drainage and how drainage problems, if any, will be resolved.

4. Unless a fill permit involves more than 100 cubic yards of fill, City staff shall approve, approve with modifications, or deny the application. Conditions of approval may be imposed if deemed necessary to resolve drainage concerns or to protect surrounding properties. Approval of the application by staff shall be subject to the appeal rights of neighbors. Following approval, a notice of appeal shall be sent to property owners within 100 feet of the involved property. The notice of appeal shall state:

- a. That the City has received a fill permit application;
- b. The location of the property;
- c. A description of the project;
- d. That the City has given preliminary approval to the application;
- e. That the property owner has the right to request a hearing on the application before the Planning Commission;
- f. That the fill permit will be approved without further action unless a request for a hearing is received within 10 days of the date of the notice;
- g. That a request for a hearing should be submitted to the City Recorder;
- h. The location address and post office address to deliver or mail the request to; and
- i. A phone number the property owner can call for additional information.

5. If the fill permit involves 100 cubic yards or more of fill, the application shall be reviewed by the Planning Commission:

- a. Staff will mail a public notice to property owners within 100 feet of the involved property.
- b. The Planning Commission shall approve, approve with modifications, or deny the

application after a public meeting.

c. Conditions of approval may be imposed if deemed necessary to resolve drainage concerns or to protect surrounding properties.

6. If the fill permit involves more than 5,000 cubic yards of fill, and is not part of a subdivision plan that has received approval from the City Engineer, then the Planning Commission shall not approve the fill permit application until after the application has been reviewed by the City Engineer. Fill permit applications that require City Engineer review must contain the information requested in subsection (3) of this section, as well as the following:

a. Two sets of plans and specifications, signed by a professional engineer, and supporting data consisting of a soils engineering report and engineering geology report as required by the Building Official.

b. Quantity of cut/fill involved.

c. Property limits and accurate contours of existing ground and details of terrain and area drainage.

d. Limiting dimension elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

e. Detailed plans of all surface and subsurface drainage devices, wall cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

f. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications.

g. Dates of the soils engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

(1) The soils engineering report shall include:

(a) Data regarding the nature, distribution and strength of existing soils.

(b) Conclusions and recommendations for grading procedures.

(c) Design criteria for corrective measures, including buttress fills, when necessary.

(d) Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including stability of slopes.

(2) The engineering geology report, if required, shall include:

- (a) Adequate description of the geology of the site.
- (b) Conclusions and recommendations regarding the effect of geologic conditions of the proposed development.
- (c) Opinion on the adequacy for the intended use of site to be developed by the proposed grading, as affected by geologic factors.
- (d) Identification of drainageway or base flood elevation.
- (e) Identification of any other hazard areas such as landslide area, etc.

7. The actions of the Planning Commission may be appealed in accordance with City appeal procedures for a land use action. [Ord. 775 § 1, 2000; Ord. 737 § 4, 1997; Ord. 692 § 6(A), 1995.]

#### **15.05.080 Floodway.**

1. Definition. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than one foot. These areas are identified on the floodway maps issued by FEMA and in accordance with Chapter 15.20 HMC.

2. Administration of Designated Floodway Areas. No development is allowed in any floodway except where the Harrisburg Planning Commission finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. Such findings shall be based upon applicant-supplied evidence certified by a registered professional engineer and upon documentation that one of the following three criteria has been met:

- a. The development does not involve the construction of permanent or habitable structures; or
- b. The development is a public or private park or recreational use of municipal utility use; or
- c. The development is a water-dependent structure such as a dock, pier, bridge or floating marina. [Ord. 737 § 5, 1997; Ord. 692 § 7(A), 1995.]

#### **15.05.090 Storm water drainage required.**

1. Scope. All rain, storm and other surface runoff water from roofs, exposed stairways, light wells, courts, courtyards and exterior paved areas which is drained by storm water drainage piping shall be conveyed by such piping to a storm sewer, storm sewage system, dry well, open drain terminal, drainage ditch, street gutter, or natural surface drainage course in a manner which will not cause flooding to adjacent property, streets, alleys or walkways and shall be separated from the sanitary building sewer.

2. Disposal. All points of disposal shall meet with the provisions of this chapter and those of the Linn County Building Department. Such drainage shall not be discharged to any subsurface sewage disposal system, foundation or footing drain or to any location which could contribute to a nuisance or to conditions detrimental to the well-being of persons or property. The disposal of all such drainage shall be in compliance with local ordinances, State rules and regulations. [Ord. 692 § 8, 1995.]

