



Oregon

Kate Brown, Governor

Department of Consumer and Business Services
Building Codes Division

and

Oregon State Police
Oregon Office of State Fire Marshal

May 1, 2018

Dear Building and Fire Officials:

The Office of the State Fire Marshal (OSFM) and Building Codes Division (BCD) are committed to ensuring public safety, while also reducing the confusion for businesses and ensuring building construction proceeds in a timely, efficient manner. To that end, OSFM and BCD continue to take steps to clarify roles and responsibilities of the building department and the local fire service.

Recent legislation and advice from the Department of Justice (DOJ) has helped clarify the role of building inspectors and fire officials. BCD has authority to regulate construction standards for buildings and other structures. OSFM is authorized to adopt rules related to fire prevention and standards for equipment used for fire protection purposes. One area that can clarify roles and responsibilities is to reformat the building codes so that matters under the building official's responsibility are captured in one book. The transition to reformatting the building code is Appendix "N", made available last November. Appendix "N" is a document connected to the Oregon Structural Specialty Code (OSSC). Previously many items under building official responsibility were provided in two books – the OSSC and the Oregon Fire Code (OFC). Now local building officials, designers, contractors and fire officials will have a single source to review construction requirements that are enforceable by the building official under the building permit. Fire prevention and standards for equipment used for protection and other access and water supply matters will remain in effect within the OFC. Local fire and building officials will need to become familiar with these changes so that buildings are in compliance with both building and fire regulations.

The effort to consolidate construction standards in a single document that the building official can enforce lines up with DOJ advice received by BCD, but there is more to do. With the increasing loss of institutional knowledge and on-going reduction of personnel both in state and local government, cross-training, communication, and collaboration are more important than ever. BCD has developed a training academy designed to provide on-going continuing education, but also provide support for those individuals entering government service for the first time. OSFM is continuing its training for fire officials through the Competency Recognition Program. Our goal is not only to help develop necessary technical skills, but also to ensure state and local officials understand the legal responsibilities and limitations that impact the construction industry.

The importance of building and fire officials working together in the review and inspection of new building construction is essential. The intent of adopted codes and standards is to establish the minimum acceptable level to safeguard public health, safety, and welfare. These standards advance fire and life safety for first responders as well as property protection by providing a comprehensive and integrated approach to code regulations and hazard management.

Another tool to achieve these objectives is that each building program have a written agreed upon plan outlining how the building official and fire official collaborate in the plan review and inspection of new construction permits. As outlined in ORS 455.148(8) "...The plan must specify how cooperation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and

how a uniform Fire Code will be considered in the review process of the design and construction phases of buildings or structures.”

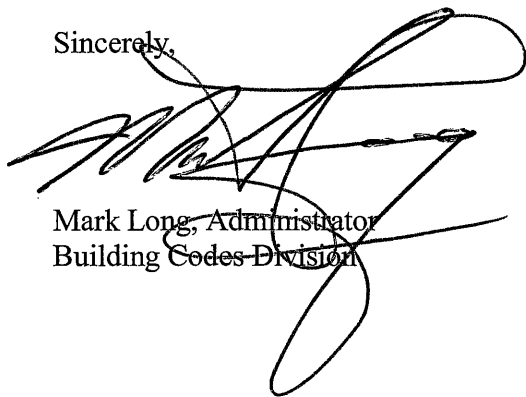
The plan must specify how fire official consultation will be accomplished. Fire officials by law are provided the opportunity to offer advice and input to the building official. The purpose of the agreement is to clarify at the local level that building officials make final decisions for those matters covered by the state building code, which includes those areas that fire officials review when performing maintenance inspections. It is important for fire officials to familiarize themselves with the building safety design and provide suggestions to building officials before final building code decisions are made, because these same provisions are applied to maintenance inspections. In addition to the requirement for a local plan that describes how local building officials and fire officials coordinate efforts to ensure the state requirements are conveyed, some communities use the following best practices:

- 1) Provide exact code references to the law, regulation, rule or other source of authority, including a plain statement of facts upon which the citation or order is based. This is now required for both building and fire officials.
- 2) Building officials should coordinate, when reasonable, final or temporary occupancy inspections with fire personnel.
- 3) Electronic access to plans should be made available to local fire officials.
- 4) Develop regularly scheduled joint meetings of building and fire officials to discuss pending projects, local site conditions, etc.
- 5) Develop pre-application meeting between building and fire staff members.
- 6) Develop a parallel process for review of both the OSSC and OFC requirements.

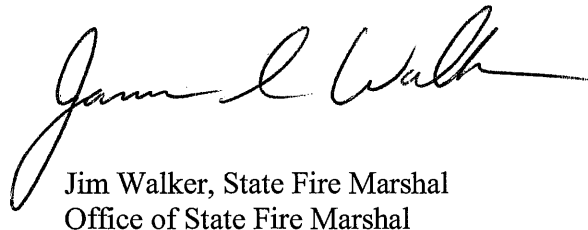
These best practices and suggestions are designed to improve efficiency and effectiveness of the building permit process; they should not add delays or create further confusion. Building officials are responsible for issuing permits and performing inspections in a timely manner consistent with state law. Providing opportunity for input is vital, but projects should not be delayed and held past agreed upon time committed to the contractor/designer.

We will continue to communicate through bulletins should there be areas that need further clarification. In addition to organizing the codes along lines of authority, training local officials, and adopting best practices, increased engagement from DOJ can help ensure both state and local government stay informed.

Sincerely,



Mark Long, Administrator
Building Codes Division



Jim Walker, State Fire Marshal
Office of State Fire Marshal