

Oregon
Interpretive Ruling 95-2
LADDERS AS EXITS FROM HABITABLE ROOMS

Requested By: JAMES WIOTA, INSPECTOR
LANE COUNTY
DECEMBER 2, 1994.

QUESTION:

1. Under the One and Two Family Dwelling Specialty Code, may a ladder, instead of a stairway, be used for exiting from:
 - a. A storage room, such as an attic, with a ceiling height less than for a habitable room?
 - b. A sleeping room?
2. If a code-complying stairway is provided from the second story sleeping room to the first floor, must a rescue window meeting Section R-210 be provided?
3. Considerations that may modify the answer that a code-complying stairway:
 - a. Is a loft the same as a room?
 - b. Is a loft the same as a "mezzanine" in the Structural Code?
 - c. Does the height of loft floor above floor of room make a difference?
 - d. Does the area of loft within the main room make a difference; i.e., concept of mezzanine open to the same atmosphere, etc.?
 - e. Can there be a comparison of bunk bed; that is 44 inches above the floor of the room versus a loft having the emergency egress?
 - f. What is human occupancy or constitutes human occupancy?

APPLICABLE CODE SECTIONS

1993 Oregon Structural Specialty Code (*Structural Code*), Section 409, Definition of "habitable space (room)"; Section 3301 (b), definition of "exit"; Section 3303, exit required; and One and Two Family Dwelling Specialty Code (*Dwelling Code*), Sections R-118, definition of "habitable room," R-210, Exits; and R-213, Stairways.

BACKGROUND

This issue has been raised before. The *Handbook to the Uniform Building Code, An illustrated Commentary*, copyright 1991 says in part:

Stairways—Section 3306

Sec. 3306. (a) General. This section begins by giving the U.B.C. definition of a stairway. It states that every stairway consisting of two or more risers is required to conform with the provisions of this section. The exception makes it very clear that stairways complying with this section are to be used throughout all occupancies when serving spaces subject to human habitation. As a consequence, only stairs or ladders used solely for access to equipment are exempt from the requirements of this section. (Emphasis added.)

The *Application and Commentary to the CABO One and Two Family Dwelling Code*, 1989 edition (the latest one available) does not address the issue of exits, except related to emergency egress windows.

By Oregon amendment to R-118 of the *Dwelling Code* terms not defined in the code shall have the ordinary accepted meaning within the context with which they are used. *Webster's New International Dictionary of the English Language*, unabridged, copyright 1986 is accepted as providing that ordinary meaning. The following words are defined from their context in this dictionary in part:

"Exit . . . 3 a: a way out: a passage out of an enclosed place or space: **OUTLET b:** a door or passage for escape in case of fire . . ."

“Loft . . . the upper regions: . . . a room or floor above another: an upper room or story; an attic room: . . . one of the upper floors of a warehouse or business building especially when not partitioned: . . .”

“Room . . . a part of the inside of a building, shelter, or dwelling usually set off by a partition: . . .”

FINDINGS

1. The most basic reason for building codes is to protect life and safety. Providing for egress in case of an emergency is a fundamental reason for such codes.
2. The *Structural Code* requires code-complying stairways from stories above or below grade as provided in Chapter 33 by both the code language and the publisher’s interpretation.
3. The dictionary definition of “exit” referenced by the *Dwelling Code* and the *Dwelling Code’s* charge in Section R-103, to protect life and safety, requires an exit path from each humanly occupied space in a dwelling unit.
4. A code-complying stairway is the only method mentioned by the *Dwelling Code* to exit people from upper stories of a dwelling.
5. Both the *Structural Code* and *Dwelling Code* require each room intended for sleeping to have an emergency egress/rescue door or window.
6. This interpretation is authorized by ORS 455.060, Rulings on Acceptability of Materials, Designs or Methods of Construction and Attorney General’s Opinion OP-5208 issued October 1, 1981, which advised the statute permits authoritative interpretations of existing code requirements.

