



October 1, 2008

**Electrical program assumption
clarification**

Purpose of the rule:

These rules clarify the process and procedures under which a local government may assume from the state the responsibility to administer and enforce an electrical program.

These rules are effective October 1, 2008.

Citation:

Amend: OAR 918-308

Repeal: Temporary rule OAR 918-308-0010, 918-308-0020, and 918-308-0040

Effect of the rule:

These rules make the assumption process consistent between general program assumption and electrical program assumptions by local government. These changes eliminate duplicative information and makes the process simpler because the division already has knowledge of how the program operates.

Contact:

If you have questions or need further information, please contact Policy Analyst Aeron Teverbaugh at 503-373-1354, or Aeron.Teverbaugh@state.or.us .



918-308-0010

Standards for Delegation

Administration and enforcement of the electrical program shall only be delegated under ORS 479.855 to municipalities meeting the following minimum performance standards:

(1) The municipality shall be ready, willing and able to fully operate the electrical program on the effective date of delegation, July 1, except when a municipality is assuming the program from the division.

(2) The municipality shall create and maintain minimum services at least reasonably the same level as the electrical administrative, enforcement, and inspection services presently provided to the area. Minimum administrative, enforcement, and inspection services include the "Ongoing Requirements" in the Electrical Delegation Rules.

(3) Operation of the program shall be financially feasible without unduly increasing short or long-term costs of electrical inspection services to the public, both in the areas delegated and, if applicable, the remaining program in the surrounding area.

(4) The municipality shall demonstrate its ability to carry out the proposed electrical program.

(5) The requirements in the Electrical Delegation Rules are in addition to rules adopted by the department in OAR 918-020-0070 through 918-020-0220 for municipalities that apply to undertake inspection programs.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0100; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0020

Check List for Application for Delegation of Electrical Program

Except when a municipality requests responsibility for an electrical program administered by the division, a municipality seeking delegation or renewal of delegation of the electrical program shall:

(1) Comply with ORS 455.148 or 455.150; and

(2) File an application for delegation of the electrical program under the Electrical Delegation Rules, if the municipality is applying for delegation for the first time. The application shall:

(a) Be filed by the governing body of the municipality by October 1 prior to the year for which delegation is sought;

(b) Be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the municipality and all persons under it will comply with and be bound by the Electrical Delegation Rules;

(c) Include a proposed ordinance for administration and enforcement of the electrical program;

(d) Include an operating plan showing it meets the minimum standards for delegation in the Electrical Delegation Rules; and

(e) Note any differences in services or inspections from present services and inspections to be provided upon delegation.

(3) If the municipality is requesting its first renewal, it shall file relevant amendments or updates to its initial application and note this is its first renewal application.

(4) A municipality requesting delegation of the electrical program administered by the division must meet the requirements of ORS 455.148 (7) and 11(c). Notwithstanding the timelines in ORS 455.148 (11)(c), a municipality assuming the program from the division must submit an assumption plan prior to administering the program.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0130; BCD 28-

2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03;

BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 23-

2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0030

Check List for Proposed Ordinance

The proposed ordinance establishing the municipal electrical program shall, among other things, adopt:

(1) The **Oregon Electrical Specialty and Oregon Residential Specialty Codes** by reference;

(2) Identical or compatible administrative provisions for the electrical program, including requirements for permits and authority to issue stop work and correction orders;

(3) Enforcement authority dealing with persons who start work without permits, fail to call for inspections, fail to make corrections, or otherwise violate the electrical requirements;

(4) Plan review requirements, if any;

(5) Minor label and bulk label procedures, as applicable;

(6) Temporary permit procedures; and

(7) Electrical fees.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 &
455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0140; BCD 23-2008, f. 9-
30-08, cert. ef. 10-1-08

918-308-0040

Check List for Operating Plan and Documentation

An "operating plan" is the municipality's strategy for carrying out the goals and objectives of its electrical inspection program. "Strategy" means what, how, and when it will be done. The operating plan for a municipality assuming the electrical program from another municipality shall include:

(1) Strategies and written agreements, where relevant, for handling the transition from the losing municipality to applicant, including arrangements made for:

(a) Open permits and inspections ongoing as of July 1;

(b) Enforcement actions pending on July 1;

(c) Being fully operational on July 1, including staffing and training of permit and other personnel;

