

Chapter 447

1991 EDITION

Plumbing Code; Accessibility to Disabled Persons

REGULATION OF PLUMBING

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**REGULATION OF PLUMBING
(Generally)**

447.010 Definitions for ORS 447.010 to 447.160. As used in ORS 447.010 to 447.160, unless the context requires otherwise:

(1) "Administrator" means the State Building Code Administrator.

(2) "Agency" means the Building Codes Agency.

(3) "Board" means the State Plumbing Board established under ORS 693.115.

(4) "Journeyman plumber" has the meaning given that term in ORS 693.010.

(5) "Plumbing" is the art of installing, altering or repairing in or adjacent to or serving buildings:

(a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.

(b) Fixtures and fixture traps.

(c) Soil, waste and vent pipes.

(d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or alley, or other disposal terminal holding human or domestic sewage.

(e) Storm-water drainage, with their devices, appurtenances and connections. [Subsection (3) enacted as 1955 c.548 §2; 1957 c.300 §1; 1961 c.401 §1; 1973 c.734 §1; 1973 c.835 §221; 1981 c.438 §28; 1987 c.414 §26]

447.020 Plumbing to conform to requirements; enforcement. (1) All installations of plumbing and drainage in buildings and structures in this state and all potable water supply, drainage, and waste installations, within or serving buildings or structures, except in temporary construction camps, and except as otherwise provided in ORS 447.010 to 447.160, shall be made in accordance with the requirements of ORS 447.010 to 447.160 and ORS chapter 455.

(2) The administrator with the approval of the State Plumbing Board shall make rules pursuant to ORS 183.310 to 183.550 for the purpose of setting standards for plumbing and defining compliance with the provisions of ORS 447.010 to 447.160 particularly pertaining to installation of piping, protection and adequacy of the water supply, workmanship and materials, traps and cleanouts, domestic hot water storage tanks and devices, drinking fountains, approval of devices, equipment and fixtures, hangers and supports, drainage and venting, house drains and house sewers, stormwater drains, special wastes, light and ventilation of water closets and bathrooms, and excavation and grading.

(3) The administrator shall appoint an adequate staff experienced and trained to

serve as plumbing inspectors to enforce rules adopted under this section. [Amended by 1957 c.300 §2; 1971 c.753 §48; 1973 c.734 §2; 1973 c.835 §222; 1981 c.438 §29]

447.023 Small restaurant requirements. Rules adopted under ORS 447.020 shall allow restaurants with an occupancy capacity of no more than 15 persons, including employees and patrons, to have only one toilet fixture and adjacent lavatory on the premises. [1979 c.390 §4; 1981 c.438 §30]

447.026 Identification on potable water pipe required. (1) All water pipe used to carry potable water sold in this state shall be clearly marked the entire length of pipe, at intervals of length set by the administrator with approval of the board, with:

(a) Identification of the manufacturer and the plant of origin; and

(b) The manufacturing standard under which the pipe was made.

(2) A label, shield or coding system may be used to identify the manufacturer, origin and manufacturing standard under which the pipe was made if the manufacturer has on file with the agency a notice describing the identification system used. [1979 c.535 §3; 1981 c.438 §31; 1991 c.19 §1]

447.030 Registration certificate for plumbing; application; fee; issue; expiration. (1) Every person, firm and corporation engaged in the business of furnishing labor and material, or labor only, to alter, renovate or install plumbing in this state shall, on or before July 1 of each year, file with the board an application in writing for registration. The board may vary the dates of certificate of registration renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) The application shall state:

(a) The name and address of the applicant.

(b) In case of firms, the names and post-office addresses of the individuals composing the firm.

(c) In case of corporations, the names of their managing officials.

(d) The location of the business of the applicant and the name under which the business is to be conducted.

(3) No registration shall be made or entered until the applicant has paid to the board the registration fee provided in ORS 693.135. The board shall issue to such person, firm or corporation a certificate of registration.

