

**DIVISION 8
DIVISION CODE DEVELOPMENT RULES,
IN GENERAL**

918-008-0000**Purpose and Scope**

(1) OAR 918-008-0000 to OAR 918-008-0070 provides the process for adopting and amending the state building code that is consistent across all program areas.

(2) The state building code is derived from the most appropriate version of base model codes, which are adopted approximately every three years from the last Oregon specialty code effective date.

(3) The Oregon specialty code amendment process begins approximately midway into a code cycle.

(4) An appropriate advisory board approves the adoption of the Oregon specialty code and amendments.

(5) Notwithstanding sections (1) through (4) of this rule, the division may adopt supplemental code amendments as authorized by OAR 918-008-0028.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020, ORS 455.030 & ORS 479.730

Stats. Implemented: ORS 447.020, ORS 455.030 & ORS 479.730

Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06

918-008-0010**Definitions**

The following definitions apply to OAR 918-008-0000 to 918-008-0070:

(1) "Base model code" means a published collection of standards governing a particular field of construction, which is generally accepted and used in the United States.

(2) "Code cycle" means an approximate three-year period starting from the Oregon specialty code effective date.

(3) "Oregon specialty code" means a base model code, together with Oregon-specific amendments, which is adopted by the State of Oregon.

(4) "Proposed code amendment" means an application from a person to add an amendment to a proposed base model code or amend an Oregon specialty code.

(5) "Supplemental code amendment" means a division-initiated amendment to an Oregon specialty code.

Stat. Auth.: ORS 447.020, 455.030 & 479.730

Stats. Implemented: ORS 447.020, 455.030 & 479.730

Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06

918-008-0020**General Code Adoption Process**

(1) The division, in consultation with the appropriate advisory board, establishes a timetable to collect proposed code amendments. The timetable depends on the publication date and general availability of the proposed base model code.

(2) The division will notify interested persons of the timetable at least 45 days before the ending period for collecting proposed code amendments.

(3) During the timeframe for proposing code amendments, an interested person may also recommend that the division incorporate, statewide code interpretations and alternate method rulings into the Oregon specialty code.

(4) The division, in consultation with an appropriate advisory board, reviews prior code amendments, statewide code interpretations, and alternate method rulings during the code adoption and amendment process. The division recommends whether to carry prior code amendments, statewide code interpretations, and alternate method rulings forward to a newly adopted Oregon specialty code or to archive prior code amendments, statewide code interpretations, and alternate method rulings for informational purposes.

Stat. Auth.: ORS 447.020, 455.030 & 479.730

Stats. Implemented: ORS 447.020, 455.030 & 479.730

Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06

918-008-0028**Supplemental Code Amendments**

The division, with the approval of the appropriate advisory board as defined in ORS 455.010, may propose and adopt supplemental code amendments to the state building code at any time within a three-year code cycle, as circumstances merit.

Stat. Auth.: ORS 455.030 & 455.110

Stats. Implemented: ORS 455.030 & 455.110

Hist.: BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06

918-008-0030**Proposed Code Amendment Requirements**

(1) All proposed code amendments are submitted to the division in writing or on a division-approved form.

(2) Under ORS 455.030(4), all proposed code amendments must provide justification and the particular circumstances requiring the amendments. Additionally, proposed code amendments must conform to the policies contained in ORS 455.020.

(3) The division screens proposed code amendments to determine whether they substantially meet the requirements of 918-008-0060. Proposed code amendments not substantially meeting the requirements of 918-008-0060 may be returned to the applicant with specific reasons included in the returned application.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.020, 455.030 & 479.730
 Stats. Implemented: ORS 447.020, 455.030 & 479.730
 Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 1-2004(Temp), f. & cert. ef. 1-29-04 thru 7-26-04; Administrative correction 8-19-04; Suspended by BCD 17-2004(Temp), f. & cert. ef. 9-30-04 thru 3-28-05; BCD 7-2005, f. & cert. ef. 4-1-05; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06

918-008-0060

Proposed Code Amendments Criteria

(1) As required by OAR 918-008-0030, a proposed code amendment must address, where applicable, whether or not the proposed code amendment:

(a) Is necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so why;

(b) Is needed to protect the health, safety, welfare, comfort and security of occupants and the public, and if so, why;

(c) Corrects inadequate application by a code section to a method, material or design, and if so, how;

(d) Is necessary to address unique geographic or climatic conditions within Oregon, and if so, why;

(e) Is needed to eliminate conflicting, obsolete, or duplicative code provisions or standards between Oregon-adopted codes, statutes or regulations, and if so, why;