(d) Informing contractors and others of the changeover of inspecting jurisdictions, jurisdictional boundaries and requirements covering permits and procedures, inspection procedures, temporary permit procedures, plan review requirements, and fees; and

(e) Employees presently providing the electrical inspection services in the area covered by the application and how applicant will deal with ORS 236.605:

(A) If the matter was resolved by the applicant and losing jurisdiction, or with the jurisdiction and the inspector, provide a copy of the agreement and a statement by applicant's municipal counsel that all employee rights under ORS 236.605 were preserved;

(B) Any assertion that ORS 236.605 is not applicable to the transaction must be from applicant's municipal counsel.

(2) Strategies for electrical operations including:

(a) Inspectors and inspections:

(A) When will certified electrical inspectors be hired, how will applicant be operational by July 1, and how will inspectors be used to carry out the program;

(B) Where more than one inspection office is involved, how will inspectors be deployed;

(C) If the electrical program is offered jointly with another municipality or parts of another municipality, the agreement between municipalities, which ordinances will apply in the different areas, what offices and staff assignments will be made and what boundaries are involved; and

(D) If electrical services will be provided by a contractor, the operating plan to be followed including inspection, coverage of prolonged absences and administration and an agreement by the contractor to be bound by the Electrical Delegation Rules.

(b) Code interpretations. How will code interpretations be provided and when will electrical inspectors be available to provide them. This should cover each office;

(c) Conflict resolution. How will conflicts in electrical code interpretations between inspectors, or inspectors and the public, be resolved at the local level, what rights of appeal will the public be advised of, and how will conflicts of interest involving staff be resolved;

(d) Plan review. Will plan review be required and if so, which installations require plan review;

(e) Turn-around time. What will be the response time to inspection requests, what correction notices will be used, when will reinspection be required, and how and where will permit and inspection records be kept. If a contractor is used, will contractor records be made available at the municipality's offices in the event of a review of electrical operations. Attach related forms to be used;

(f) Enforcement. How and when will license checks and permit and code compliance be monitored, who will be involved and how will corrections be enforced. If the electrical inspector is not full time with the municipality, who will do license checks and other enforcement during the inspector's absence;

(g) Use of labels. What labels will be used and what internal procedures will be followed for minor installation labels and bulk labels if the municipality uses bulk labels;

(h) Temporary permits. What temporary permit procedures are adopted by the municipality to deal with OAR 918, division 309 or for days during a regular workweek when the municipality is not open for permit sales;

(i) Forms and records. What electrical permit application, appeal, and other forms will be used and where will formal permit and inspection records be kept. Attach forms;

(j) Accounting. How will electrical revenues, direct and indirect including interest earned, be segregated from other revenues and accounted for; how will payments from and charges to that account be accounted for; and if there are electrical surpluses, will these be carried over for the electrical program between fiscal years. How will overhead, including all administrative costs, be allocated;

(k) Projections. What is applicant's projection for electrical income and expenses for the fiscal period for which the application is filed and what assumptions, such as growth or increased inspections, are relied on. What are the projections for following periods if losses are projected for the first period. If losses are projected, how these will be funded. If a

contractor is used, show projections for the municipality and the contractor.

(l) Contingency plan. A plan for “back-up” inspection services.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0150; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0060

Review and Approval Process

(1) The division shall, after review of the application, submit the application to the board for comments and recommendations, and grant or deny the application, or seek clarification or corrections. If additional information or technical corrections are necessary, comments may be provided and the municipality may be allowed to submit changes.

(2) If a complete and acceptable plan is not on file by January 1, the request for delegation shall be denied for that year. An extension may be granted if agreed to by the municipality, division, and county involved, if the municipality is a city.

(3) If a municipality whose authority was previously revoked reapplies for delegation of the electrical program, it shall, in addition to its application, show how past deficiencies were corrected and how they will be prevented in the future.

(4) A new delegation of authority shall be provisional for a year. A municipality receiving a provisional delegation shall amend its application, if necessary, to reflect desired changes. If no amendments are filed by January 1, the prior application shall be used. The division shall make site visitations as necessary to inform itself of how the electrical program is being administered and how the operating plan is being followed and file its report with the application. Once the application is renewed no new applications are necessary unless the delegation is revoked or yielded by the municipality.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0170; BCD 28-

2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03;

BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 23-

2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0090

Employment of Electrical Specialty Code Electrical Inspector

(1) Each municipality shall employ at least one electrical inspector certified to inspect under the **Oregon Electrical Specialty Code**. This requirement may be satisfied by contracting with another municipality having a qualified inspector. Regardless of how the staffing is provided, the minimum operating requirements in these rules shall also be met.

