

Oregon
Interpretive Ruling 93-46 (Revised November 2, 1994)
SPACING BETWEEN REGULATED BUILDINGS, MOBILE HOMES, MANUFACTURED DWELLINGS AND AGRICULTURAL BUILDINGS

Requested By: PAT LEWIS, CODE SPECIALIST, MANUFACTURED STRUCTURES AND PARKS, BUILDING CODES DIVISION TO SHOW THE PROPER VERSION OF OAR 918-510-070.

QUESTION

Is there any authority in the Dwelling Code to require fire separations or distance between dwellings, manufactured dwellings and detached accessory structures on the same lot?

APPLICABLE CODE SECTIONS

1993 Oregon Structural Specialty Code (OSSC), Section 504; One and Two Family Dwelling Specialty Code (Dwelling Code), R-118 and R-202; and Oregon Administrative Rule Chapter 918, Division 510.

Fire Protection

918-510-070 (J) Manufactured dwellings installed outside a manufactured dwelling or mobile home park shall not be located less than 3 feet from any property line.

(2) Manufactured dwellings installed outside a manufactured dwelling or mobile home park shall not be located less than 10 feet from any adjacent structures except when:

(a) A structure is a manufactured dwelling accessory building or structure specifically designed and constructed for use with the manufactured dwelling to which it is attached;

(h) A site-built structure is not less than 6 feet from the manufactured dwelling it serves;

(c) A site-built structure is less than 3 feet from the manufactured dwelling it serves and has a minimum one-hour fire-resistive rating on the wall facing the manufactured dwelling. The fire-resistive rating shall be rated for exposure from both sides;

(d) A site-built or assembled structure is less than 120 square feet in floor area and not less than three feet from the manufactured dwelling it serves;

(e) A site-built or assembled structure is a cabana attached to the manufactured dwelling in accordance with OAR 918-510-020;

(f) A site-built structure is a ramada constructed and located in accordance with OAR 918-510-040;

(g) A site-built structure is a garage attached to the manufactured dwelling in accordance with OAR 918-510-060; (h) Two manufactured dwellings are joined together to enlarge the total living area of one single-family dwelling and attached according to OAR 918-510-020;

(i) A manufactured dwelling is in a designated storage area or in a sales display area and not used for habitation; (j) Two manufactured dwellings are separated by a fire separation wall constructed in accordance with the Oregon One and Two Family Dwelling Specialty Code; and

(k) Three or more manufactured dwellings are separated with fire separation walls constructed in accordance with the Oregon Structural Specialty Code.

(3) Manufactured dwellings grouped together as described in sections (2)(j) and (k) of this rule shall be structurally and mechanically independent and joined only by flashing and weather resistant roofing materials.

BACKGROUND

Regulating the size and proximity of buildings to property lines is a key concept in protecting public safety. This is necessary to prevent conflagrations. While mobile homes and agricultural buildings are beyond the scope of the OSSC and Dwelling Code for internal regulation, the location and separation of manufactured homes are covered in OAR 918-510-070 amended February 2, 1994.

FINDINGS

1. HUD regulations require manufactured dwellings to remain individual single family residences but do not mandate minimum separation requirements.
2. Fire separation between units in close proximity is critical to prevent fire conflagration.

3. The Manufactured Structures and Parks Advisory Board has adopted rules stipulating fire separations shall be installed according to the Dwelling Code.
4. This ruling is necessary to make clear when fire separations are required and when they are not required.
5. This interpretation is authorized by ORS 455.060, Rulings on Acceptability of Materials, Designs or Methods of Construction and Attorney General's Opinion OP-5208 issued October 1, 1981, which advised the statute permits authoritative interpretations of existing code requirements.

DISCUSSION AND CONCLUSION

Among the 1993 Dwelling Code, the Oregon Structural Specialty Code and OAR 918-510-070 there is authority to regulate the separation of structures on a lot:

1. If two dwellings are butted together, Dwelling Code Section R-218 requires that they be separated by a one-hour fire wall without openings.
2. If two dwelling units are located within 3 feet of each other they each must have a one-hour fire wall without openings on portions of the building in such proximity.
3. If two dwelling units are located 3 or more feet apart, but less than 6 feet apart, one of the walls may be unprotected and have openings. The other dwelling unit less than 3 feet to the imaginary property line must be of one-hour resistive construction without openings.
4. If each dwelling unit is located 3 feet or more from the imaginary property line, no firewalls are required and openings are allowed in both walls.
5. Where three or more dwelling units are in close proximity on the same property they exceed the jurisdiction of the Dwelling Code and shall comply with the requirements of Section 504 of the OSSC.

New buildings, whether regulated by the OSSC or the Dwelling Code and agricultural buildings which are in proximity to new or existing buildings regulated by the OSSC, shall comply with spacing or wall protection and opening requirements of Section R-218 of the Dwelling Code and Section 504 of the OSSC.

Spacing of mobile homes and manufactured dwellings are regulated in OAR 918-510-070.

(signed January 24, 1995)

John W. Eames III, Chair
Manufactured Structures and Parks Advisory Board

(signed December 7, 1994)

John A. Talbott, P.E., Chair
Building Codes Structures Board

The recommendations and findings of the Building Codes Structures Board and Manufactured Structures and Parks Advisory Board are accepted and adopted.

(signed January 25, 1995)

Michele J. Patterson, Acting Administrator
Building Codes Division