



November 18, 2008

**Interim amendments to the Oregon
Residential Specialty Code**

Opportunity for public input:

Those who would like to provide public testimony may attend a public hearing on November 18, 2008 at 10:00 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. November 21, 2008.

Purpose of the rule:

The purpose of this proposed rule is to address two immediate life and safety concerns regarding residential dwelling units constructed to the 2008 Oregon Residential Specialty (ORSC). The first amendment establishes requirements for interior braced wall support for dwellings located in seismic design categories D₁ and D₂ (seismic design categories D₁ and D₂ are those counties along the coast and west of the Cascades, Klamath and Lake counties, and portions of Hood River county). The second amendment establishes height and glazing requirements for window sills in dwelling units. Neither of these issues are currently covered by the ORSC.

This proposed rule would be effective January 1, 2009.

Citation:

Amend: OAR 918-480-0010

History:

Since the adoption of the 2008 Oregon Residential Specialty Code, the division has become aware of these two life and safety concerns relating to dwelling units.

Oregon is a seismically active state. The new requirements for interior wall bracing in seismic design categories D₁ and D₂ are intended to provide additional support for interior braced walls that will provide additional safety for the occupants of the dwelling during a seismic event.

The second creates new height and glazing requirements for window sills in dwellings. This change will apply model code language on an important life safety concern. If the bottom of the window outside the dwelling measured to the ground is greater than six-feet, the bottom of the window inside the dwelling to the floor must be at least two-feet above the floor.

Please refer to the actual code language for specific information on both amendments.

There is a temporary rule currently in place implementing these rules. The temporary rule went into effect October 6, 2008.

Live broadcast via the Internet:

This public hearing is being broadcast live at <http://bcd.oregon.gov/boards.html>

Contact:

If you have questions or need further information, please contact Hearing Officer Richard Rogers at 503-378-4472, or Richard.Rogers@state.or.us.



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918	
Agency and Division	Administrative Rules Chapter Number	
Shauna M. Parker	PO Box 14470, Salem, OR 97309	(503) 373-7438
Rules Coordinator	Address	Telephone

RULE CAPTION

Adopts amendments to the 2008 Oregon Residential Specialty Code regarding seismic and window sill safety.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

November 18, 2008	10:00 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Richard Rogers
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 918-480-0010

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 455.020, 455.110, 455.525, & 455.610

Other Auth.:

Stats. Implemented: ORS 455.610

RULE SUMMARY

The proposed rule contains two interim amendments to the **2008 Oregon Residential Specialty Code**. The first interim amendment proposal prohibits the use of alternate braced panels in interior braced wall lines, a practice designed to improve the structural integrity and seismic safety of residential dwellings. The second interim amendment proposal regulates the height and glazing of window sills located a certain distance from either the finished grade or surface below, respectively. This proposed amendment addresses a life and safety issue regarding small children and other individuals who might fall through or climb out of a window.

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

Friday, November 21, 2008 by 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Signature	Mark Long	Date
	Printed name	

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Adopts amendments to the **2008 Oregon Residential Specialty Code** regarding seismic and window sill safety.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amending OAR 918-480-0010

Statutory Authority: ORS 455.020, 455.110, 455.525, and 455.610

Other Authority:

Stats. Implemented: ORS 455.610

Need for the Rule(s): In ORS 455.610, the legislature directed the department to adopt a Low-Rise Residential Dwelling Code containing requirements related to the construction of residential dwellings that are three stories or less above grade. Changes to the code, identified by the division as the **Oregon Residential Specialty Code**, may be made when changes are made to the national model codes adopted in Oregon. One of the proposed interim code amendments contained in the rule reflects language adopted in a national model code that is adopted in Oregon. Both proposed interim code amendments address life and safety issues, and would improve the general safety of residential dwellings in Oregon.

Documents Relied Upon, and where they are available: **2008 Oregon Residential Specialty Code**; Residential Structures Board minutes from October 1, 2008; and draft rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are available on the division's Web site at: www.bcd.oregon.gov.

Fiscal and Economic Impact: The Residential Structures Board discussed the fiscal and economic impact of each proposed interim code amendment. The department does not have sufficient data to determine the economic impact of the two proposed interim code amendments.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): The department anticipates that the two proposed interim code amendments will not impact either state agencies or units of local government because the proposed amendments effect residential rather than commercial buildings. The department cannot estimate whether members of the public will experience any impact as a result of these proposals.

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: The department cannot estimate at this time the exact number of small businesses that will be subject to the rule. The type of businesses and industries subject to the rule is limited to the residential dwelling construction industry.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: The department does not anticipate, at this time, that the two proposed interim code amendments will cause an increase in reporting, recordkeeping, and other administrative activities because neither proposal imposes a new reporting or recordkeeping requirement.

c. Equipment, supplies, labor and increased administration required for compliance: No additional equipment, supplies, or labor is required for compliance with the two proposed interim code amendments. Licensees who construct residential dwellings will have to comply with the proposed code amendments and local building officials may inspect to ensure compliance.

How were small businesses involved in the development of this rule? Small businesses are represented on the Residential Structures Board, which discussed the amendments at its October 1, 2008 meeting.