(f) Conserves scarce resources, and if so, how;

(g) Provides for the use of unique or emerging technologies, or promote advances in construction methods, devices, materials and techniques, and if so, how;

(h) Meets any energy conservation or indoor air quality requirements, and if so how;

(i) Involves the adoption of an electrical or plumbing building product. If an electrical or plumbing building product is involved, note if the appropriate advisory board approved the product; and

(j) Any adverse fiscal impact or cost savings passed on to the general public, the construction industry, local and state governments, and small businesses. If applicable, an interested person must describe the added or reduced cost of a proposed code amendment, describe the adverse fiscal impact or cost savings in relation to the current Oregon specialty code

and include any standards of measure used to arrive at the result given. (2) ORS 183.534 and OAR 813-025-0015 requires the Building Codes Division to prepare a Housing Cost Impact Statement based on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square feet detached single family dwelling on that parcel. If a proposed code amendment relates to this type of parcel, provide information to assist the division in preparing a housing cost impact statement.

Stat. Auth.: ORS 447.020, 455.030 & 479.730
 Stats. Implemented: ORS 447.020, 455.030 & 479.730
 Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97; BCD 3-2006(Temp), f. & cert. ef. 3-1-06 thru 8-27-06; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06

918-008-0070

Transition Provisions

Nothing in these rules shall prevent the creation of a new code adoption cycle or varying the adoption cycle to more or less than three years when:

(1) Adopting a new model code;

(2) There is a changed model code or publication date;

or

(3) It is necessary to adjust the Oregon adoption year to make it compatible with the model code adoption.

Stat. Auth.: ORS 447.020, 455.030 & 479.730

Stats. Implemented: ORS 447.020, 455.030 & 479.730

Hist.: BCD 26-1994, f. & cert. ef. 11-15-94; BCD 6-1997, f. & cert. ef. 4-1-97

918-008-0075

Scope and Purpose

(1) OAR 918-008-0075 to 918-008-0115 applies to the state building code adopted by the division as defined in ORS 455.010. The purpose of these rules is to create a standard process for statewide code interpretations, site-specific interpretations, and alternate method rulings for all specialty code program areas except the boiler program.

(2) Statewide code interpretations and site-specific interpretations clarify existing provisions of the state building code and are not intended to create new provisions.

(3) Alternate method rulings on products not covered in the current state building code apply only to new products, materials or methods and do not create new sections of code.

Stat. Auth.: ORS 455.060, 455.100, 455.110 & 455.144

Stats. Implemented: ORS 455.060, 455.100 & 455.110

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0080

Definitions

(1) "Alternate Method Ruling" is a request to rule on the acceptability of new materials, designs or innovative methods of construction not covered by the state building code.

(2) "Petitioner" means:

(a) Any person residing, currently doing business, wishing to do business, or owning property in the State of Oregon; or

(b) A building official authorized to administer and enforce the state building code under 455.148 or 455.150.

(3) "Site-Specific Interpretation" means a division-issued interpretation of a specialty code provision for use by a municipality that applies only to a single project. Site-specific code interpretations assist a local jurisdiction by providing an explanation of the meaning or intent of specific code provisions or sections as they apply to work permitted by the local jurisdiction. Nothing in this section replaces local processes for site-specific interpretations.

(4) "Statewide Code Interpretation" means a division-issued binding interpretation of a specialty code provision that applies in all jurisdictions. Statewide code interpretations provide an explanation of the meaning or intent of specific code provision or section.

Stat. Auth.: ORS 455.060, 455.100, 455.110 & 455.144
 Stats. Implemented: ORS 455.060, 455.100 & 455.110
 Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0085

Statewide Code Interpretation Process

(1) A petitioner may request a statewide code interpretation by providing the following information in writing or on division approved forms:

(a) A brief description of the facts and circumstances giving rise to the need for a statewide code interpretation, and

(b) The specialty code section at issue.

(2) Notwithstanding subsections (a) and (b) of this rule, the division may elect to accept a substantially complete request for a statewide code interpretation if circumstances merit.

(3) After receipt and approval of a petitioner's request for interpretation, the division will process the request, reach a conclusion, and distribute the decision.

(4) Every quarter, the division will communicate its actions occurring in the previous quarter concerning statewide code interpretations to the appropriate advisory board.

Stat. Auth.: ORS 455.060, 455.100, 455.110 & 455.144
 Stats. Implemented: ORS 455.060, 455.100 & 455.110
 Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0090

Site-Specific Interpretation Process

(1) A building official may request a site-specific interpretation by providing the following information in writing or on division approved forms:

(a) A brief description of the facts and circumstances giving rise to the need for a site-specific interpretation;

(b) The specialty code section at issue;

(c) The physical address of the building site.

