

House Bill 2961

Sponsored by COMMITTEE ON CONSUMER PROTECTION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows municipality to impose local requirements for construction of new structures that are more stringent than state building code.

A BILL FOR AN ACT

1
2 Relating to local requirements for the construction of structures; creating new provisions; and
3 amending ORS 447.080, 455.040, 455.060 and 455.685.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 447.080 is amended to read:

6 447.080. *[No city or county shall]* **Except as provided in ORS 455.040, a city or county may**
7 **not** enact or enforce any ordinances, *[or building]* codes, **rules or regulations** providing different
8 requirements than those imposed by the state building code for the regulation of the business of
9 master plumbing or the installation of drainage work. *[unless authorized by the Director of the De-*
10 *partment of Consumer and Business Services under ORS 455.040.]*

11 **SECTION 2.** ORS 455.040 is amended to read:

12 455.040. *[(1)]* **Except as provided in this section,** the state building code shall be applicable
13 and uniform throughout this state and in all municipalities. *[, and no municipality shall enact or en-*
14 *force any ordinance, rule or regulation relating to the same matters encompassed by the state building*
15 *code but which provides different requirements unless]* **A municipality may adopt a local ordinance,**
16 **code, rule or regulation that imposes construction standards for new structures that are**
17 **more stringent than the standards imposed under the state building code or that imposes**
18 **standards that are** authorized by the Director of the Department of Consumer and Business Ser-
19 vices. **This section does not allow a municipality to impose a local ordinance, code, rule or**
20 **regulation on any structure exempted from application of the state building code.** The direc-
21 tor's authorization shall not be considered an amendment to the state building code under ORS
22 455.030. The director shall encourage experimentation, innovation and cost effectiveness by munic-
23 ipalities in the adoption of ordinances, **codes,** rules or regulations *[which conflict with the state*
24 *building code]* **described in this section.**

25 *[(2) Subsection (1) of this section is operative:]*

26 *[(a) With regard to the state structural code, July 1, 1974.]*

27 *[(b) With regard to the state mechanical, heating and ventilating code, on the effective date of such*
28 *code as determined under ORS 183.355.]*

29 *[(c) With regard to each specialty code not named by paragraphs (a) and (b) of this subsection, on*
30 *the effective date, as determined under ORS 183.355, of the first amendments to such code adopted*
31 *pursuant to this chapter.]*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

SECTION 3. ORS 455.060 is amended to read:

455.060. (1) Any person who desires to use or furnish any material, design or method of construction or installation in the state, or any building official, may request the Director of the Department of Consumer and Business Services to issue a ruling with respect to the acceptability of any material, design or method of construction about which there is a question under any provision of the state building code. Requests shall be in writing and, if made by anyone other than a building official, shall be made and the ruling issued prior to the use or attempted use of such questioned material, design or method. **If a local ordinance, code, rule or regulation described in ORS 455.040 applies to the structure for which approval to use the material, design or method of construction is being sought, and the request for a ruling is by a person other than a building official, the person shall first submit the information concerning the material, design or method of construction to the municipality and request a determination of whether the material, design or method of construction complies with the local ordinance, code, rule or regulation.**

(2) In making rulings, the director shall obtain the approval of the appropriate advisory board as to technical and scientific facts and shall consider the standards and interpretations published by the body that promulgated any nationally recognized model code adopted as a specialty code of this state.

(3) A copy of *[the]* a ruling issued by the director shall be certified to the person making the request. Additional copies shall be transmitted to all building officials in the state. The director shall keep a permanent record of all such rulings, and shall furnish copies thereof to any interested person upon payment of such fees as the director may prescribe.

(4) A building official or inspector shall approve the use of any material, design or method of construction approved by the director pursuant to this section if the requirements of all other local ordinances, **codes, rules and regulations applicable to the structure** are satisfied.

SECTION 4. ORS 455.685 is amended to read:

455.685. The Director of the Department of Consumer and Business Services may, upon an application setting forth a set of plans and specifications that will be utilized in one or more municipalities to acquire building permits, review and approve the application for the construction or erection of any building or structure if such set of plans meets the requirements of the state building code. All costs incurred by the director by virtue of the examination of such a set of plans and specifications shall be paid by the applicant. The plans and specifications or any plans and specifications required to be submitted to a state agency shall be submitted to the director who shall examine the instruments and if necessary distribute them to the appropriate state agencies for scrutiny regarding adequacy as to fire safety, life safety and all other appropriate features. The state agencies shall examine and promptly return the plans and specifications together with their certified statement as to the adequacy of the instruments regarding that agency's area of concern. The applicant shall submit the plans and specifications to a local building official prior to application for a building permit. The local building official shall review the plan for those features required by local ordinance, **code, rule or regulation** or by any site-specific, geographic, geologic or climatic code requirements. A local building official shall issue a building permit upon application and presentation to the local building official of such a set of plans and specifications bearing the approval of the director if the requirements of all other local ordinances, **codes, rules and regulations** are satisfied. The director or local building official may assess such fees as necessary to recover the reasonable costs incurred to ensure the compliance of the plans and specifications with

1 the state building code.

2 **SECTION 5. The amendments to ORS 447.080, 455.040, 455.060 and 455.685 by sections 1**
3 **to 4 of this 2009 Act apply to structures for which a building permit application is filed on**
4 **or after the effective date of this 2009 Act.**

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