(4) All certificates shall bear the date of issue and date of expiration. [Amended by 1969

c.540 §1; 1973 c.734 §3; 1973 c.835 §223; 1975 c.429 §3; 1981 c.438 §32]

447.033 [1955 c.548 §§3, 4; 1969 c.540 §2; repealed by 1973 c.835 §234]

447.034 [1973 c.427 §2; repealed by 1981 c.438 §46]

447.035 [1955 c.548 §5; repealed by 1973 c.835 §234]

447.040 Registration mandatory. No person shall engage in or follow the business or occupation of, or advertise or purport to be or act temporarily or otherwise as registered to conduct a plumbing business and no member or employee of a firm, partnership or corporation shall engage in the layout or superintending of plumbing installations without having secured the certificate of registration required by ORS 447.010 to 447.160. [Amended by 1955 c.548 §6; 1973 c.835 §224]

447.050 Grounds for denial and revocation of certificate; hearing; notice. (1) The board may revoke or suspend any certificate of registration if it is obtained through error or fraud or if the holder of the certificate has failed to comply with ORS 447.010 to 447.160 or the rules adopted thereunder or with ORS chapter 455 or the rules adopted thereunder or with ORS chapter 693.

(2) The board shall not deny any application for a certificate or revoke or suspend a certificate without first giving the applicant or certificate holder an opportunity for a hearing of the denial, suspension or revocation. Notice of a hearing shall be given in writing by receipted certificated mail or by personal service at least 10 days before the date of the hearing and shall state the place, date and hour of the hearing along with the grounds for the denial, suspension or revocation. [Amended by 1973 c.835 §225; 1981 c.438 §33]

447.060 Engaging in certain plumbing work not affected. (1) Nothing in ORS 447.010 to 447.160 prevents a person from:

(a) Engaging in plumbing work when not so engaged for hire.

(b) Using the services of regular employees in performing plumbing work for the benefit of property owned, leased or operated by such employer.

(2) For purposes of subsection (1) of this section, a "regular employee" means a person who is subject to the provisions of ORS 316.162 to 316.212 and who has completed a withholding exemptions certificate required by the provisions of ORS 316.162 to 316.212.

(3) A licensee under ORS 671.560 (2) is not required to be registered under ORS 447.010 to 447.160 to install irrigation backflow devices if the installer is licensed as required by ORS 671.615. The exemptions established under this subsection do not exempt the person from the inspection and permit requirements of this chapter.

(4) This section applies to any person, including but not limited to, individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, this state and any agencies thereof, and the Federal Government and any agencies thereof. [Amended by 1955 c.548 §7; 1973 c.835 §226; 1981 c.438 §34; 1987 c.561 §3; 1987 c.604 §15]

447.070 Registration prerequisite to maintenance of legal action. No person carrying on, conducting or transacting a plumbing business may maintain any suit or action in any of the courts of this state without alleging and proving that the person was duly registered under ORS 447.030 at the time of performing such work. [Amended by 1955 c.548 §8; 1973 c.835 §227]

447.080 City and county plumbing regulations. No city or county shall enact or enforce any ordinances or building codes providing different requirements than those imposed by the state building code for the regulation of the business of master plumbing or the installation of drainage work unless authorized by the administrator under ORS 455.040. [Amended by 1955 c.548 §9; 1963 c.47 §1; 1973 c.834 §31; 1973 c.835 §228; 1985 c.590 §1]

447.085 [1973 c.734 §7; 1977 c.748 §1; repealed by 1981 c.438 §46]

447.090 [Repealed by 1971 c.753 §74]

447.091 Contracts with sanitary districts and authorities and service districts for inspection of building sewers. The Building Codes Agency or local government administering the plumbing specialty code adopted under ORS 447.020 (2) may, upon request of any sanitary district formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.650 to 450.989, or county service district established under ORS 451.410 to 451.610, contract for the inspection of building sewers constructed to connect a district sewage system if inspectors employed by such district are certified for sewer inspections under ORS 455.715 to 455.740. [1977 c.828 §4]

447.095 Fee schedule; inspection fees; inspections by agreement with governmental units. (1) Rules adopted under ORS 447.020 shall provide a plumbing inspection fee schedule. The schedule shall establish inspection fees for inspections made by the agency under ORS 447.010 to 447.160 based on the cost of making inspections as measured by the time required of the inspector.

(2) Plumbing inspections may be made for other governmental units, upon request, pursuant to agreements entered into under ORS 190.003 to 190.620. [1973 c.734 §8; 1981 c.438 §35]

447.097 Disposition of moneys received under ORS 447.010 to 447.160. All moneys

received by the agency under ORS 447.010 to 447.160 shall be disposed of in accordance with ORS 693.165. [1981 c.438 §42]

(Fixture Installation Regulations)

447.100 Restriction on tank-type water closets in certain buildings. (1) No new hotel, motel, apartment house, dwelling, office building or other structure shall be constructed which employs a tank-type water closet that is not approved by the director, with the approval of the board, as meeting adequate standards of safety and sanitation.