(2) Notwithstanding subsection (a) through (c) of this rule, the division may elect to accept a substantially complete request for a site-specific interpretation if circumstances merit.

(3) After receipt and approval of a building official's request for interpretation, the division will process the request, reach a conclusion, and distribute the decision.

Stat. Auth.: ORS 455.100, 455.110 & 455.144

Stats. Implemented: ORS 455.100 & 455.110

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0095

Alternate Method Ruling Process

(1) A petitioner may request an alternate method ruling by providing the following information in writing or on division approved forms:

(a) Information on the material, design or method the person wishes to utilize;

(b) The specialty code section at issue;

(c) A brief description of the scientific and technical facts and circumstances giving rise to the need for an alternate method ruling.

(2) Notwithstanding subsections (a) through (c) of this rule, the division may elect to accept a substantially complete request for an alternate method ruling if circumstances merit.

(3) After receipt of a petitioner's complete request for interpretation the appropriate advisory board makes a recommendation on the scientific and technical merits of the proposed alternate method ruling, consistent with ORS 455.060.

(4) After considering the recommendation of the appropriate advisory board, the division makes the final decision on the alternate method ruling and distributes the decision consistent with ORS 455.060.

Stat. Auth.: 455.060 & 455.144

Stats. Implemented: 455.060

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0110

Enforcement

All jurisdictions administering and enforcing the state building code must enforce statewide code interpretations and allow the use of alternate method rulings consistent with the original scope of the ruling. Failure to enforce statewide

code interpretations or allow statewide alternate method rulings may subject building officials, plans examiners and inspectors to revocation or suspension of certifications.

Stat. Auth.: ORS 455.144, 455.148, 455.150 & 455.740
 Stats. Implemented: ORS 455.148, 455.150 & 455.740
 Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0115

Reconsideration of Division Determination

In accordance with OAR 137-003-0090, 137-004-0080 and ORS 183.484(2):

(1) A petitioner whose request for a site-specific interpretation or a statewide code interpretation was denied may request reconsideration of the agency decision.

(2) Any person, including a member of an advisory board as defined under 455.010, adversely affected or aggrieved by an interpretation may request the division reconsider its determination.

(3) Interpretations or rulings remain in effect despite a reconsideration request unless a petitioner specifically requests and is granted a stay of enforcement of the interpretation.

Stat. Auth.: ORS 455.100, 455.110 & 455.144
 Stats. Implemented: ORS 455.100, 455.110
 Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06

918-008-0120

State Building Code Appeal Process

(1) A person aggrieved by the building official's decision on the application of the state building code adopted under ORS 447.020, 455.020, 455.610, 460.085, 460.360, 479.730 or 480.545 may appeal to either the local jurisdiction's appeals board or the state specialty code chief. The appeals process selected may not change once initiated.

(2) A filing fee of \$20 is required for appeals to the state specialty code chief.

(3) An appeal must be filed within 30 calendar days of the building official's decision.

(4) An appeal must include the following information and other information requested by the chief:

(a) The person filing the appeal, the jurisdiction where the act occurred, and any parties involved, including contact information;

(b) The specific code or codes involved, with proper citation;

(c) A written description of appeal, which may include diagrams or drawings with distances shown to scale;

(d) A copy of any written interpretation or decision, if issued by the jurisdiction;

(e) An explanation why the ruling should be reversed;

(f) The status and date of stop work order if issued; and

(g) Other information as requested by the chief.

(h) Notwithstanding subsection (a) through (g) of this rule, the division may elect to accept a substantially complete request for an appeal when it appears that doing so furthers the interests of the state.

(5) The building official and person appealing must respond within 7 calendar days to a request from the chief for additional information. The chief has 14 days to render a decision and inform both the jurisdiction and the person appealing a decision of a local jurisdiction. The maximum time for rendering a decision may not exceed 30 calendar days. The Building Codes Division Administrator may suspend these procedural time frames when the complexity of the issue merits additional decision time.

(6) A decision by a local jurisdiction's appeals board or chief may be appealed to the appropriate advisory board within 30 calendar days of the decision. A filing fee of \$20 is charged for an appeal of a local jurisdiction's appeals board decision.

Stat. Auth.: ORS 455.030, 455.144, 460.085 & 480.545
 Stats. Implemented: ORS 455.475 & 479.853
 Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 30-2005, f. 12-30-05, cert. ef. 1-1-06