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Building Inspection Policy
& Procedure
No. 120

P&P 120

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Residential Inspection Policy

Issue:

Marion County Building Inspection has a policy regarding the inspection of occupied residential structures. This document provides a format that is readily available to the public.

Background:

This office responds to thousands of inspection requests each month, and occasionally we are requested to conduct inspections in residences when the owners/tenants are not present or when no adults are present. In order to assure consistency and to avoid potentially undesirable situations, this policy is provided for the inspection staff.

During the inspection process associated with new residential structures, there is an assumption that no one will be living in the structure until the final inspection approaches. As the time for the final inspection approaches, the potential for the structure to be occupied, increases. In the case of residential additions and remodels, there is an assumption that the residence is occupied throughout the construction process.

Section 104.6 of the Oregon Residential Specialty Code (ORSC) provides some general guidance as follows:

R104.6 Right of entry. *Where it is necessary to make an inspection to enforce the provisions of the code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable time to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or the other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.*

In the above cases when the inspector either assumes or has definite knowledge that the residential structure is occupied, more specific guidelines as described below will be utilized.

Policy:

When an inspector is requested to conduct an inspection and either assumes or has definite knowledge that the involved residential structure is occupied, the following guidelines will be followed:

1. Unless the inspection is on public property, the inspector will notify the owners/tenants of his/her presence. If the owners/tenants express any reluctance in allowing the inspection to take place, the inspector will immediately leave the property.
2. If the owners/tenants are not present, an authorized adult representative must be present for any interior inspections to be accomplished, including those in new additions and existing garages. For the purposes of this policy, the inspector may assume that the general contractor or a subcontractor is an authorized representative.
3. If no one is present, the inspector will not conduct any interior inspections unless specific prior arrangements have been made which are acceptable to the inspector.
4. If minors are present (under 18 years of age), the inspector will not enter the building or conduct any interior inspections unless the owner or an authorized adult representative (18 years of age or older) is also present.

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