(2) The municipality shall provide the division with names and qualifications of its certified inspectors for general electrical and for one- and two-family dwelling inspections.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0250; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0130

Electrical Permits

Notwithstanding OAR 918-309-0010, which requires uniform permit forms and procedures, a municipality may include legal descriptions of the property where the electrical installation will be made or other information on the electrical permit application as long as the permit applicant is not required to provide the information.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0290; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0150

Plan for Inspection Operations

The municipality shall:

(1) Offer and provide inspection services within its service area excluding weekends and holidays, to meet the electrical 48-hour inspection notice requirements in the inspection section of the electrical rules.

(2) Establish a written policy showing estimated response time for inspection requests, how and when correction notices will be used, when reinspection will be required, and how and where permit and inspection records will be kept.

(3) Provide inspections normally between 7 a.m. and 6 p.m. unless otherwise agreed to by the inspecting authority and the permit holder.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0320; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0170

Accounting Plan

The municipality shall have an accounting system which segregates electrical revenues, shows the source of electrical income including interest earned on held funds, shows charges, and where electrical revenues were spent. If overhead charges to the inspecting organization are based on allocations, the allocations must be supportable under general accounting principles.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0340; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0180

Formation of Municipal Program

(1) Municipalities combining electrical programs shall, to the extent practicable, centralize administration and use similar procedures, regulations, permit application, and permit fees within the area served.

(2) Nothing in this rule prevents a municipality from being served by more than one combination of municipalities.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0350; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0210

Automatic Renewal

(1) A municipality finishing its first term of operations under its delegation must reapply for delegation the second term as provided in the Electrical Delegation Rules.

(2) Subject to OAR 918-020-0070 through 918-020-0220, once a municipality receives a renewal of delegation when it provides subsequent timely notice prior to January 1, as required by ORS 455.148 and 455.150, the electrical delegation is continued without further action by the division, unless during the interim the division revokes the delegation.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93;

BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-300-0420; BCD 28-

2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03;

BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0300

Review of Municipality Program

(1) The division shall conduct a comprehensive review of each municipality delegated

administration of the electrical program at least every five years.

(2) A comprehensive review shall be conducted by a minimum team of:

(a) One local building official;

(b) One electrical contractor or contractor's representative;

(c) Division chief electrical inspector or **Oregon Electrical Specialty Code** inspector if the chief inspector is unable to serve; and

(d) One division representative;

(e) Optionally, a general contractor registered with the Construction Contractors Board, if nominated by the municipality involved;

(f) Optionally, additional persons, depending on the size and complexity of the municipality involved, as determined and selected by the division.

(3) A single-purpose review shall be conducted by the division chief electrical inspector or designee and others selected by the division if the operations of the municipality are at variance with its approved operating plan.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0010; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0330

Review of Records

(1) The municipality shall maintain and make records available for division review. For the purpose of this rule except where the context requires otherwise, a "previous year" is the last full fiscal year for the municipality. The required records are:

(a) Electrical permits issued during the previous two years;

(b) Minor installation labels issued during the previous year;

(c) Inspections performed by electrical inspectors during the previous fiscal year;

(d) Written code interpretations made during the previous two years;

(e) Written or recorded complaints about the program lodged with the municipality and disposition of the matters for the previous fiscal year; and

(f) Records of revenues from electrical permits, inspections, and penalties, and expenses incurred in the administration and enforcement of the electrical program for the previous fiscal year.

(2) The municipality shall report the number of electrical, structural, mechanical, plumbing, and manufactured structures set-up permits issued, the number of minor labels issued, and the number of electrical inspections performed by the municipality during the previous fiscal year.

(3) The program review team:

(a) Will review the operating plan for program delegation submitted to the division under these rules to determine if the municipality is following the plan;

(b) May require additional financial information if municipal records do not satisfactorily show application of permit and inspection funds, including interest, to the electrical program or shows charges not related to the electrical program.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-303-0040; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08