

# TRI-COUNTY SERVICE CENTER



## Clackamas Multnomah Washington COUNTIES

A BCD field office, the Tri-County Service Center administers the minor label program and coordinates forms, processes, and application of code for building programs in Clackamas, Multnomah, & Washington counties.

### Tri-County Service Center

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# News *Line*

A quarterly newsletter for commercial builders

August-October 2001

## Building code forum slated September 6 –

The Tri-County Building Industry Service Board has initiated a series of code forums to facilitate the consistent application of code in the tri-county region. The first building code forum, open to all commercial contractors, building officials, and inspection staff will be Thursday, September 6, 4 p.m. to 7 p.m. at the Homebuilders Association Building, 15555 SW Bangy Rd. in Lake Oswego.

The purpose of the code forums is to discover and discuss inconsistent code applications in the region and come to consensus about consistent installation and inspection standards. For ex-ample, a contractor may find that a certain installation acceptable in several jurisdictions is not acceptable to inspectors in other jurisdictions. The code panel is interested in discussing such cases. The forums will be held quarterly at the same location, usually on the second Thursday of the month. During the next 12 months, forums are scheduled for: Monday, December 17, Thursday, March 21, and Thursday, June 20.

A panel of industry and building-department code experts will lead the discussion. The panel is interested in hearing about inconsistent practices and invites all participants to fax questions or observations to us before the meeting, (503) 872-6735 in Portland.

### Members include:

- Jay Winchester - City of North Plains  
Building official
  - Hank McDonald - Portland, Tom Larsen - West Linn  
Senior inspectors
  - Scott Caufield - Clackamas County  
Non-structural plans examiner
  - Eric Schmidt - Gresham  
Engineer
  - Rob Yorke - Yorke and Curtis  
Commercial builder
  - John Lape - John Lape Architects  
Architect
  - Cleve Joiner - Tualatin Valley Fire and Rescue  
Fire department representative
  - Tom Phillips - Building Codes Division  
State code chief (non-voting member)
  - Engineer position open - Contact the Tri-County Service Center manager, (503) 872-6731 to apply.
- Contact Marion Peterson at the Tri-County Service Center, (503) 872-6731, if you plan to attend. ♦

## Settling site-specific disputes

**Have you ever failed an inspection and shrugged off disputing the findings because the appeals process is too complicated and lengthy?**

Thanks to the Tri-County Building Industry Service Board, tri-county contractors now have a new method of settling site-specific disputes. Tri-County's dispute resolution process allows the contractor to dispute inspection findings to the building official. If the contractor and building official cannot come to an agreement, the contractor can ask for a "second opinion."

Then the building official, through the Tri-County Service Center, arranges a conference call with the contractor and on-call code experts from other jurisdictions and industry. The on-call group discusses the case, and the building official takes the group's second opinion into consideration when rendering a decision in writing for the contractor. Contractors who are not satisfied with the findings can appeal the decision to a local appeals board or directly to the state code chief through the "587" appeals process. ♦

## Questions and Answers

The following answers were researched and prepared by Tom Phillips, BCD state code chief.

### Alarm Systems

**Q Section 904.3.2 of the 1998 Oregon Structural Specialty Code (OSSC) states: "An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location." Is this a single-station alarm or does the phrase "to alert the occupants" mean that ALL occupants in the building must be notified by means of alarms located throughout the building?**

**A** This is a single-station alarm. The alarm required by 904.3.2 is not intended to be an NFPA 72-type system that would simultaneously alert all the occupants of a building. The purpose of this alarm is to notify someone in a normally occupied area that water is flowing through the sprinkler system and that appropriate action should be taken.

**Q If a single-station alarm is all that is required, please clarify "a normally occupied location."**

**A** A normally occupied location would be the locality within a building where an occupant is most

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News *Line*

Tri-County building officials now require contractors on all commercial and residential projects to provide a weatherproof container on site to hold plans, inspection reports & other documents.

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likely to see or hear the single-station alarm, at any given time. This would include but not be limited to a manager's office, a supervisor's area, an office area that is typically in use, a staffed reception area, or similar space. The code language is undoubtedly subjective, which means each proposed scenario calls for a separate analysis.

**Q This section states "audible alarms." Are visual alarms also required by Section 1109.14?**

**A** OSSC Section 1109.14.2 states: "Where *single-station alarms* are provided, *single-station visual alarms* will be provided." Again, the alarm required by 904.3.2 is not intended to be an NFPA 72-type system. Only a *single-station visual alarm* in a normally occupied place is necessary. Visual alarms are not required throughout the building.

**ADA Requirements**

**Q Are the adaptability provisions of Section 1110 of the Oregon Structural Specialty Code (OSSC) applicable to multiple duplexes being rented on the same property?**

**A** ORS 447.220 mandates that multi-family dwellings in the state be accessible and usable by all persons with disabilities, as provided for in the Fair Housing Act. Section 1110 of the 1998 OSSC satisfies ORS 447.220 in its like treatment of multi-family dwellings. ORS 447.210(5) defines "covered multi-family dwellings" as "*buildings consisting of four or more dwelling units if such buildings have one or more elevators, and ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.*" This definition comes directly from the definitions in the Fair Housing Act (24 CFR) as promulgated by United States Department of Justice. In staff consultations with the Fair Housing Enforcement Center, federal officials have conveyed that the only instances in which duplexes would be subject to the adaptability portions of the Fair Housing Act is where they are touching (i.e., share an area-separation wall) and certain federally funded projects. When multiple duplexes are being constructed on the same property and they are legally separated (not touching), such buildings are not subject to the adaptability portions of the Fair Housing Act or Section 1110 of the 1998

Oregon Structural Specialty Code. The test for determining application in nonfederally funded projects is whether or not the duplexes are in contact.

**Q Do apartment buildings fall under the definition in ORS 447.210(1) for "affected buildings?"**

**A** No. In short, the ORS 447.210(1) definition of "affected buildings" encompasses places of public accommodation, commercial facilities, and government buildings subject to Title II of the *Americans with Disabilities Act*.

While apartment buildings may be covered under the *Fair Housing Act* (See OSSC Section 1110), they are not "affected buildings" as delineated in the *Americans With Disabilities Act*. However, a building of mixed occupancy may well have to comply with both acts regarding specific occupancies and provisions.

**Q Are elevators required in Group R, Division 1 apartment buildings?**

**A** No. OSSC 1108.3.1.2 specifically exempts this occupancy classification from having to provide elevators. This is consistent with both the *Fair Housing Act* and *Americans With Disabilities Act*.

The need to install elevators in apartment buildings becomes somewhat "self regulating" in that persons will not rent units beyond a reasonable height due to physical restraints of access and the inherent difficulties in moving belongings. On a related note, while the OSSC and *Fair Housing Act* don't require elevators in apartments, they require that apartments on floors served by elevators be made adaptable.

**Q Is it necessary to provide an accessible route to the second story of a fire station when such space is used solely as living quarters for firefighters?**

**A** Yes. The Department of Justice has determined that such structures are covered Title II government buildings and an accessible route is required to the second floor. While it may be argued that persons with mobility impairments are effectively precluded from employment as firefighters, it still remains that other persons employed by jurisdictions may need access for such purposes as cleaning, maintenance, or clerical tasks. ♦

440-2736 (8/01/COM)