#### **15.05.100 Local interpretation.**

In addition to the provisions of Section 106 of the Structural Specialty Code and similar provisions of other specialty codes, the Building Official may approve a material or a method of construction not specifically prescribed by this chapter, provided he finds that the proposed design is satisfactory and that the material, method or work offered is for the purpose intended at least the equivalent of that specifically prescribed by this chapter in quality, effectiveness, fire resistance, durability, safety, and energy conservation, and that the administrator of the building codes agency has not issued a report disapproving the material or method for the purpose. The building official may refer the proposed design to the county board of appeals as provided in Section 204(a) of the Structural Specialty Code and a person affected by a ruling of the building official may appeal such ruling to the Board of Appeals within 30 days of the date of the ruling. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the administrator of the building codes agency prior to submitting an application to the City for a permit or after withdrawing a previously submitted application. [Ord. 692 § 9, 1995.]

#### **15.05.110 Unsafe buildings.**

A building found by the Council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified by Chapter 8.05 HMC. [Ord. 692 § 10, 1995.]

#### **15.05.120 Underground utility and cable TV service.**

Any application for a building permit for a structure or facility which requires new electrical, telephone or cable TV service shall provide that the electrical, telephone or cable TV service will be underground from the property line to the structure or facility to be served. Where there is an existing utility easement with overhead lines, the service shall be underground from the edge of the easement to the structure or facility to be served. When cable TV service is added to buildings or structures currently being served by overhead electrical and telephone lines, cable TV service shall be underground. [Ord. 692 § 11, 1995.]

#### **15.05.130 Public facilities requirements.**

1. All taps or additional connections required for an existing sanitary sewer main shall be made only by the City of Harrisburg personnel or retained representative.
2. The City public works department shall be notified of intended installation of water service to individual building lots. City public works personnel shall install water meters and property owner shutoff valves, in the meter box, for residential dwellings.

3. Property owners shall be subject to disconnection of service and a \$1,000 fine for any sewer or water connection made to City of Harrisburg sewer or water utilities without prior City approval and City inspection at the time of connection.
4. Property owners/developers shall notify the City of the placement intent and inspection of forming and installation of all sidewalks and driveways.
5. All mailboxes shall be placed in accordance with the typical mailbox placement for curbside sidewalks as located in accordance with the local postmaster, in conjunction with the placement of all sidewalks.
6. All sidewalks shall be at least five feet in width and an ADA-approved type ramp shall be installed at all intersections with a textured ramp surfacing with a greater width, six-foot minimum. This ADA ramp shall also be installed in those situations where the sidewalk ends and a transition to the adjacent surface is warranted. [Ord. 746 § 1, 1998; Ord. 692 § 12, 1995.]

**15.05.140 Special permit fees.**

Fees for the permits listed in this chapter will be established by resolution. [Ord. 692 § 13, 1995.]

**15.05.150 Violations and penalties.**

1. It shall be unlawful and a civil infraction for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation such persons shall be punished by a fine of not more than \$1,000.
2. Nothing in this chapter shall prevent the City from being able to jointly or separately pursue a criminal violation against a person for a violation of this chapter. [Ord. 906 § 1, 2012; Ord. 692 § 14, 1995.]

**15.05.160 Liability – Exemptions.**

1. **Warning and Disclaimer of Liability.** The provisions of this chapter shall be deemed to be minimum performance requirements and do not preclude the permit holder from exercising more stringent measures in terms of sound engineering practices. These provisions shall not be interpreted as acting as a basis for waiver or appeal of other existing statutory requirements of a similar nature. This chapter provides for a reasonable degree of protection for regulatory purposes, and is based on engineering and other related scientific methods, and shall not create liability on the part of the City of Harrisburg or any employee thereof for any damages resulting from complete reliance on this chapter or administrative decisions related thereto.

2. Exemptions from Chapter Provisions. The following activities or uses are exempt from the provisions of this chapter:

a. Quarrying, excavating, processing and stockpiling of rock, sand, gravel, aggregate or clay as a commercial operation, where the overburden and products derived from the on-site operation is relocated and deposited as a fill or as a stockpile product within the confines of the primary operation.

b. Normal, routine farming activities necessary to manage land, crops and/or animals for food production, including tile drainage, field drainage ditches, and other necessary conservation practices without damaging off-site property, where property is not located in a designated floodplain. [Ord. 737 §§ 6, 7, 1997; Ord. 692 § 16, 1995.]

Harrisburg Building Permit  
Yearly Comparison

1.

Harrisburg Building Permit Program								
	FY 2015-2016	FY 2016-2017	FY 2017-2018	FY 2018-2019	FY 2019-2020	Current Year from July 1, 2020		
Revenue	\$ 37,662.69	\$ 48,669.91	\$ 43,258.34	\$ 123,971.58	\$ 116,975.71	\$ 10,963.33		
Expenditure	\$ 30,096.80	\$ 40,330.95	\$ 35,202.63	\$ 110,412.64	\$ 99,323.90	\$ 2,272.89	\$ 52,939.97	
Profit	\$ 7,565.89	\$ 8,338.96	\$ 8,055.71	\$ 13,558.94	\$ 17,651.81	\$ 8,690.44	\$ 10,643.63	AVG
Types and Numbers of Issued Permits from the Harrisburg Program								
Over-the Counter Permits (Mechanical, Plumbing, and Manufactured Home Placement Permits):	35	31	48	46	52	23		
Commercial/Industrial Permits (including mechanical & plumbing permits):	12	16	24	36	30	4		
Residential Permits (Includes SFD's, Additions/Renovations & Accessory Structures	14	18	22	22	15	5		
<b>Total Permits Processed</b>	<b>61</b>	<b>65</b>	<b>94</b>	<b>104</b>	<b>97</b>	<b>32</b>		
Linn County Electrical Permits as reported by Linn County								