Administrative Rule Advisory Committee consulted?: No

If not, why?: The Residential Structures Board reviewed and approved these rules. The board represents a wide segment of industry.

	Mark Long	
Signature	Printed name	Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**ORSC Interim Amendments Temp Rule
Draft: 9-30-08**

918-480-0010

Amendments to the Oregon Residential Specialty Code

(1) The **Oregon Residential Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **Oregon Residential 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, 2008:

(a) The **2006 Edition of the Uniform Plumbing Code**, as published by the International Association of Plumbing and Mechanical Officials and amended by the division, ~~are~~ is adopted ~~as~~ to provide the plumbing provisions of the **Oregon Residential Specialty Code**; and

(b) The **2008 Edition of the NFPA 70, National Electrical Code** ~~and~~ as amended by the division ~~are~~ is adopted ~~as~~ to provide the electrical provisions of the **Oregon Residential Specialty Code**. See OAR chapter 918, division 305 for Oregon amendments to **NFPA 70, National Electrical Code**.

(~~e~~3) Effective April 1, 2007 Appendix N, Low-Rise Multiple-Family Dwelling Construction is moved from the **2005 Oregon Residential Specialty Code** to the **2007 Oregon Structural Specialty Code**.

(~~3~~4) During the phase-in period established in OAR 918-480-0005(3), plans designed to the **2005 Oregon Residential Specialty Code** must use the plumbing and electrical provisions included in that 2005 code; ~~plans~~ Plans that are designed to the **2008 Oregon Residential Specialty Code** must use the plumbing and electrical provisions adopted in this rule.

(~~4~~5) Effective October 1, 2008, the **2008 Oregon Residential Specialty Code** is amended as follows:

(a) Section R 109.1.4.1 is deleted and replaced with the following: The requirement in R318.2 that all moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members is not subject to inspection by the authority having jurisdiction.

(b) Section R318.2 is amended to read: Moisture content. Prior to issuance of the insulation/vapor barrier approval required by R109.1.5.2 of this code:

(A) All moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members.

(B) The general contractor or the owner who was issued the structural permit shall notify the building official, on a division-approved form, that the contractor or the owner who was issued the structural permit is aware of and has taken steps to meet the requirement in paragraph (A).

(6)(a) Effective upon adoption of this subsection, the 2008 Oregon Residential Specialty Code is amended as follows:

(b) Section R602.10.9 is amended to read: R602.10.9 Interior braced wall support. In buildings located in Seismic Design Category D₁ and one-story buildings located in Seismic Design Category D₂, interior braced wall lines shall be supported on continuous foundations at intervals not exceeding 70 feet (21,336 mm). Braced wall panels located in interior braced wall lines at less than 70-foot (21,336 mm) intervals shall be supported by double floor joists or blocking between floor joists. Where floor joists are perpendicular to the braced wall line, blocking shall be provided for the length of braced panel and shall extend to the next available joist below for braced panels whose ends are not aligned with joists below. The length to width ratio of the horizontal diaphragm supporting interior braced wall lines shall not exceed 4 to 1. Use of alternate braced panels in interior braced wall lines is not permitted.

(7) Effective upon adoption of this subsection, the 2008 Oregon Residential Specialty Code is amended to include, as a new section:

(a) R613.2 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 24 inches (610 mm) above the finished floor of the room in which the window is located. Glazing between the floor and 24 inches (610 mm) shall be fixed or have openings through which a 4-inch-diameter (102 mm) sphere cannot pass.

(b) Exceptions.

(A) Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.

(B) Openings that are provided with window guards that comply with ASTM

F 2006 or F 2090.

Stat. Auth.: ORS 455.020, 455.110, 455.525 & 455.610

Stats. Implemented: ORS 455.610

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; BCA 29-1993, f. 11-24-93, cert. ef. 12-1-93; BCD 6-1995, f. 3-31-95, cert. ef. 4-1-95; BCD 3-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 22-1996(Temp), f. 10-1-96, cert. ef. 10-4-96; BCD 5-1997, f. 3-21-97, cert. ef. 4-1-97; Administrative Reformatting 1-19-98; BCD 3-1998, f. 1-29-98, cert. ef. 4-1-98; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 3-2000, f. 1-14-00 cert. ef. 4-1-00; BCD 19-2000(Temp), f. & cert. ef. 8-15-00 thru 2-10-01; BCD 32-2000, f. 12-27-00, cert. ef. 1-1-01; BCD 3-2001, f. 2-9-01, cert. ef. 3-1-01; BCD 2-2002, f. 3-5-02, cert. ef. 4-1-02; BCD 22-2002(Temp), f. 9-13-02 cert. ef. 10-1-02 thru 3-29-03; BCD 30-2002, f. 12-6-02, cert. ef. 1-1-03; BCD 1-2003(Temp), f. & cert. ef. 1-10-03 thru 3-31-03; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 5-2005, f. & cert. ef. 3-28-05; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 5-2008, f. 2-22-08, cert. ef. 4-1-08; BCD 13-2008(Temp), f. & cert. ef. 7-3-08 thru 12-30-08; BCD 21-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 24-2008 (Temp), f. & cert. ef. 10-6-08

DRAFT