



Marion County Public Works
Building Inspection Division
5155 Silverton Rd NE
Salem, Oregon 97305
Phone: (503) 588-5147
Fax: (503) 588-7948
Email: Building@co.marion.or.us

**Building Inspection Policy
& Procedure
No. 111**

P&P 111

Adopted: February 7, 2011
Last Reviewed: April 12, 2018

HISTORICAL PERMIT RECORDS AND ENFORCEMENT ACTIVITIES

Background:

On a fairly regular basis the division is approached by owners, lenders, and/or realtors who are attempting to determine whether a property has any violations related to work done without permits and/or inspections, or whether a structure is being used without a certificate of occupancy.

Discussion

Throughout the years the rules pertaining to the retention of various types of documents have changed periodically. In addition, over time the ability to accurately retain and index documents has changed dramatically. Today with computerized permit issuance, inspection entries, and digitized imaging, it has become much easier to accurately store and index records. These improvements have increased our ability to reliably retrieve newer documents.

We know from current and former staff that some older records no longer exist. Some records were discarded because at the time archiving rules did not require us to retain them. We also know that in some instances third-party imaging vendors have failed to image all documents in a given file.

For certificates of occupancy, we have determined that for most of our history we only issued a certificate of occupancy when it was requested by a permit applicant or a building owner. It wasn't until recently that we began issuing them for all new structures and changes of use.

Given the above variations in record keeping over the years, it has become necessary to develop a policy that provides some guidance related to the reliability of our historic records.

Policy:

1. For work done prior to 1996, we are not able to accurately and reliably determine:
 - a. That work was done without a permit
 - b. If a permit was issued, whether all inspections were approved
 - c. Whether a certificate of occupancy was issued.

Therefore, given the questionable completeness of records related to permits issued prior to 1996; Marion County Building Inspection Division will not begin an enforcement action solely on the basis of our historical building permit records to gain what might be considered compliance for a violation relating to permitting, a lack of inspections, or a lack of a certificate of occupancy for work done prior to 1996. This does not imply that enforcement actions will not occur when additional credible evidence of a violation may exist.

2. For Commercial Structures constructed prior to 2005 and allegedly being used without a valid Certificate of Occupancy, Marion County Building Inspection Division will not seek any enforcement action where final inspections were approved even if no evidence of a Certificate of Occupancy can be found.
3. For dwellings constructed under permits applied for prior to April 1, 2008 a Certificate of Occupancy was not required.