

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Office Of State Fire Marshal	Division 40	837
Agency and Division		Administrative Rules Chapter Number
Pat Carroll	4760 Portland Rd. NE Salem, OR 97305	(503) 373-1540, ext. 276
Rules Coordinator	Address	Telephone

RULE CAPTION

Changes to amend Rule with reference to mid-cycle amendments to the 2007 Oregon Fire Code

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

July 15, 2008	9:00AM	4760 Portland Rd. NE Salem, OR 97305	John Caul
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 837-040-0020

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : **ORS 476.030**

Other Auth.:

Stats. Implemented: **ORS 476.030**

RULE SUMMARY

Rule changes are needed to correct any immediate life threatening situations or conflicts in the codes and to update references to nationally recognized standards since the adoption of the 2007 Oregon Fire Code.

Any costs associated with these changes are necessary to the health and safety of the occupants or the public.

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.

July 15, 2008

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



Pat Carroll

May 22, 2008

Signature

Printed name

Date

*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

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

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

Office Of State Fire Marshal Division 40

837

Agency and Division

Administrative Rules Chapter Number

Changes update Rule with reference to mid-cycle amendments to the 2007 Oregon Fire Code

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

In the Matter of:

Amending: 837-040-0020

Statutory Authority: ORS 476-030

Other Authority:

Stats. Implemented: ORS 476-030

Need for the Rule(s): See attached page

Documents Relied Upon, and where they are available:

Code Change Proposals available on the agency website and Oregon Fire Code Committee minutes of April 4, 2008.

Fiscal and Economic Impact:

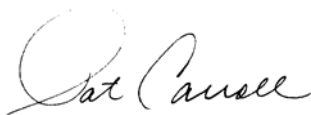
Statement of Cost of Compliance:

The rule changes will impose additional costs on any private or public sector entity that chooses to purchase the newer edition of the Nationally Recognized Standards.

The remainder of the charges are to correlate to the Oregon Structural Specialty Code and any cost impact can be found on the Building Codes Division's Statement of Need and Fiscal Impact.

Administrative Rule Advisory Committee consulted?: Yes. The Oregon Fire Code Committee.

If not, why?:



Pat Carroll

May 22, 2008

Signature

Printed name

Date

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



Oregon

Theodore R. Kulongoski, Governor

Department of State Police

Office of State Fire Marshal

4760 Portland Road NE
Salem, OR 97305-1760
(503) 378-3473

FAX (503) 373-1825

TTY (503) 390-4661

Oregon.sfm@state.or.us

www.sfm.state.or.us

February 1, 2008

NOTICE OF MID-CYCLE AMENDMENTS TO THE 2007 OREGON FIRE CODE

As per Oregon Administrative Rule Chapter 837, Division 040, Section 0020 the Office of State Fire Marshal is accepting mid-cycle amendments to the 2007 Oregon Fire Code to be effective October 1, 2008. The deadline for submittals is 5:00 pm, April 1, 2008.

Criteria for mid-cycle amendments are:

- To correct an immediate life threatening situation, or
- Correct conflicts in the code that cannot wait until the regular code adoption cycle, or
- Update a referenced National Recognized Standard to a current edition.

Code change submittal forms can be found on the State Fire Marshal web site at <http://www.oregon.gov/OSP/SFM/docs/Codes/codechange.pdf>

If you have questions about mid-cycle amendments or the process please contact Deputy State Fire Marshal John Caul at 503-373-1540, ext. 269 or john.caul@state.or.us.

SEE PROPOSED CHANGES BELOW

CHANGES TO OAR 837-040-0020 FOR MID-CYCLE AMENDMENTS TO THE 2007 OREGON FIRE CODE (OFC)

(3) Effective October 1, 2008 the 2007 Oregon Fire Code (OFC) is amended by the Office of State Fire Marshal as follows:

- (a) Amend Section 102.3 by replacing the words Fire Code Official with Building Code Official.**
- (b) Amend Section 202, Definitions for Group I-4, Day Care Facilities and R-3 Residential Occupancies.**
- (c) Section 307.1.1. Delete wording that refers to, offensive or objectionable smoke or odor emissions, to eliminate a possible conflict with Oregon Department of Environmental Quality (ODEQ) rules.**
- (d) Amend Section 605.10 to delete references to heating elements and tip over switch in the Exception.**
- (e) Amend Section 902.1, Definitions for Substantial Alterations and Substantial Damage to correlate with changes to the 2007 Oregon Structural Specialty Code (OSSC).**
- (f) Delete Section 903.2.7.1 to correlate with changes to the 2007 Oregon Structural Specialty Code (OSSC).**
- (g) Amend and renumber Section 903.2.7.2 to correlate with the changes to the 2007 Oregon Structural Specialty Code (OSSC).**
- (h) Amend Section 1019.2 and Table 1019.2 to correlate with the changes to the 2007 Oregon Structural Specialty Code (OSSC).**
- (i) Add a new Section 1305 to correlate with the 2007 Oregon Mechanical Specialty Code (OMSC) for dust collection.**
- (j) Amend Chapter 45, National Fire Protection Association (NFPA) Standards, to current editions as follows:**

NFPA 10 to the 2007 edition. Section 7.1.2.3 will be effective January 1, 2009.