DISCUSSION

Spiral stairways can provide legal access while using less space than conventional stairways. Neither ladders nor spiral stairways lend themselves to moving furniture or stretcher evacuation of persons from sleeping rooms.

The *Dwelling Code* has also been adopted for one- and two-family dwellings and sets less detailed provisions for exiting than the *Structural Code*. We are unable to find “ladders” mentioned or considered in the *Dwelling Code*, nor are there any criteria for dimensions or materials for ladders. In contrast Section R-213 of the *Dwelling Code* provides prescriptive requirements for stairways. The dictionary definition of “exit” recognized by the *Dwelling Code* implies an exit path from spaces in the dwelling units, not just from the dwelling unit.

CONCLUSION

Under the *Structural Code* a stairway is required and must serve all spaces for human occupancy, both habitable and nonhabitable spaces. Under the *Dwelling Code* the requirements do not clearly specify that spaces for human occupancy are required to be provided with exits other than each dwelling unit requires an exit. The board determines that the dictionary definition of “exit” in concert with the primary objective of building codes to protect life and safety requires an exit from each humanly occupied space in a dwelling unit. It follows that code-complying stairways must be used for access to such humanly occupied spaces. Under both the *Structural Code* and *Dwelling Code*, all sleeping rooms are required to be provided with emergency egress/rescue windows by both codes.

(signed September 6, 1995)

John A. Talbott, P.E., Chair
Building Codes Structures Board

Date

The recommendations and findings of the Building Codes Structures Board are accepted and adopted.

RULING

Answer 1.a Nonhabitable storage spaces without human occupancy may be served by a ladder.

Answer 1.b. Both habitable and nonhabitable rooms where human occupancy is expected, in stories above or below the story accessible to grade in both multifamily dwellings (Group R, Division 1 Occupancies of three or more units regulated by the *Structural Code*) and one- and two-family dwellings (Group R, Division 3 Occupancies regulated by the *Dwelling Code*) shall be served by code-complying stairways (not ladders).

Answer 2. Yes, emergency egress doors or windows opening to the outside are required in sleeping rooms regulated by either the *Structural Code* or the *Dwelling Code* regardless of other methods of exiting provided.

Answer 3.a. Within the context of this question a loft is a second story of a dwelling with an opening into one or more of the first story rooms. Even though the loft may not be separated by a partition from the first floor rooms, it is deemed to be a separate "room" due to vertical separation for purposes of exiting. Since products of combustion rise, a loft without partitions is considered to be a more hazardous condition for a sleeping room. This condition in a dwelling sleeping room is not deemed equivalent to the condition in a commercial building regulated by the *Structural Code* where exceptions are made for mezzanines; where the mezzanine occupants are alert and may become aware of a fire on the main floor almost immediately.

Answer 3.b. As used in this interpretation, a "loft" is the same as a "mezzanine" in the *Structural Code*. However, the distinction appears academic because neither term is used in the *Dwelling Code*.

Answer 3.c. No.

Answer 3.d. No. See Answer 3.a.

Answer 3.e. Possibly. Free standing bunk beds are considered furniture and are beyond the scope of both the *Structural* and *Dwelling Codes* to regulate. If the bunk beds are built-in to the structure and there is no platform other than the space occupied by the bunk bed, then the bunk may be served by a ladder from the first level. In this case the first floor room would require the emergency egress window or an outside door.

However, if there is habitable or nonhabitable second level space (walking surface) adjacent to the bunk bed for other uses, then a complying stairway is required to serve this usable space and an emergency egress window or an outside door is required from the second level.

Answer 3.f. There are three types of spaces in one- and two-family dwellings. Habitable rooms (used for sleeping, living, cooking, and dining), rooms that by definition are not habitable rooms (closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and such spaces); and spaces not defined above. It is apparent that rooms not defined as "habitable" still have regular, daily human occupancy. The third class of spaces would be those with uncommon infrequent access such as the attic or crawl space. These nonhabitable storage spaces without human occupancy may be served by a ladder.

(signed September 8, 1995)
Joseph A Brewer III, Administrator
Building Codes Division

Date