

CHAPTER 1 ADMINISTRATION

PART 1 --- SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Oregon Commercial Reach Code ~~of Oregon~~, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the design, construction, *addition, alteration, change of occupancy, movement, enlargement*, replacement, *repair*, equipment, and site orientation, ⁵ of every *building* or *structure* or any appurtenances connected or attached to such *buildings* or *structures* and to the site on which the *building* is located. Occupancy classifications shall be determined in accordance with the Oregon Structural Specialty *Code*;

This code shall not apply to the following:

1. Where an owner or designer has not opted to build under this code.
2. Any Group R, Residential occupancies except as provided for in Section 102.4.12.
3. Equipment or systems that are used primarily for industrial or manufacturing processes.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted by the authority having jurisdiction.

101.3 Intent. This code shall be an optional set of construction standards and methods that are economically and technically feasible, to regulate the design and construction of buildings for the effective use of energy and the employment of renewable energy technologies. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy, and to reduce the negative potential impacts of the built environment. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes and ordinances.

SECTION 102 APPLICABILITY

102.1 General. This code is an overlay to the other Oregon Specialty Codes. This code is not intended to be used as a stand alone construction regulation document or to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

102.1.1 Code Conflicts. Where there is a conflict between a general requirement and a specific requirement of this code, the specific requirement shall be applicable. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most practical and effective requirement to meet the intent of the code shall govern.

102.1.2 Innovative Approaches. It is intended that the provisions of this code provide flexibility to allow and encourage the use of innovative approaches, techniques and technology to achieve compliance with the intent of the code.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes listed in Sections 102.4.2 through 102.4.11, the codes and standards referenced elsewhere in this code, and those referenced standards listed in Chapter 12, shall be considered as part of the requirements of this code to the prescribed extent of each such reference. It is the expressed intent of this code to require higher minimum standards relating to *building* performance than the corresponding minimum standards set by the referenced codes and standards, and in such cases, the higher minimum standards of this code shall take precedence.

102.4.1 Conflicting Provisions. Where the extent of the reference to referenced code or standard includes subject matter that is within the scope of this code or codes listed in Section 102.4 the provisions of this code or the code listed in section 102.4 as applicable, shall take precedence over the provisions in the referenced code or standard.

102.4.2 Building. The provisions of the *Oregon Structural Specialty Code* shall apply to the extent that such provisions establish minimum requirements to safeguard public health, safety and general welfare through structural strength, means of egress facilities, sanitation, adequate light and *ventilation*, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. The provisions of Chapter 1 of the *Oregon Structural Specialty Code* shall also apply.

102.4.3 Fuel Gas. The provisions of the *Oregon Mechanical Specialty Code* shall apply to the installation, *alteration*, *repair* and replacement of gas piping systems and components, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of gas appliances and related accessories.

102.4.4 Mechanical. The provisions of the *Oregon Mechanical Specialty Code* shall apply to the installation, *alterations*, *repairs* and replacement of mechanical systems, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

102.4.5 Plumbing. The provisions of the *Oregon Plumbing Specialty Code* shall apply to the installation, *alteration*, *repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, appurtenances, and medical gas systems.

102.4.6 Property maintenance. RESERVED

102.4.7 Energy. The provisions of the *Oregon Energy Efficiency Specialty Code* shall apply to matters governing the design and construction of *buildings* for the effective use of energy.

102.4.8 Performance. RESERVED

102.4.9 Existing buildings. The provisions of the *International Existing Building Code* as amended by Oregon in Statewide Alternate Method OSSC 08-05, shall apply to matters governing the design and construction of *additions, alterations* or renovations of existing *buildings* as well as to changes in occupancy to the extent that such provisions establish minimum requirements to safeguard public health, safety and general welfare through structural strength, *means of egress* facilities sanitation, adequate light and *ventilation*, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

102.4.10 Zoning. RESERVED

102.4.11 Residential occupancies. The provisions of ~~Chapter 13, the ICC 700 Oregon Residential Reach Code~~ are incorporated by reference and shall apply to the design and construction of *buildings* or portions thereof of ~~Group R, including the building site detached one and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress.~~ Such occupancies shall achieve the minimum environmental performance level as indicated in Table 302.1 in accordance with Section 303 of ICC 700 and as noted in Table 102.4.12. ~~The minimum energy efficiency requirements shall be based on the performance path requirements of Table 102.4.12. Buildings of mixed use, one of which is Group R, shall comply with Section 102.4.12.1.~~

Exception: ~~High rise buildings as defined by the Oregon Structural Specialty Code shall comply with the provisions of this code or ICC 700 Buildings permitted under the OSSC shall comply with the commercial provisions.,~~

**TABLE 102.4.11
Residential Performance Requirements**

Residential coverage issue	ICC 700 Requirement
Environmental Performance Level	Bronze, Silver, Gold or Emerald in accordance with Table 303 ^a
Minimum energy efficiency requirements — Performance Path	Mandatory requirements of Section 701. Performance path requirements in accordance with Section 701.1.1 that exceed the baseline minimum performance required by the 2006 IECC by 30 percent in accordance with 702.2 (2) and a minimum of two practices from Section 704.

a. The environmental performance level in accordance with Table 303 of ICC 700 is to be determined by the jurisdiction.