(2) The administrator, with the approval of the board, shall cause to have adopted and published, pursuant to ORS 183.310 to 183.550, a list of approved types of tank-type water closets meeting the requirements of this section. [1977 c.171 §2; 1981 c.438 §36; 1985 c.590 §2]

447.105 [1977 c.171 §3; 1981 c.438 §37; repealed by 1987 c.453 §1]

447.110 [Amended by 1963 c.194 §1; 1969 c.443 §1; 1973 c.835 §229; repealed by 1973 c.834 §46]

447.115 "Compost toilet" defined. As used in ORS 447.118 and 447.124, "compost toilet" means a permanent, sealed, water-impervious toilet receptacle screened from insects, used to receive and store only human wastes, urine and feces, toilet paper and biodegradable garbage, and ventilated to utilize aerobic composting for waste treatment. [1977 c.523 §2]

447.118 Standards for compost toilets; security required of certain installers. (1) Nothing in ORS 447.010 to 447.160 shall prohibit the installation of a compost toilet for a dwelling by the occupant of the dwelling if the compost toilet complies with the minimum requirements established under this section.

(2) Rules adopted under ORS 447.020 shall provide minimum requirements for the design, construction, installation and maintenance of compost toilets.

(3) The Building Codes Agency with approval of the State Plumbing Board may require by rule that, in addition to any other requirements provided by law, any manufacturer or distributor of a compost toilet and any person other than the owner of the dwelling in which the compost toilet is to be installed who proposes to install a compost toilet file with the agency a satisfactory bond, irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005 or other security in an amount to be fixed by the agency with approval of the board but not to exceed \$5,000, conditioned that such bond, letter of credit or security shall be forfeited in whole or in part to the agency for the purpose of carrying out the provisions

of ORS 447.124 by failure of such manufacturer, distributor or person to comply with the rules adopted under this section. [1977 c.523 §3; 1981 c.438 §38; 1991 c.331 §62]

447.120 [Amended by 1963 c.194 §2; 1969 c.443 §2; 1973 c.835 §230; repealed by 1973 c.834 §46]

447.124 Inspection of compost toilets; orders to remedy violations; action against security bond; review of orders; costs as lien against dwelling. For the purpose of enforcing ORS 447.118 and the rules adopted thereunder, the Building Codes Agency, with the assistance of the Health Division:

(1) May conduct periodic inspections of any compost toilet;

(2) Upon making a finding that a compost toilet is in violation of the rules adopted pursuant to ORS 447.118 (2), may issue an order requiring the owner of the dwelling served by the compost toilet to take action necessary to correct the violation; and

(3) Upon making a finding that a compost toilet presents or threatens to present a public health hazard creating an emergency requiring immediate action to protect the public health, safety or welfare, may issue an order requiring the owner of the dwelling served by the compost toilet to take any action necessary to remove such hazard or threat thereof. If such owner fails to take the actions required by such order, the agency shall take such action, itself or by contract with outside parties, as necessary to remove the hazard or threat thereof. The agency shall keep a record of all necessary expenses incurred by the agency in carrying out such action, including a reasonable charge for costs incurred and equipment and materials utilized by the state. Any owner who fails to take action required by an order issued under this subsection shall be responsible for such necessary expenses incurred by the state. Based on the record compiled by the agency, an owner responsible for expenses due to the failure of a manufacturer, distributor or person to comply with the rules adopted under ORS 447.118 (2) shall have a setoff against the bond or other security forfeited under ORS 447.118 (3) to the extent that such expenses are due to such failure of the manufacturer, distributor or person. The agency shall make a finding and enter an order against the owner for the necessary expenses. Orders issued under this section may be appealed pursuant to ORS 183.310 to 183.550 but not as a contested case. Any amount due the agency under this subsection and not paid in full within 30 days after the order is entered, or, if the order is appealed, within 30 days after there is no further right to appeal, shall become a lien upon the dwelling of the owner. The agency shall file

a notice of the lien with the recording officer of the county in which the dwelling is located and the recording officer shall record the notice in a manner designed to appear in the mortgage records of the county.

(4) The agency may contract with any state or local agency for the purpose of carrying out the provisions of this section. [1977 c.523 §4; 1983 c.740 §167]

447.130 [Repealed by 1973 c.834 §46]

447.135 [1967 c.308 §§2, 3, 4; 1983 c.676 §29; renumbered 480.557]

447.140 Waste and sewage; requirements; prohibitions. (1) All waste water and sewage from plumbing fixtures shall be discharged into a sewer system or alternate sewage disposal system approved by the Environmental Quality Commission or Department of Environmental Quality under ORS chapters 468, 468A and 468B.

