

**DIVISION 308
MUNICIPAL ADMINISTRATION**

Delegation and Oversight

918-308-0000**Electrical Delegation Rules**

The rules in OAR 918-308-0000 to 918-308-0430 shall be referred to as the Electrical Delegation Rules.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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

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

918-308-0050

Effect on Losing Municipality

(1) The division shall request the municipality losing inspection territory to provide:

(a) Projected revenue loss if the area involved is delegated, strategies for operations and advice if fee increases will be necessary to sustain its electrical program;

(b) Estimates of impact on staffing and continuity of services on remaining territory;

(c) Comments concerning assertions made by the applicant regarding enforcement and services presently provided; and

(d) Estimated monthly number of calls for electrical inspections and days per week required to serve the area.

(2) Responses from the losing municipality shall also be provided to applicant.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0160

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

Follow-Through Requirements

918-308-0070

Filing of Municipal Ordinance and Review of Operations

Within 60 days of delegation of the electrical program, the municipality shall file its electrical program ordinance, including adoption of local fees, with the division.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0200

918-308-0080

Updating by Existing Municipalities

(1) If a municipality is unable to implement the program following delegation, the municipality shall notify the division explaining why and outlining how enforcement will be accomplished.

(2) Municipalities with ongoing electrical programs shall update their ordinances and operating plans, to reflect current operations according to the Electrical Delegation Rules.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0210

Ongoing and Minimum Requirements

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

918-308-0100

Public Contact Procedure

Each office having electrical inspectors shall publicize and post regular office hours providing at least one hour per day when electrical inspectors are available to take calls and provide interpretations.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855
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 918-300-0260

918-308-0110

Code Interpretation Dispute Resolution

Municipalities shall provide:

(1) A reasonable method to resolve conflicts in code interpretation within the municipality; and

(2) Information concerning appeal rights to the division under ORS 479.853.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855
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 918-300-0270; Suspended by BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05

Permits and Permit Issuance

918-308-0120

Permit Sales Office

A municipality shall establish at least one office within each noncontiguous service area where electrical permits can be obtained directly or have self-issuing or temporary permit procedures for all regular work days, which excludes weekends and holidays.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0280

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

918-308-0140

Internal Operations

The municipality shall have written handouts or instructions on:

(1) Whether electrical plan review is required and when plan review is required; and

(2) How the municipality will deal with the temporary permit requirements.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855
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 918-300-0300

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

918-308-0160**Plan for Compliance**

The municipality shall have a plan on how electrical permit and code violations will be handled. It shall have an ordinance allowing enforcement actions for violations.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0330

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

Maintenance and Amendment of Plans**918-308-0190****Review and Update of Plans and Ordinances**

Each municipality shall annually review and update its electrical ordinance and operating plan to meet the requirements of the Electrical Delegation Rules.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0400

918-308-0200**Amendment of Plans by All Municipalities with Electrical Programs**

All municipalities providing electrical inspections shall submit:

(1) Ordinance amendments and intended effective dates and change of electrical fees, regardless of whether fees are adopted by ordinance, at least 45 days prior to the adoptive date.

(2) Amendments and intended effective dates regarding the operating plan at least 30 days prior to implementation.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-300-0410; 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

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

Program Review**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

918-308-0310

Notice of Review

(1) The division shall notify a municipality 60 days in advance of a comprehensive review.

(2) The division shall notify a municipality at least 48 hours in advance of a single purpose review.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855
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 918-303-0020

918-308-0320

Initial Interview

(1) The division shall conduct an initial interview with the building official or designated representative as the first step in the comprehensive review process.

(2) The initial interview shall give the building official or representative an understanding of the manner in which the review will be performed.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855
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 918-303-0030

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

918-308-0340

Inspection Review

The division shall reinspect jobs previously inspected by municipality inspectors and accompany municipality inspectors on inspections.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855
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 918-303-0050

918-308-0350**Inspector Performance Ratings**

(1) During a comprehensive review, the division shall review selected electrical inspections.

(2) The reviewer shall assess points for any electrical violation not noted by the inspector on the following basis:

(a) Ten points for each mandatory item in OAR 918, division 271;

(b) One-tenth point for each secondary item in OAR 918, division 271.

(3) An individual performance rating for selected municipality inspectors shall be determined by dividing the total points assessed for all inspection items missed by the number of inspections reviewed.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-303-0060

918-308-0360**Program Inspection Rating**

An inspection rating for the municipality program shall be determined by dividing the combined points assigned for all inspections reviewed pursuant to these rules by the total number of inspections reviewed.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-303-0070

918-308-0370**Exit Interview**

(1) Immediately following completion of a comprehensive review, the division shall conduct an exit interview with the building official or designated representative.

(2) The exit interviewer shall provide:

(a) The general result of the review;

(b) Formal notification of any items requiring immediate attention; and

(c) Specific information to the extent such is available.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-303-0080

918-308-0380**Program Report**

The division shall provide the municipality a written report of its findings within 60 days of completion of a comprehensive review or within 15 days of completion of a single-purpose review.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-303-0090

Deficiency Citation**918-308-0400****Deficiency Citation**

(1) Notice of deficiencies shall only be issued following a comprehensive or single-purpose review of the municipal electrical program.

(2) A notice of deficiency shall be served on the building official by certified mail when:

(a) The municipality has an inspection rating of over 6.0;

(b) Any inspector has an inspection rating over 8.0;

(c) The municipality fails to provide minimum services as outlined in its plan; or

(d) The municipality fails to comply with the Electrical Delegation Rules.

(3) Within 30 days from the date of receipt of the deficiency notice, the municipality shall file with the division a written proposal for correcting the deficiencies noted in the audit report. The proposal shall include:

(a) Specific methods by which the municipality intends to correct the deficiencies; and

(b) A proposed timeline for completing the corrections.

(4) The division shall review the proposed correction plan and notify the municipality in writing of any items in the plan found to be unsatisfactory. The division shall set a date for submission of the final correction plan.

(5) Subject to OAR 918-308-0410 providing for a contested case hearing, if no objection is made, it will be presumed that the municipality agrees to the terms of the deficiency notice or correction requirements.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-304-0010

918-308-0410**Appeal of Deficiency Citations**

A municipality aggrieved by a notice of deficiency or the denial of proposed correction procedures may ask for a contested case hearing under ORS Chapter 183 and the Attorney General's Model Rules of Procedure.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-304-0020

918-308-0420

Notice of Program Revocation

(1) A municipality shall be considered to be failing to comply with standards adopted by the board or as not effectively carrying out duties assumed by the municipality under ORS 479.855 if it:

(a) Receives an inspection rating that exceeds 6.0 and fails to submit an acceptable correction plan; or

(b) Fails to submit a corrective plan after receiving a notice of deficiency.

(2) The provisions of section (1) of this rule are not intended to limit the conditions when the division can seek revocation under ORS 479.855.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-304-0030

918-308-0430

Appeal of Program Revocation

A municipality served with a notice of proposed program revocation under ORS 479.855 may ask for a contested case hearing under ORS Chapter 183 and the Attorney General's Model Rules of Procedure.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

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 918-304-0040