102.4.11.1 Residential mixed use occupancies. The design and construction of residential portions of mixed use *buildings* shall comply with Section 102.4.12.1. The remainder of the *building* and the site on which the *building* is located shall comply with the provisions of this code. Where there are specific provisions provided in ~~ICC 700 Oregon Residential Reach Code~~ that regulate the design and construction of residential portions of the mixed occupancy, the provisions of ~~the Oregon Residential Reach Code ICC 700~~ shall apply.

Exception: ~~Buildings permitted under the OSSC shall comply with the commercial provisions., High rise buildings as defined by the Oregon Structural Specialty Code shall comply with the provisions of this code or ICC 700.~~

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any *structure* existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, *the Oregon Structural Specialty Code*, , the *International Existing Building Code as adopted by Oregon*, or the *International Fire Code*, or as is deemed necessary by the *code official* for the general safety and welfare of *building* occupants and the public.

102.7 Mixed occupancy buildings. In mixed occupancy *buildings*, each portion of a *building* shall comply with the specific requirements of this code applicable to each specific occupancy, except as provided in Section 102.4.11

PART 2 --- ADMINISTRATION AND ENFORCEMENT

SECTION 103 DUTIES AND POWERS OF THE CODE OFFICIAL

103.1 General. The *code official* established in the *Oregon Structural Specialty Code and Oregon Administrative Rules* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions and how this code relates to other applicable codes and ordinances. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and other applicable codes and ordinances. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

103.2 Applications and permits. The *code official* shall enforce compliance with the provisions of this code as part of the enforcement of other applicable codes and regulations, including the referenced codes listed in 102.4.

103.3 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

103.4 Inspections. The *code official* shall make inspections, as required to determine code compliance, or the *code official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

SECTION 104 CONSTRUCTION DOCUMENTS

104.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *code official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that such work will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *code official*. The *construction documents* shall contain a listing of the applicable *project electives* in accordance with Section 303, and shall contain the code and version under which the project is permitted. Where special conditions exist, the *code official* is authorized to require additional *construction documents*.

SECTION 105 APPROVAL

105.1 General. This code is not intended to prevent the use of any material, method of construction, design, system, or innovative approach not specifically prescribed herein, provided that such construction, design, system or innovative approach has been *approved* by the *code official* as meeting the intent of this code and all other applicable laws, codes, and ordinances.

105.2 Approved materials and equipment. Materials, equipment, devices and innovative approaches *approved* by the *code official* shall be constructed, **and** installed ~~and maintained~~ in accordance with such approval.

105.2.1 Used materials, products and equipment. The use of used materials, products and equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall be permitted to be reused subject to the approval of the *code official*.

105.3 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen the minimum requirements of this code. The details of granting modifications shall be recorded and entered in the files of the department.

105.4 Alternative materials, design, innovative approach and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design, innovative approach, or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design, innovative approach or method of construction shall be reviewed and *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, design, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. The details of granting the use of alternative materials, designs, innovative approach and methods of construction shall be recorded and entered in the files of the department.

105.4.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved sources*.

105.4.2 Tests. Wherever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *code official* for the period required for retention of public records.

105.5 Compliance materials. The *code official* shall be permitted to approve specific computer software, work- sheets, compliance manuals and other similar materials that meet the intent of this code.

SECTION 106 PERMITS

106.1 Required. Any owner or authorized agent who intends to construct, enlarge, *alter, repair, ~~move, or change the occupancy of a building or structure,~~* or to erect, install, enlarge, alter, repair, remove, convert or replace any energy, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *code official* and obtain the required *permit* under the applicable code or regulation relevant to the intended work. Separate *permits* shall not be issued under this code. Exemptions from *permit* requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other applicable laws, codes or ordinances of this *jurisdiction*.

SECTION 107 FEES

107.1 Fees. Fees for *permits* shall be paid as required, in accordance with the schedule as established by the Jurisdiction having authority for the intended work prescribed in an application.

SECTION 108 BOARD OF APPEALS

108.1 General.

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code the local jurisdiction shall establish an appeals procedure.

108.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

108.3 Appeal of Decisions of Building Official. ORS 455.475 provides an alternative appeals process to that set forth by the local municipality.

SECTION 109 CERTIFICATE OF OCCUPANCY

109.1 Use and occupancy. *Buildings or structures* shall not be used or occupied, and changes in the existing occupancy classification of a *building or structure* or portion thereof shall not be made, until the *code official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*.

109.2 Certificate issued. After the *code official* inspects the *building or structure* and finds no violations of the provisions of this code or other laws that are enforced by the department of *building safety*, the *code official* shall issue a certificate of occupancy in accordance with the provisions of the *Oregon Building Code*.

109.3 Temporary occupancy. The *code official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the building or structure or portion thereof is safe to occupy.