**RESOLUTION NO. 1245**

**A RESOLUTION APPROVING SUBMISSION OF OREGON STATE BUILDING CODES DIVISION, "PROGRAM ADMINISTRATION REQUEST" AND ASSURING CITY COMPLIANCE WITH ALL REQUIREMENTS AND STANDARDS OF OAR CHAPTER 918 AND ORS CHAPTERS 455 AND 479.**

WHEREAS, the City is applying to the Oregon State Building Codes Division with a 'Program Administration Request' to assume the administration and enforcement of Building and Electrical Inspection Programs as per **Exhibit A**; and,

WHEREAS, the City is considering entering into an Intergovernmental Agreement with the City of Junction City to use their licensed building official and inspectors to perform all of the building, electrical, and other code functions as described in Exhibits A; and,

WHEREAS, the City understands it may be required to consider adoption of additional ordinances to activate and enforce the building codes program and is fully prepared to consider such additional ordinances as may be required; and,

WHEREAS, the City already has in place HMC 15.05.010 which adopted all relevant building, electrical, plumbing, mechanical, and related codes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Harrisburg hereby:

1. Authorizes the City Administrator of Harrisburg, John Hitt, and/or Assistant City Administrator, Michele Eldridge to sign and submit the 'Program Administration Request' and all necessary documents, or additional information that may be required by the Oregon State Building Codes, for the City to assume the operation, administration and enforcement of the building and electrical code programs on July 1, 2021 as may be approved by the State Building Codes Division.
2. Appoints the Building Official of the City of Junction City as the Harrisburg Building Official, with all building and electrical code inspection and enforcement powers, effective July 1, 2021.
3. Agrees to the Administration and Enforcement of all building and electrical code programs applied for in Exhibit A, effective July 1, 2021 and as approved by the Oregon State Building Codes Division.
4. The City understands and agrees to follow all relevant ORS and OARs related to the assumption of the administration and enforcement of the relevant building and electrical programs, including, among others, ORS Chapters 455 & 479 and OAR Chapter 918

Adopted by the City Council of the City of Harrisburg, Oregon, and effective September 29, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder



# Program Administration Request

New

Renewal

**Department of Consumer & Business Services**  
**Building Codes Division**  
 1535 Edgewater St. NW, Salem, OR  
 Mailing address: P.O. Box 14470, Salem, OR 97309-0404  
 Phone: (503) 373-4133 • Fax: (503) 378-2322  
 Web: bcd.oregon.gov

**Municipality:** City of Harrisburg **Building official:** Russell Young  
**Address:** PO Box 378  
**City:** Harrisburg **State:** OR **ZIP:** 97446  
**Office location:** 120 Smith Street, Harrisburg, OR  
**Phone:** (541) 995-2200 **Fax:** (541) 995-9244 **E-mail:** jhitt@ci.harrisburg.or.us

**Mark program choice by indicating level:**

- X – Performed by municipality
- C – Performed by county
- S – Performed by state

Plans				Structural				Mechanical				Electrical			Plumbing				Manufactured Structures (MSI)	Park Camp (PCI)	Master Builder Program (optional)
A	B	C	F	A	B	C	M	A	B	C	M	A	B	M	A	C	S	M			
X				X				X				X			X				X		

**Note:** Assumption of a structural A-level program includes the requirements for disabled access [ORS 447.233(5)]. MSI includes manufactured dwelling installations; alterations, accessory structures, buildings, and cabana installations; plan review; and inspections. Park/camp includes mobile home and manufactured dwelling parks, recreation parks, organizational camps, and picnic parks plan review and inspection.

**Attach the following:**

- Completed copy of municipality’s operating plan (OAR 918-020-0090)
- Electrical program requests (See requirements in OAR Chapter 918, Div. 308.)
- Changes of service areas (Include map or description.)
- Current fee schedules for all programs
- Name of a contact person for surcharge report of assumed programs

**Name:** Michele Eldridge **Phone:** 541-995-6655  
**Address:** PO Box 378  
**City:** Harrisburg **State:** OR **ZIP:** 97446

**List inspectors and others, as requested, on the back of this sheet. Attach additional pages as necessary.**

**Official delegation or assumption of the program(s) above is requested for the period beginning July 1, 20 \_\_\_\_\_ .**

**Authorized signature:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Request will not be accepted without signature.**