(2) No plumbing fixture, device or equipment shall be installed, maintained or offered for sale which will provide a cross-connection between the distributing system of water for drinking and domestic purposes and any other water supply, or a drainage system, soil or waste pipe so as to permit or make possible the backflow of contaminated water, sewage or waste into the water supply system.

(3) No flush valve, vacuum breaker or syphon preventer shall be offered for sale or installed that has not been approved by the agency with the approval of the board.

(4) The use or installation of water-operated sump pumps or sewage ejectors, if connected to the potable water supply, is prohibited.

(5) No pan, plunger, offset washout, washout, long hopper, frost proof or other water closets having invisible seals or unventilated spaces, or walls not thoroughly washed at each flushing, shall be installed or sold for use in any building.

(6) No plumbing fixture, appurtenance or device, the installation of which would be in violation of the state plumbing specialty code and the rules of the agency approved by the board shall be sold, offered for sale or installed. [Amended by 1955 c.548 §10; 1961 c.545 §1; 1973 c.835 §231; 1981 c.438 §39]

447.145 Standards for fixtures; exemptions; rules. (1) All new fixtures approved for installation during construction, reconstruction, alteration and repair of buildings and other structures under ORS 447.020 shall comply with rules adopted by the administrator of the Building Codes Agency. The rules shall be consistent with

performance requirements and test procedures established by the American National Standards Institute, or other equivalent nationally recognized standards and procedures. The maximum amount of water used by new fixtures under the applicable test procedures shall be:

- (a) 1.6 gallons per flush for toilets;
- (b) 1.0 gallons per flush for urinals;
- (c) 2.5 gallons per minute for shower heads; and
- (d) 2.5 gallons per minute for interior faucets.

(2) Notwithstanding subsection (1) of this section, the State Building Code Administrator by rule shall provide for exemptions to the requirements under subsection (1) of this section if:

(a) The reconstruction, alteration or repair of a building does not include the installation of new toilets or urinals, shower heads or faucets within the building;

(b) Due to the capacity, design or installation of the plumbing or sewage system within an existing building, toilets or urinals required by subsection (1) of this section would, if installed in the building, be unable to meet the performance requirements of the American National Standards Institute or other equivalent nationally recognized standards as adopted by rule;

(c) The fixtures and fittings necessary to perform a specialized function, including but not limited to emergency showers and aspirator faucets, cannot meet the requirements;

(d) The installation of fixtures that do not comply with subsection (1) of this section is necessary to maintain the historic character of a structure listed under ORS 358.475 to 358.565; or

(e) The fixtures and fittings to be installed are specifically designed to withstand unusual abuse or installation in a penal institution.

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

(4) The State Building Code Administrator shall adopt rules and regulations for marking, labeling or otherwise identifying fixtures that meet the standards of this section. [1991 c.945 §§2, 3, 4, 5]

Note: 447.145 becomes operative July 1, 1993. See section 7, chapter 945, Oregon Laws 1991.

447.150 [1969 c.452 §1; repealed by 1979 c.57 §3]

(Civil Penalties)

447.160 Civil penalties. The board, after hearing and any review under ORS 183.310 to 183.550, may impose a civil penalty against any person who violates any provision of ORS 447.010 to 447.160 or any rule adopted thereunder. A civil penalty imposed under this section shall be in an amount determined by the board of not more than \$1,000 for each offense. All amounts recovered under this section are subject to ORS 693.165. The Attorney General shall bring an action in the name of the State of Oregon in a court of appropriate jurisdiction to enforce any civil penalty imposed under this section. [1981 c.438 §44]

STANDARDS AND SPECIFICATIONS FOR ACCESSIBILITY TO DISABLED PERSONS

447.210 Definitions for ORS 447.210 to 447.280. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

(1) "Administrator" means the State Building Code Administrator.

(2) "Agency" means the Building Codes Agency.

(3) "Architectural barriers" are physical design features that restrict the full use of government buildings, public buildings and their related facilities by persons with physical disabilities.

(4) "Facilities" include but are not limited to sidewalks, curbs and entrances giving access to government buildings and public buildings and accommodations in such buildings available for use by the public or employees generally such as bathrooms, restrooms including toilet stalls, dining areas or dining rooms, drinking fountains, phone booths and lodging rooms or quarters.

