

CHAPTER 34
OREGON AMENDMENTS
2007 OSSC

3401.1 Scope. ~~The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing structures.~~ Alterations, repairs, additions and changes of occupancy to existing structures shall be permitted to comply with either sections 3403 through 3407 or section 3410.

Exception: Existing bleachers, grandstands and folding and telescopic seating shall comply with ICC 300-02.

3401.2 Maintenance. ~~(Not adopted by the State of Oregon) Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. o determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.~~

3401.3 Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, ~~International Property Maintenance Code, International Private Sewage Disposal Code,~~ International Residential Code and ICC Electrical Code.

3402. 1 Definitions. ~~The following term shall, for the purposes of this chapter and as used elsewhere in the code, have the following meaning:~~

~~PRIMARY FUNCTION. A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer service lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors and restrooms are not areas containing a primary function.~~

~~TECHNICALLY INFEASIBLE. An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. See Chapter 11, Accessibility.~~

3403.2.3.1 Additions to existing buildings. An addition that is structurally independent from an existing structure shall be designed and constructed with the seismic requirements for new structures. An addition that is not structurally independent from an existing structure shall be designed and constructed such that the ~~entire~~ **affected** structure conforms to the seismic-force-resistance requirements for new structures unless the following conditions are satisfied:

1. The addition conforms with the requirements for new structures,
2. The addition does not increase the seismic forces in any structural element of the existing structure by more than 10 percent cumulative since the original construction, unless the element has the capacity to resist the increased forces determined in accordance with ASCE 7, and
3. Additions do not decrease the seismic resistance of any structural element of the existing structure by more than 10 percent cumulative since the original construction, unless the element has the capacity to resist the forces determined in accordance with ASCE 7. If the building's seismic base shear capacity has been increased since the original construction, the percent change in base shear may be calculated relative to the increased value.

3403.2.3.2 Alterations. Alterations are permitted to be made to any structure without requiring the structure to comply with Section 1613, provided the alterations conform to the requirements for a new structure. Alterations that increase the seismic force in any existing structural element by more than 10 percent cumulative since the original construction or decrease the design strength of any existing structural element to resist seismic forces by more than 5 percent cumulative since the original construction shall not be permitted unless the ~~entire~~ **affected** seismic-force-resisting system is determined to conform to ASCE 7 for a new structure. If the building's seismic base shear capacity has been increased since the original construction, the percent change in base shear may be calculated relative to the increased value.

Exception: Alterations to existing structural elements or additions of new structural elements that are not required by ASCE 7 and are initiated for the purpose of increasing the strength or stiffness of the seismic-force-resisting system of an existing structure need not be designed for forces conforming to ASCE 7, provided that an engineering analysis is submitted indicating the following:

1. The design strength of existing structural elements required to resist seismic forces is not reduced.
2. The seismic force to required existing structural elements is not increased beyond their design strength.
3. New structural elements are detailed and connected to the existing structural elements as required by Chapter 16.
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by Chapter 16.
5. The alterations do not create a structural irregularity as defined in ASCE 7 or make an existing structural irregularity more severe.

6. The alterations do not result in the creation of an unsafe condition.

3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Unless additions or alterations are made to the building or facility, change in use or occupancy alone shall not require compliance with the provisions of Chapter 11, Accessibility. In addition, changes in occupancy resulting in multi-family dwellings need not comply with Division III, Covered Multi-family Dwellings (see Section 1113.1.1).

~~**3406.2 Certificate of occupancy.** A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.~~

Section 3406.4 Change of Occupancy to a Higher Occupancy Category. When a change in occupancy results in a structure being reclassified to a higher occupancy category **per Table 1604.5**, the structure shall conform to the seismic requirements for the new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

~~**3407.1 Historic buildings.** The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard. **Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the building official, provided:**~~

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
2. Any unsafe conditions as described in this code are corrected.
3. The restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.
4. The building official seeks the advice of the State of Oregon historic preservation officer.

In case of appeals related to historic buildings, the local appeals board or the appropriate state appeals board shall seek the advice of the State of Oregon historic preservation officer.

Historic Preservation Officer, Oregon Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.
Telephone (503) 986-0671.

~~3407.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.~~

~~**Exception:** Historic buildings that are:~~

- ~~1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or~~
- ~~2. Determined by the Secretary of the U. S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or~~
- ~~3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.~~

SECTION 3408 MOVED STRUCTURES BUILDINGS

3408. 1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures ORS 455.410.

ORS 455.410 is not part of this code but is reproduced here for the reader's convenience:

455.410 Relocated buildings, substantial compliance required; permits.(1) Existing buildings or structures which are removed from their foundation and relocated to another site within this state shall be in substantial compliance as defined in subsections (2) and (3) of this section.

