



**2019 Oregon Structural Specialty Code
Chapter 1 amendments
Additional hearing for public comments**

Opportunity for public input:

A public rulemaking hearing was held on Feb. 16, 2021. However, due to power outages and weather impacts across the state, the division is holding an additional opportunity for public comment on the rule. Those who would like to provide oral testimony should virtually attend the additional hearing on **Feb. 24, 2021 at 9:30 a.m.** The hearing will be held via GoToMeeting and telephone.

Written comments may be submitted to the BCD rules coordinator, at rulescoordinator.bcd@oregon.gov, or to the address below. All written comments must be received by Feb. 26, 2021 at 5 p.m.

If you wish to provide oral testimony at the hearing, the best way to connect is to join the meeting from your computer, tablet or mobile device with internet access using a headset or earphones with a microphone. If you are unable to connect through your computer, tablet or mobile device, you can dial in using your phone. Use the following information to connect to the meeting.

By computer, tablet, or mobile device: [Global.gotomeeting.com/join/294875149](https://global.gotomeeting.com/join/294875149)

By phone: United States: +1 (571) 317-3112
Access Code: 294-875-149

(For supported devices, tap a one-touch number below to join instantly.)

- One-touch: <tel:+15713173112,,294875149#>

Get more information about giving testimony at Oregon.gov/bcd/Documents/GoToMeeting-process.pdf

Live broadcast via the internet:

To view the public hearing live, click on "[View live meeting.](#)" or go to the division homepage at Oregon.gov/bcd, and click on "View live meetings."

Purpose of the rule:

This proposed rule amends Chapter 1 the 2019 Oregon Structural Specialty Code (OSSC) to resolve ambiguity, remove conflicts between the various codes, clarify authority, and harmonize certain code provisions.

Citation:

Amends: OAR 918-460-0015.

These proposed rules become effective April 1, 2021.

History:

Chapter 1 outlines the administrative provisions of the OSSC. While the national code body attempts to place administrative provisions within Chapter 1 that will be useful nationwide, they cannot capture the unique statutory authority of each state. As such, the division has been making an effort to appropriately adjust Chapter 1 provisions for Oregon to accurately reflect the delegable authority and division policy under ORS 455.



The revised Chapter includes modifications of the following:

- **Scoping:** This concept, implemented by the 2019 OSSC, is further clarified within the revised scope of both the ORSC and the OSSC. While reasonable safeguards for both occupants and users of buildings are applicable statewide under the state building code, a deference to local municipalities and local elected officials is in place for unoccupied structure regulation. The scope lists these optional matters that may be regulated by local ordinance, under the division’s authority. Where these matters are optionally regulated, the construction standard of the state building code shall apply.
- **Matters for Local Regulation Other than Delegated Division Authority:** The amendments clarify matters that fall outside of the division’s delegable authority, but may be subject to a local municipality’s independent regulatory authority. Since these matters are beyond the authority of the division, the standards of the state building code are not mandatory, but may be referenced via local ordinance.
- **Local Ordinances:** Nothing in the state building code limits a local municipality’s ability to require application of its own ordinances. This includes simultaneous review procedures and any associated local processes. The general model code inclusion of “or other local ordinances” has been deleted throughout both chapter drafts. It is impractical for the state building code to reference all locally adopted ordinances as legally sufficient. As such, local ordinances need to be adopted and implemented locally, with direct guidance from local legal counsel.
- **Disconnection of Service Utilities:** Local municipalities may have independent local authority outside their building program regarding disconnection of fuel lines and utilities. The division does not have delegable authority regarding the disconnection of fuel lines and utilities, even in an emergency. Appliances governed by the state building code and covered under an active permit are subject to building official approval. Local legal counsel can determine local authority.
- **Stop Work Orders:** Local municipalities may have independent local authority outside their building program regarding stop work orders. The division’s statutory authority regarding stop work orders is not delegable to a local municipality. Local legal counsel can determine local authority.

Contact:

If you have questions or need further information, contact Tony Rocco, Structural Program Chief, at 503-373-7529 or Anthony.J.Rocco@oregon.gov.

**2019 Oregon Structural Specialty Code
Chapter 1 Amendments to the OSSC
Draft changes**

918-460-0015

Amendments to the Oregon Structural Specialty Code

(1) The Oregon Structural Specialty Code is amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the Oregon Structural Specialty Code are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective April 1, 2021, Chapter 1 of the 2019 Oregon Structural Specialty Code is amended according to the following:

(a) Amend Section 101 to specify exceptions for optional local adoption regarding building permits, including for certain retaining walls, fences other than those serving as swimming pool barriers, flagpoles under 25 feet, ground mounted photovoltaic systems, fixed docks not supporting a structure, unoccupied grain elevators and silos, tsunami loads, rodent proofing, and in-ground swimming pools, to specify matters not available for local regulation under the statutory authority of the state building code, and to clarify a municipality's ability to require application of its own ordinances;

(b) Amend Section 102 to clarify that building officials cannot waive fire and life safety provisions that would create dangerous or unsafe conditions;

(c) Amend Section 103 to state that it is not adopted as part of the state building code;

(d) Amend Section 104 to clarify building official record retention requirements, that building officials cannot waive fire and life safety provisions that would create dangerous or unsafe conditions, and the scope of modifications available to a building official;

(e) Amend Section 105 to clarify the scope of work for certain permits, the scope of municipal authority, and a building official's flexibility to adopt local permit and inspection record policies;

(f) Amend Section 107 to clarify construction document requirements, and the scope of municipal authority;

(g) Amend Section 110 clarify the scope of building official inspection authority, and the scope of municipal authority;

(h) Amend Section 111 to clarify the scope of building official revocation authority, and the scope of municipal authority; and

(i) Sections 103, 112, 115, and 116 are not adopted.