(5) "Government buildings" include all buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of state, county or municipal funds or the funds of any political subdivision of the state; and, to the extent not required otherwise by federal law or regulations or not beyond the power of the state to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by the use of federal funds.

(6) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact building codes.

(7) "Public" includes customers and non-household guests but shall not include employees or tenants.

(8) "Public buildings" include all buildings and structures used by the public

that are constructed, purchased, leased or rented in whole or in part by the use of private funds where the building or structure has a ground area of more than 4,000 feet or is more than 20 feet in height from the top surface of lowest flooring to the highest interior overhead finish of the building or structure. "Public buildings" does not include private buildings rented by election officers solely for use as an election polling place.

(9) "Structural code" means the specialty code defined in ORS 455.010. [1971 c.230 §2; 1973 c.539 §1; 1975 c.675 §35; 1979 c.133 §1; 1987 c.414 §27; 1987 c.604 §12; 1989 c.224 §109; 1991 c.67 §122]

447.220 Purpose. It is the purpose of ORS 447.210 to 447.280 to make government buildings, public buildings and their related facilities in the state accessible to, and usable by, persons with physical disabilities. In requiring that buildings and facilities be usable by persons with physical disabilities, it is not the intention of the Legislative Assembly to require that items of personal convenience such as rest rooms, telephones and drinking fountains be provided for members of the public who have physical disabilities if they are not otherwise provided for members of the public who do not have physical disabilities. [1971 c.320 §1; 1973 c.539 §2; 1979 c.133 §2; 1989 c.224 §110]

447.230 Standards and specifications to eliminate architectural barriers; application of ORS 447.210 to 447.280. (1) The administrator or the administrator's designated representative shall, pursuant to ORS 183.310 to 183.550 and 455.030, establish standards and specifications in the structural code necessary to eliminate architectural barriers to entry to and use of government buildings, public buildings and their related facilities by persons who are elderly or have physical disabilities.

(2) The administrator or the administrator's designated representative shall, to assist in the identification of architectural barriers and in the development of the standards and specifications referred to in subsection (1) of this section, be assisted by the Oregon Disabilities Commission or its designee.

(3) In the development of standards and specifications, the administrator or the administrator's designated representative shall be familiar with and give full consideration to the standards and specifications developed by the American National Standards Institute and nationally recognized model codes for making buildings and facilities accessible to and usable by persons with physical disabilities.

(4) ORS 447.210 to 447.280 apply to government buildings and their related facilities

and to public buildings and their related facilities. Every project for renovation, alteration or modification of government buildings and their related facilities and public buildings and their related facilities subject to ORS 447.210 to 447.280 shall eliminate architectural barriers up to an expenditure of 25 percent of the total project cost, inclusive of the cost of eliminating architectural barriers. Nothing in this section is intended to prevent the expenditure of over 25 percent of the total cost of any renovation, alteration or modification project on government buildings and their related facilities or public buildings and their related facilities on the elimination of architectural barriers. [1971 c.320 §3; 1973 c.539 §3; 1979 c.133 §3; 1983 c.740 §169; 1987 c.414 §27b; 1987 c.672 §1; 1989 c.224 §111; 1989 c.703 §1]

447.231 Rules to eliminate architectural barriers. Notwithstanding the provisions ORS 447.210 to 447.280, in conformance with Public Law 101-336, the Americans with Disabilities Act and Public Law 100-430, the Fair Housing Act and the regulations adopted thereunder, the administrator shall adopt rules for standards and specifications in codes to eliminate architectural barriers. [1991 c.691 §2]

447.233 Disabled persons parking space requirements. (1) The administrator shall include in the state building code, as defined in ORS 455.010, a requirement that the number of disabled person parking spaces specified in subsection (2) of this section be provided for government buildings and public buildings subject to the state building code and that the spaces be signed as required by subsection (3) of this section. Spaces may also be marked in a manner specified in the state building code.

(2) Government buildings and parking structures and lots operated or maintained for the use of the public subject to this section shall include:

(a) One disabled person parking space if six to 25 parking spaces are provided;

(b) Two disabled person parking spaces if 26 to 50 parking spaces are provided; and

(c) One additional disabled person parking space for each additional 100 parking spaces or fraction thereof that are provided.

(3) A sign shall be posted for each disabled person parking space required by subsection (2) of this section. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access, shall indicate that the spaces are reserved for persons with disabled person parking permits and shall be designed as set forth in standards adopted by the Oregon Transportation Commission.