(2) "Substantial compliance" means compliance with local construction codes in effect as of the original permit date of the building or structure, or where there was no construction, with basic health and safety standards, as described in the closest dated Uniform Housing Code, as published by the International Conference of Building Officials as of the date of construction. Only the insulation, overhead and underneath the structure, shall be upgraded to the current insulation requirements of the state building code, or to the maximum extent possible subject to the design of the structure. Nothing in this statute shall be construed to mean that all heating, plumbing and electrical systems shall be replaced with systems meeting current standards for new

SECTION 3409
ACCESSIBILITY FOR EXISTING BUILDINGS

(Not Adopted by the State of Oregon)

3409.1 Scope. ~~The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.~~

Exception: ~~Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.~~

3409.2 Maintenance of facilities. ~~A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.~~

3409.3 Extent of application. ~~An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.~~

~~Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.~~

~~3409.4 Change of occupancy. Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:~~

- ~~1. At least one accessible building entrance. .At least one accessible route from an accessible building entrance to primary function areas.~~
- ~~2. Signage complying with Section 1110.~~
- ~~3. Accessible parking, where parking is being provided.~~
- ~~4. At least one accessible passenger loading zone, when loading zones are provided.~~
- ~~5. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.~~

~~Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporates any alterations or additions shall comply with this section and Sections 3409.5, 3409.6, 3409.7 and 3409.8.~~

~~3409.5 Additions. Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3409.7.~~

~~3409.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.~~

~~Exceptions:~~

- ~~1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.7.~~
- ~~2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.~~
- ~~3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.~~

~~3409.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.~~

~~Exceptions:~~

- ~~1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.~~
- ~~2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.~~
- ~~3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.~~
- ~~4. This provision does not apply to alterations under taken for the primary purpose of increasing the accessibility of an existing building, facility or element.~~

~~3409.8 Scoping for alterations. The provisions of Sections 3409.8.1 through 3409.8.12 shall apply to alterations to existing buildings and facilities.~~

~~3409.8.1 Entrances. Accessible entrances shall be provided in accordance with Section 1105.~~

~~Exception: Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 3409.7. Signs complying with Section 1110 shall be provided.~~

~~3409.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.~~

~~3409.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.~~

~~3409.8.4 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5.~~

~~3409.8.5 Ramps. Where steeper slopes than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3409.8.5.~~

TABLE 3409.8.5

RAMPS

SLOPE	MAXIMUM
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

~~For SI: 1 inch = 25.4 mm.~~

~~3409.8.6 Performance areas. Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.~~

~~3409.8.7 Dwelling or sleeping units. Where I 1, I 2, I 3, R 1, R 2 or R 4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Section 907 for accessible alarms apply only to the quantity of spaces being altered or added.~~

~~3409.8.8 Jury boxes and witness stands. In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.~~

~~3409.8.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facilities.~~

~~3409.8.10 Dressing, fitting and locker rooms. Where it is technically infeasible to provide accessible dressing, fitting or locker rooms at the same location as similar types of rooms, one accessible room on the same level shall be provided. Where separate sex facilities are provided,~~

accessible rooms for each sex shall be provided. Separate sex facilities are not required where only unisex rooms are provided.

~~3409.8.11 Check-out aisles. Where check-out aisles are altered, at least one of each check-out aisle serving each function shall be made accessible until the number of accessible check-out aisles complies with Section 1109.12.2.~~

~~3409.8.12 Thresholds. The maximum height of thresholds at doorways shall be $\frac{3}{4}$ inch (19.1 mm). Such thresholds shall have beveled edges on each side.~~

~~3409.9 Historic buildings. These provisions shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements of Sections 3409.9.1 through 3409.9.4 for that element shall be permitted.~~

~~3409.9.1 Site arrival points. At least one accessible route from a site arrival point to an accessible entrance shall be provided.~~

~~3409.9.2 Multilevel buildings and facilities. An accessible route from an accessible entrance to public spaces on the level of the accessible entrance shall be provided.~~

~~3409.9.3 Entrances. At least one main entrance shall be accessible.~~

~~Exceptions:~~

- ~~1. If a main entrance cannot be made accessible, an accessible nonpublic entrance that is unlocked while the building is occupied shall be provided; or~~
- ~~2. If a main entrance cannot be made accessible, a locked accessible entrance with a notification system or remote monitoring shall be provided.~~

~~Signs complying with Section 1110 shall be provided at the primary entrance and the accessible entrance.~~

~~**3409.9.4 Toilet and bathing facilities.** Where toilet rooms are provided, at least one accessible toilet room complying with Section 1109.2.1 shall be provided.~~

3410.2 Applicability. Structures existing prior to [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION], in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply may be used in lieu of sections 3403 through 3407 and are only applicable to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

3410.2.5 Accessibility requirements. ~~All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11.~~ **See section 1113.**