NFPA 11 to the 2005 edition.

NFPA 13, 13R and 13D to the 2007 edition.

NFPA 14 to the 2007 edition.

NFPA 40 to the 2007 edition.

NFPA 58 to the 2008 edition.

NFPA 72 to the 2007 edition.

NFPA 101 to the 2006 edition.

NFPA 409 to the 2004 edition.

Proposed 2007 Oregon Fire Code

“Mid-Cycle Amendments”

Effective Date: October 1, 2008

Contact: John Caul
Deputy State Fire Marshal
John.caul@state.or.us
(503) 373-1540 ext. 269

The following code sections have been amended by the State:

ADMINISTRATION

Amend section 102.3 to change **fire code official** to **building code official**.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the ~~fire code official~~ **building code official**, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

DEFINITIONS

Amend section 202, Group I-4, day care facility and R-3 to correlate with the OSSC.

Group I-4, day care facility. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with six or fewer persons, or ~~group~~ **Family** Child Care Homes or ~~family child care homes~~ (located in a private residence) as defined in ~~ORS Chapter 657A~~ **Section 310.2 of the Oregon structural Specialty Code**, shall be classified as a Group R-3 or shall comply with the *Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units.

Adult care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours.

Congregate care facilities with 16 or fewer persons.

Adult foster homes as defined in ORS Chapter 443, ~~or group and f~~ **Family Child Care Homes** (located in a private residence) as defined in ~~ORS Chapter 657A~~ **Section 310.2 of the Oregon Structural Specialty Code**.

Adult **foster homes** and **Family eChild eCare Home facilities** that are within a ~~single-family home~~ **dwelling** are permitted to comply with the *International Residential Code* **Oregon Residential specialty Code** in accordance with section 101.2

GENERAL PRECAUTIONS AGAINST FIRE

Amend section 307.1.1, to clarify when open burning is prohibited by the fire code.

307.1.1 Prohibited open burning. Open burning ~~that is offensive or objectionable because of smoke or odor emissions or~~ when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

FIRE PROTECTION SYSTEMS

Amend section 605.10, Exception, to eliminate the heating element and tip over switch language.

605.10 Portable, electric space heaters. Portable, electric space heaters shall comply with Sections 605.10.1 through 605.10.4. The use of portable space heating devices in Group I and SR occupancies shall be prohibited.

Exception: Portable space heating devices may be permitted to be used in non-sleeping staff and employee areas. ~~Where the heating elements of such~~

devices do not exceed 212° F (100° C) and such devices shall have a tip-over switch.

FIRE PROTECTION SYSTEMS

Amend section 902.1, definition for substantial alteration and substantial damage.

SUBSTANTIAL ALTERATION. Any alteration where the total cost of all alterations (including but not limited to electrical, mechanical, plumbing and structural changes) for a building or facility within any 12-month period amounts to **40 25** percent or more of the assessed value of the structure before the alteration occurred. For the purposes of this chapter, standard building maintenance, residing or reproofing are not considered as alterations.

SUBSTANTIAL DAMAGE. Any damage of any origin to a structure whereby the cost of restoring the structure to its original condition would be equal to or exceeding **40 25** percent of the assessed value of the structure before the alteration occurred.

FIRE PROTECTION SYSTEMS

Amend Section 903.2.7.2, fire sprinkler requirements in substantially damaged or substantially altered existing nonsprinklered apartment buildings.

~~903.2.7.1 Alternate fire sprinkler system requirements. The requirements of Section 903.2.7.2 are adopted by the Building Codes Division of the State of Oregon for optional use in municipalities.~~

NOTE: "For optional use in municipalities" means when included in the local building department adoption ordinance of the *Oregon Structural Specialty Code*.

~~903.2.7.2~~ **903.2.7.1 Requirements.** When substantial alterations are made or substantial damage occurs to an existing non-sprinklered Group R2 **apartment house** building, designed and constructed under the provisions of this code, an approved automatic ~~multi~~purpose sprinkler system complying with NFPA ~~43D~~ **13R** shall be installed only in the substantial altered or damaged dwelling units. When more than 50 percent of the dwelling units within a building are substantially altered or damaged, the entire Group R **apartment house** occupancy shall be provided with an NFPA ~~43D~~ **13R sprinkler system or equivalent.** For the purposes of this section, when an NFPA 13R sprinkler system is installed, a fire department connection shall not be required.