(4) The pavement of each disabled person parking space shall be clearly marked with the International Symbol of Access as set forth in standards adopted by the Oregon Transportation Commission.

(5) Parking spaces required by this section shall be at least nine feet wide and shall have an adjacent aisle that is at least six feet wide. The aisle shall be located on the passenger side of the parking space except that two adjacent parking spaces that meet the requirements of this subsection may share an aisle. The aisle shall be part of the accessible route to the building or facility.

(6) No ramp or obstacle may extend into the parking space or the aisle, and curb cuts and ramps may not be situated in such a way that they could be blocked by a legally parked vehicle.

(7) Parking spaces required by this section shall be maintained so as to meet the requirements of this section at all times and to meet the standards established by the state building code.

(8) The administrator is authorized to inspect parking spaces and facilities and buildings subject to the provisions of this section, and to do whatever is necessary to enforce the requirements, including the maintenance requirements, of this section. Municipalities and counties may administer and enforce the requirements of this section in the manner provided under ORS 455.150 for administration and enforcement of specialty codes. All plans for parking spaces subject to the provisions of this section must be approved by the administrator prior to the creation of the spaces.

(9) A person or governmental entity may apply for a waiver or modification of the requirements of this section for the reasons and in the manner specified in ORS 447.250.

(10) Requirements adopted under this section shall not apply to long-term parking facilities at the Portland International Airport.

(11) Any reported violation of this section shall be investigated by the administrative authority. The administrative authority shall make a final decision and order correction, if necessary, within 30 days of notification. Any aggrieved person may appeal within 30 days of the decision by the administrative authority to the appropriate municipal appeals board or, at the option of the local jurisdiction, directly to the State Structural Code Advisory Board. The appeal shall be acted upon within 60 days of filing. The decision of the municipal appeals board may be appealed to the State Structural Code Advisory Board. The board shall act on the appeal within 60 days of filing. All appeals to

the board shall be filed in accordance with ORS 455.690. [1979 c.809 §2; 1981 c.275 §1; 1983 c.338 §930; 1987 c.187 §1; 1989 c.243 §15; 1991 c.741 §6]

447.235 Renovation of government and public buildings required to meet standards. Except as provided in ORS 447.230 (4), this state, any political subdivision thereof, a county, city or person that owns a government or public building and its related facilities shall renovate that building and its related facilities so that they meet the standards and specifications of the administrator relating to making government and public buildings and their related facilities accessible to, and usable by, persons with physical disabilities. [1973 c.539 §11; 1989 c.224 §112]

447.240 Construction of government building with one primary entrance accessible to disabled persons required; identification; renovation to meet standards. (1) After January 1, 1973, no person shall construct or permit the construction of a government building unless there is at least one primary entrance into the government building that is accessible by an appropriate ramp or entrance that meets the requirements of ORS 447.210 to 447.280. The location of the primary entrance into the government building shall be as close to adjacent parking spaces as possible, identified by signs showing a uniform, nationally recognized wheelchair access symbol and the government building and its related facilities shall meet the standards and specifications of the administrator or the designated representative of the administrator relating to making government buildings and their related facilities accessible to, and usable by, persons with physical disabilities.

(2) After January 1, 1973, no person shall renovate or permit the renovation of a government building unless the portions or areas being renovated will meet, after renovation, the standards and specifications of the administrator or the designated representative of the administrator relating to making government buildings and their related facilities accessible to, and usable by, persons with physical disabilities. [1971 c.320 §4; 1973 c.539 §4; 1973 c.540 §1; 1974 s.s. c.36 §14; 1989 c.224 §113]

447.243 Construction of public building with one primary entry accessible to disabled persons required; identification; renovation to meet standards. (1) No person shall construct or permit the construction of a public building unless there is at least one primary entrance into the public building that is accessible by an appropriate ramp or entrance that meets the requirements of ORS 447.210 to 447.280. The location of the primary entrance to the public

building shall be as close to adjacent parking spaces as possible, shall be posted clearly as the main entrance to the public building and the public building and its related facilities shall meet the standards and specifications of the administrator or the designated representative of the administrator relating to making public buildings and their related facilities accessible to, and usable by, persons with physical disabilities.

