

A-Engrossed
Senate Bill 840

Ordered by the Senate April 12
Including Senate Amendments dated April 12

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

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.

Imposes new water use limitations on fixtures.
Becomes operative January 1, 2016.

A BILL FOR AN ACT

1
2 Relating to plumbing fixtures; creating new provisions; and amending ORS 447.145 and 455.610.

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

4 **SECTION 1.** ORS 447.145 is amended to read:

5 447.145. (1) All new fixtures approved for installation during construction, reconstruction, al-
6 teration and repair of buildings and other structures under ORS 447.020 shall comply with rules
7 adopted by the Director of the Department of Consumer and Business Services. The rules shall be
8 consistent with performance requirements and test procedures established by the American National
9 Standards Institute, or other equivalent recognized North American standards and procedures. [*Ex-*
10 *cept for used fixtures allowed under subsection (4) of this section,*] The average amount of water used
11 by new or replacement fixtures under the applicable test procedures shall not exceed:

12 (a) [*1.6 gallons or 6.06*] **1.3 gallons or 4.92** liters per flush for [*toilets*] **water closets;**

13 [*1.0 gallons or 3.785 liters per flush for urinals;*]

14 **(b) 0.5 gallons or 1.89 liters per flush for floor-mounted urinals;**

15 **(c) 0.125 gallons or 0.47 liters per flush for wall-mounted urinals;**

16 [*(c)*] **(d) 2.5 gallons or 9.46 liters per minute for shower heads;** [*and*]

17 [*(d) 2.5 gallons or 9.46 liters per minute for interior faucets.*]

18 **(e) 2.2 gallons or 8.33 liters per minute for interior faucets other than in lavatories; and**

19 **(f) 1.5 gallons or 5.68 liters per minute for faucets in lavatories.**

20 (2) Notwithstanding subsection (1) of this section, the director by rule shall provide for ex-
21 emptions to the requirements under subsection (1) of this section if:

22 (a) The reconstruction, alteration or repair of a building does not include the installation of new
23 or replacement [*toilets*] **water closets** or urinals, shower heads or faucets within the building;

24 (b) Due to the capacity, design or installation of the plumbing or sewage system within an ex-
25 isting building, [*toilets*] **water closets** or urinals required by subsection (1) of this section would, if
26 installed in the building, be unable to meet the performance requirements of the American National
27 Standards Institute or other equivalent recognized North American standards as adopted by rule;

28 (c) The fixtures and fittings necessary to perform a specialized function, including but not lim-

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.

1 ited to emergency showers and aspirator faucets, cannot meet the requirements;

2 (d) The installation of fixtures that do not comply with subsection (1) of this section is necessary
3 to maintain the historic character of a structure listed under ORS 358.480 to 358.545; or

4 (e) The fixtures and fittings to be installed are specifically designed to withstand unusual abuse
5 or installation in a penal institution or are located in an area with special needs, such as a labo-
6 ratory, hospital, nursing home or other health care facility.

7 (3) No person shall sell or offer for sale any new *[toilet]* **water closet**, urinal, shower head or
8 faucet that has not been approved under ORS 447.020.

9 (4) *[On or after December 31, 1995, no person shall]* **A person may not** sell or offer for sale any
10 used *[toilet]* **water closet**, urinal, shower head or interior faucet that does not meet the conservation
11 standards established in subsection (1) of this section.

12 (5) The director shall adopt rules and regulations for marking, labeling or otherwise identifying
13 fixtures that meet the standards of this section.

14 **SECTION 2.** ORS 455.610 is amended to read:

15 455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and
16 amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including
17 structural design provisions, related to the construction of residential dwellings three stories or less
18 above grade. The code provisions for plumbing and electrical requirements must be compatible with
19 other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical
20 Board and the State Plumbing Board shall review, respectively, amendments to the electrical, me-
21chanical or plumbing provisions of the code.

22 (2) Changes or amendments to the code adopted under subsection (1) of this section may be made
23 when:

24 (a) Required by geographic or climatic conditions unique to Oregon;

25 (b) Necessary to be compatible with other statutory provisions;

26 (c) Changes to the national codes are adopted in Oregon; or

27 (d) Necessary to authorize the use of building materials and techniques that are consistent with
28 nationally recognized standards and building practices.

29 (3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time
30 following appropriate consultation with the Mechanical Board or Building Codes Structures Board,
31 amend the mechanical specialty code or structural specialty code to ensure compatibility with the
32 Low-Rise Residential Dwelling Code.

33 (4) The water conservation provisions for *[toilets]* **water closets**, urinals, shower heads and in-
34terior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted
35 under ORS 447.020 to meet the requirements of ORS 447.145.

36 (5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS
37 455.030 and 455.110.

38 (6) The director, by rule, shall establish uniform standards for a municipality to allow an alter-
39nate method of construction to the requirements for one and two family dwellings built to the
40 Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire
41 apparatus means of approach to a property or water supply serving a property does not meet ap-
42plicable fire code or state building code requirements. The alternate method of construction, which
43 may include but is not limited to the installation of automatic fire sprinkler systems, must be ap-
44proved in conjunction with the approval of an application under ORS 197.522.

45 (7) For lots of record existing before July 2, 2001, or property that receives any approval for

1 partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing
2 an alternate method of construction to the requirements for one and two family dwellings built to
3 the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director
4 pursuant to subsection (6) of this section. For property that receives all approvals for partition,
5 subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an
6 alternate method of construction to the requirements for one and two family dwellings built to the
7 Low-Rise Residential Dwelling Code must apply the uniform standards established by the director
8 pursuant to subsection (6) of this section.

9 **SECTION 3. The amendments to ORS 447.145 and 455.610 by sections 1 and 2 of this 2013**
10 **Act become operative January 1, 2016.**

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