MEANS OF EGRESS

1019.2 Buildings Stories with one exit. Only one exit shall be required in buildings as described below:

1. Buildings described in Table 1019.2, provided that the building has not more than one level below the first story above grade plane. **Stories meeting the limitations of Table 1019.2.**
2. Buildings of Group R-3 occupancy.
- ~~3. Single level buildings with the occupied space at the level of exit discharge provided that the story or space complies with Section 1015.1 as a space with one means of egress.~~

**TABLE 1019.2
BUILDINGS STORIES WITH ONE EXIT**

<u>STORY ABOVE GRADE PLANE</u>	<u>OCCUPANCY</u>	<u>MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE TO EXIT</u>
<u>FIRST STORY OR BASEMENT</u>	<u>A, B^d, E^e, F^d, M.U., S^d</u>	<u>49 occupants and 75 feet travel distance</u>
	<u>H-2, H-3</u>	<u>3 occupants and 25 feet travel distance</u>
	<u>H-4, H-5, I, R</u>	<u>10 occupants and 75 feet travel distance</u>
	<u>S^a</u>	<u>29 occupants and 100 feet travel distance</u>
<u>SECOND STORY</u>	<u>B^b, F, M, S^a</u>	<u>29 occupants and 75 feet travel distance</u>
	<u>R-2</u>	<u>4 dwelling units and 75 feet travel distance</u>
<u>THIRD STORY</u>	<u>R-2^c</u>	<u>4 dwelling units and 50 feet travel distance</u>

For SI: 1 foot = 3048. mm

- a. For the required number of exits for parking structures, see Section 1019.1.1.
- b. For the required number of exits for air traffic control towers, see Section 412.1
- c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1026.
- d. Group B, F and S occupancies in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall have a maximum occupant load of 10.
- e. Day care occupancies shall have a maximum occupant load of 10.

COMBUSTIBLE DUST-PRODUCING OPERATIONS

Add section 1305.2, Dust Collection to
make reference to the Mechanical Code.

SECTION 1305 **DUST COLLECTION**

1305.1 Dust Collection. Dust collection systems shall be designed and installed in accordance with Section 510 of the *International Mechanical Code*. Electrical ventilation fan motor shall be interlocked in accordance with Section 503.1 of the *International Mechanical Code*

SEE NEXT PAGE FOR
REFERENCED STANDARDS
UPDATES

REFERENCED STANDARDS

Update References:

- a. NFPA 10, ~~2002~~ 2007
- b. NFPA 11, ~~2002~~ 2005
- c. NFPA 13, ~~2002~~ 2007
- d. NFPA 13R, ~~2002~~ 2007
- e. NFPA 13D, ~~2002~~ 2007
- f. NFPA 14, ~~2003~~ 2007
- g. NFPA 40, ~~2001~~ 2007
- h. NFPA 58, ~~2004~~ 2008
- i. NFPA 72, ~~2002~~ 2007
- j. NFPA 101, ~~2003~~ 2006
- k. NFPA 409, ~~2001~~ 2004

- 10-~~02~~ 07 Portable Fire Extinguishers, Table 901.6.1, 906.2, 906.3, Table 906.3(1), Table 906.3(2), 2106.3
- 11-~~02~~ 05 Low-, Medium, High-expansion Foam, 904.7, 3404.2.9.1.2
- 13-~~02~~ 07 Installation of Fire Sprinkler Systems... Table 704.1, 903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.2, 904.11, 905.3.4, 907.9, 2301.1, 2304.2, Table 2306.2, 2306.9, 2307.2, 2307.2.1, 2308.2.2, 2308.2.2.1, 2310.1, 2501.1, 2804.1, 2806.5.7, 3404.3.3.9, Table 3404.3.6.3(7), 3404.3.7.5.1, 3404.3.8.4
- 13D-~~02~~ 07 Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes, 903.1.3, 903.3.5.1.1
- 13R-~~02~~ 07 Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height, 903.3.1.2, 903.3.5.1.1, 903.3.5.1.2, 903.4
- 14-~~03~~ 07 Installation of Standpipe and Hose System, 905.2, 905.3.4, 905.4.2, 905.8
- 40-~~01~~ 07 Storage and Handling of Cellulose Nitrate Film , 306.2
- 58-~~04~~ 08 Liquefied Petroleum Gas Code,.3801.1, 3803.1, 3803.2.1, 3803.2.1.2, 3803.2.1.7, 3803.2.2, 3804.1, 3804.3.1, 3804.4, 3806.2, 3806.3, 3807.2, 3808.1, 3808.2, 3809.11.2, 3811.3
- 72-~~02~~ 07 National Fire Alarm Code,.509.1, Table 901.6.1, 903.4.1, 904.3.5, 907.2, 907.2.1.1, 907.2.10, 907.2.10.4, 907.2.11.2, 907.2.11.3, 907.2.12.2.3, 907.2.12.3, 907.3, 907.5, 907.6, 907.10.2, 907.11, 907.15, 907.17, 907.18, 907.20, 907.20.2, 907.20.5
- 101-~~03~~ 06 Life Safety Code, 1025.6.2
- 409-~~01~~ 04 Aircraft Hangers, 914.8.2, 914.8.5

Centers for Medicare & Medicaid Federally licensed facilities in the State of Oregon must met the applicable provisions of the 2000 edition of the Life Safety Code of the National Fire Protection Association. The Director of the Office of the Federal Register has approved the NFPA 101, 2000 edition of the Life Safety Code, issued January 14, 2000, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the FEDERAL REGISTER to announce the changes.