(2) No person shall renovate or permit the renovation of a public building unless the portions or areas being renovated will meet, after renovation, the standards and specifications of the administrator or the designated representative of the administrator relating to making public buildings and their related facilities accessible to, and usable by, persons with physical disabilities. [1973 c.539 §6; 1989 c.224 §114]

447.245 Identification of certain government building entrances. Entrances to government buildings constructed before January 1, 1973, accessible by a ramp or entrance which meets the standards of ORS 447.210 to 447.280 shall be identified as provided in ORS 447.240. [1973 c.539 §17; 1973 c.540 §3]

447.250 Waivers or modifications of standards and specifications; appeals board; procedures; fees. (1) When a person or governmental entity undertaking the construction, renovation, alteration or modification of a government building, public building or their related facilities determines that full compliance with a particular standard or specification is impractical in that it would defeat the purpose of the project proposed or in process, it may apply to the appeals board having jurisdiction over the project for a waiver or modification of such standard or specification, setting forth the reasons for its determination and a proposal for the work complying with the particular standard or specification to the maximum extent that it considers practical.

(2)(a) For projects involving a state correctional facility as defined in ORS 421.005 (2), or a local correctional facility, as defined in ORS 169.005 (3), the appeals board referred to in subsection (1) of this section is the State Structural Code Advisory Board established under ORS 455.130.

(b) For all other projects, the appeals board referred to in subsection (1) of this section is the appeals board established under ORS 455.020 (4) by the municipality having jurisdiction over the project.

(3) The appeals board shall thereupon investigate the application. The board in its investigation shall be required to seek the advice of the Oregon Disabilities Commission

or its designee in dealing with architectural barrier waivers. If the appeals board finds that the proposal submitted with the application would constitute a substantial compliance with, or an acceptable alternative to, the particular standard or specification in view of the objectives of ORS 447.210 to 447.280, the waiver shall be granted. If the board finds otherwise, the application shall be promptly denied with notice to the requesting person or governmental entity of the denial.

(4) The findings of the appeals board shall include the estimated building costs and the additional cost of construction to conform to the requirements of ORS 447.210 to 447.280 over the cost of a nonconforming feature or any other special reason or circumstance that, in the judgment of the board justify the decision.

(5) Any person aggrieved by the final decision of an appeals board may within 30 days of the decision appeal to the administrator. In the case where no appeals board has been created the administrator shall have original jurisdiction of an application for a waiver. The applicant for a waiver or an appeal shall submit a fee of \$20 payable to the administrator with the request for waiver or appeal. In determining an appeal or an original application, the procedures and standards of subsections (1) to (4) of this section shall apply to the administrator. [1971 c.320 §5; 1973 c.539 §7; 1979 c.133 §4; 1987 c.672 §3; 1989 c.224 §115; 1989 c.703 §2]

447.255. Handicapped accessibility for lottery-funded facilities. (1) It is the intent of the Legislative Assembly that any public facilities, the construction costs of which are paid for in whole or in part by lottery funds, shall be accessible to and usable by handicapped persons in the manner prescribed in ORS 447.210 to 447.280.

(2) Promotional and marketing programs described by this section and ORS 285.753 shall promote and identify lottery-funded facilities as handicapped accessible whenever appropriate. [1989 c.909 §49; formerly 461.730]

447.260 Rule adoption. The administrator or the administrator's designated representative may promulgate rules reasonably necessary to implement and enforce ORS 447.210 to 447.280 as part of the structural code including, but not limited to, rules authorizing the administrator to waive or modify any standards and specifications with respect to work on government buildings and their related facilities and work on public buildings and their related facilities where the administrator determines, with respect to emergency or temporary construction, that compliance with such standards or specifica-

tions would not be necessary to fulfill the objectives of ORS 447.210 to 447.280 or would be impractical. [1971 c.320 §6; 1973 c.539 §8; 1979 c.133 §5]

447.270 Cooperation with public officials and agencies required. The administrator or the designated representative of the administrator shall cooperate with and receive the assistance of all persons, all appropriate elective or appointive public officials and all state or governmental agencies in carrying out the responsibilities of the administrator under ORS 447.210 to 447.280. [1971 c.320 §7; 1973 c.539 §9]

447.275 Nonliability for emergency exit deficiencies. Architects, engineers or other persons designing buildings; contractors and other persons erecting buildings; building officials, plans examiners, inspectors, the administrator, the State Fire Marshal, State Fire Marshal deputies, municipal fire marshals or municipal deputies inspecting buildings; or a municipal appeals board shall be relieved of any personal or financial liability from persons suffering injury or death or those persons' heirs as the result of exiting deficiencies during emergencies resulting from access for persons with disabilities required by ORS 447.210 to 447.280 or standards adopted under them. [1979 c.133 §8; 1989 c.224 §116; 1991 c.67 §123]