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

Stat. Auth.: ORS 447.231, 455.030, 455.110 & 455.496

Stats. Implemented: ORS 455.110

Hist: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94 thru 6-21-95; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000 f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03;

BCD 18-2003(Temp), f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008(Temp), f. & cert ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 19-2010, f. 12-30-10, cert. ef. 1-1-11; BCD 1-2011, f. & cert. ef. 2-15-11; BCD 14-2011(Temp), f. & cert. ef. 5-13-11 thru 11-9-11; BCD 28-2011, f. 9-30-11, cert. ef. 10-1-11; BCD 30-2011, f. & cert. ef. 11-1-11; BCD 32-2011, f. 12-30-11, cert. ef. 1-1-12; BCD 1-2012, f. 1-31-12, cert. ef. 2-1-12; BCD 8-2012, f. 8-31-12, cert. ef. 9-1-12; BCD 7-2014, f. 6-20-14, cert. ef. 7-1-14; BCD 3-2015, f. 3-24-15, cert. ef. 4-1-15; BCD 2-2016, f. 1-28-16, cert. ef. 2-1-16; BCD 15-2016(Temp), f. & cert. ef. 11-3-16 thru 5-1-17; BCD 5-2017(Temp), f. 5-1-17, cert. ef. 5-2-17 thru 10-28-17; BCD 14-2017(Temp), f. 10-25-17, cert. ef. 10-29-17 thru 4-26-18; BCD 9-2018 (Temp), f. 4-27-18, cert. ef. 4-27-18 thru 10-23-18; BCD 23-2018, f. 9-28-18, cert. ef. 10-1-18; BCD 11-2019, f. 9-26-19, cert. ef. 10-1-2019

DRAFT

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 918
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED
01/28/2021 2:02 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Chapter 1 of the 2019 Oregon Structural Specialty Code.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/26/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Laura Burns
503-373-0226
laura.l.burns@oregon.gov

1535 Edgewater St. NW
Salem, OR 97304

Filed By:
Laura Burns
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/16/2021

TIME: 9:30 AM - 10:30 AM

OFFICER: Tyler Glaze

ADDRESS: Building Codes Division

1535 Edgewater St. NW

Salem, OR 97304

SPECIAL INSTRUCTIONS:

This hearing will be conducted virtually through a GoToMeeting.

You may connect...

By computer, tablet, or mobile device:

[https://global.gotomeeting.com/join/7](https://global.gotomeeting.com/join/770307381)

70307381

By phone:

United States: +1 (872) 240-3412

Access Code: 770-307-381

NEED FOR THE RULE(S):

These amendments are needed to remove ambiguity, resolve conflicts between the various codes and harmonize certain code provisions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Draft rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division's Web site at: <http://www.oregon.gov/bcd/laws-rules/Pages/proposed-rules.aspx>.

FISCAL AND ECONOMIC IMPACT:

These rules are administrative in nature, therefore any fiscal impact is speculative. Jurisdictions that choose to pursue additional local regulation will likely see a fiscal impact. These changes will generally result in cost savings for unoccupied structure projects.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): The division makes code amendments available to interested parties, including units of local government and members of the public, at no cost.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: There are approximately 37,000 licensed active construction businesses in the state of Oregon. Construction businesses are primarily small and medium sized businesses: approximately 90 percent employ fewer than 20 workers, 80 percent fewer than 10, and nearly 75 percent employ fewer than five workers. Additionally, there are approximately 135 municipalities administering and enforcing building inspection programs in Oregon and there are approximately 500 certified structural inspectors and 450 mechanical inspectors. The division is unable to determine the exact fiscal impact at this time because it is dependent upon specific factors, including how Chapter 1 is implemented locally.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: There are no reporting, recordkeeping, or other administrative activities required for compliance.

c. Equipment, supplies, labor and increased administration required for compliance: There will be increased administration required only if municipalities voluntarily decide to address community specific needs.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses are represented on the Building Codes Structures Board, which will be consulted for feedback on this rule. Small businesses may also submit comments during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The division consulted with the Oregon Building Official's Association and will consult with the Building Codes Structures Board.

HOUSING IMPACT STATEMENT:

No known housing impact

AMEND: 918-460-0015

RULE SUMMARY: These proposed rules amend Chapter 1 of the Oregon Structural Specialty Code, including clarifications as to the scope of delegable authority to local municipalities and enforceability of local ordinances.

CHANGES TO RULE:

918-460-0015

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adopted during the code cycle for inclusion into the Oregon Structural Specialty Code are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.¶

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