447.280 Enforcement powers. The provisions of ORS 447.210 to 447.280 and rules adopted under them shall be considered part of the state building code and violations shall be subject to the provisions of ORS 455.450. [1971 c.320 §8; 1973 c.539 §10; 1979 c.133 §6]

447.310 Standards for curbing. (1) The standard for construction of curbs on each side of any city street, county road or state highway, or any connecting street, road or highway for which curbs and sidewalks have been prescribed by the governing body of the city or county or Department of Transportation having jurisdiction thereover, shall require not less than two curb cuts or ramps per lineal block to be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 48 inches wide, where possible, and a minimum of 36 inches wide where a 48-inch width will not fit, at a slope not to exceed one-inch rise per 12-inch run. If a 12:1 slope will not fit, an 8:1 slope is acceptable if so constructed as to allow reasonable access to the crosswalk for persons with physical disabilities.

(2) Standards set for curb cuts and ramps under subsection (1) of this section shall apply whenever a curb or sidewalk is constructed or replaced at any point in a block which gives reasonable access to a crosswalk. [1973 c.176 §1; 1975 c.468 §1; 1989 c.224 §117]

447.610 [1957 c.278 §1; repealed by 1979 c.57 §3]

- §3] **447.620** [1957 c.278 §§2, 13, 22; repealed by 1979 c.57
- 447.630** [1957 c.278 §3; repealed by 1979 c.57 §3]
- 447.640** [1957 c.278 §4; repealed by 1979 c.57 §3]
- 447.650** [1957 c.278 §6; repealed by 1979 c.57 §3]
- §3] **447.660** [1957 c.278 §§5, 7, 9, 10; repealed by 1979 c.57
- 447.670** [1957 c.278 §8; repealed by 1979 c.57 §3]
- 447.680** [1957 c.278 §§11, 12; repealed by 1979 c.57 §3]
- §3] **447.690** [1957 c.278 §§14, 15, 16; repealed by 1979 c.57
- 447.700** [1957 c.278 §§17, 18; repealed by 1979 c.57 §3]
- 447.710** [1957 c.278 §19; repealed by 1979 c.57 §3]
- 447.720** [1957 c.278 §17; repealed by 1979 c.57 §3]
- 447.730** [1957 c.278 §20; repealed by 1979 c.57 §3]
- 447.800** [1975 c.677 §1; 1977 c.58 §1; 1981 a.s. c.10 §1; 1983 c.42 §1; renumbered 284.800 in 1987]
- 447.805** [1975 c.677 §2; 1981 c.754 §1; renumbered 284.805 in 1987]
- 447.810** [1975 c.677 §2a; renumbered 284.810 in 1987]
- 447.815** [1975 c.677 §2b; 1981 c.754 §2; renumbered 284.815 in 1987]
- 447.820** [1975 c.677 §3; 1983 c.573 §1; renumbered 284.820 in 1987]
- 447.825** [1975 c.677 §4; 1977 c.58 §2; renumbered 284.825 in 1987]
- 447.830** [1975 c.677 §5; repealed by 1977 c.58 §3; (447.831 and 447.834 enacted in lieu of 447.830)]
- 447.831** [1977 c.58 §4 (enacted in lieu of 447.830); renumbered 284.831 in 1987]
- 447.834** [1977 c.58 §5 (enacted in lieu of 447.830); renumbered 284.834 in 1987]
- 447.835** [1975 c.677 §6; 1977 c.58 §6; renumbered 284.835 in 1987]
- 447.840** [1975 c.677 §7; 1977 c.58 §7; renumbered 284.840 in 1987]
- 447.845** [1975 c.677 §8; 1981 c.754 §3; renumbered 284.845 in 1987]
- 447.850** [1975 c.677 §9; 1977 c.58 §8; renumbered 284.850 in 1987]
- 447.855** [1975 c.677 §9a; renumbered 284.855 in 1987]
- 447.860** [1975 c.677 §10; renumbered 284.860 in 1987]
- 447.865** [1975 c.677 §11; 1977 c.58 §9; renumbered 284.865 in 1987]
- 447.875** [1977 c.319 §1; renumbered 284.875 in 1987]
- 447.880** [1977 c.319 §2; renumbered 284.880 in 1987]
- 447.990** [Subsection (2) enacted as 1957 c.278 §21; 1973 c.734 §4; 1973 c.835 §232; 1979 c.57 §2; repealed by 1981 c.438 §46]

