

Ordinance No. 17-02

AN ORDINANCE ADOPTING THE OREGON FIRE CODE AS THE FIRE CODE FOR SCAPPOOSE RURAL FIRE PROTECTION DISTRICT AND REPEALING ORDINANCE NO. 93-01

Whereas, the International Code Council has promulgated the International Fire Code; and

Whereas, based on the International Fire Code, the State of Oregon has adopted the Oregon Fire Code, with Amendments; and

Whereas, the Fire District finds there exists a need for prescribing regulations governing conditions hazardous to life and property from fire and explosion;

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE FIRE DISTRICT KNOWN AS SCAPPOOSE RURAL FIRE PROTECTION DISTRICT (HEREINAFTER KNOWN AS "DISTRICT"), PURSUANT TO AUTHORIZATION PROVIDED IN ORS 478.910 AND IN CONFORMANCE WITH THE PROVISIONS OF ORS 198.530 - 198.600 DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Adoption of Fire Code, Fire and Life Safety Standards.

For the purpose of prescribing minimum regulations governing conditions hazardous to life and property from fire, panic, or explosion, the District hereby adopts the following:

- (1) The current Oregon Fire Code, published by the International Code Council and the whole thereof, including the Amendments and the appendices (except as noted in section 8), as set forth in Exhibit "A" and incorporated herein by this reference, save and except such portions as are hereinafter deleted, added, modified or amended by this Ordinance.
- (2) The Columbia County Fire Defense Board Rules for Open Burning, as set forth in Exhibit "B" and incorporated herein by this reference.
- (3) The Oregon State Fire Marshal Administrative Rules as set forth in Exhibit "C" and incorporated herein by this reference.
- (4) The Scappoose Rural Fire Protection District Floating Structures Ordinance, as set forth in Exhibit "D" and incorporated herein by this reference.
- (5) The Columbia County Fire Service Fire Flow Requirements for Buildings in Rural Areas, as set forth in Exhibit "E" and incorporated herein by this reference.
- (6) The Columbia County Fire Service Fire Apparatus Access Roads and Driveways Standard, as set forth in Exhibit "F" and incorporated herein by this reference.

- (7) Oregon State Fire Marshal Current Code Interpretations, as published.
- (8) Scappoose Fire District Fire Code Application Guidelines as adopted by resolution.

Section 2. Filing.

- (1) This Ordinance, including the codes hereby adopted, shall be filed and maintained for the record in the Administrative Offices of the Fire District.
- (2) This Ordinance shall be known as the Fire Prevention and Fire and Life Safety Code of the District (hereafter known as the "Fire Code").
- (3) This Ordinance shall be filed in the record of the District and in the office of Multnomah and Columbia County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station with the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924.

Section 3. Definitions.

- (1) "Administrator" shall mean the Fire Chief of the Fire District or his or her authorized representative.
- (2) "Bureau of Fire Prevention" shall mean the Fire Prevention Division of Scappoose Fire District.
- (3) "District" shall be defined per ORS 478.001(d).
- (4) "Jurisdiction" shall mean Scappoose Fire District.
- (5) Whenever the word "code" is used in this chapter, it shall be held to mean the current State adopted Oregon Edition of the International Fire Code, including the Amendments and all appendices subject to the deletions, additions and regulations set forth in this ordinance.
- (6) "Occupancy Classifications" shall be defined in the State of Oregon Structural Specialty Code (State Building Code).
- (7) "Plumbing Code" shall mean the current edition of the State of Oregon Plumbing Specialty Code (State Plumbing Code).
- (8) "International Building Code" or "building code" shall mean the current edition of the State of Oregon Structural Specialty Code as adopted by the State Building Codes Division.
- (9) "Mechanical Code" shall mean the current edition of the State of Oregon Mechanical Specialty Code (State Mechanical Code).

Section 4. Establishment and Duties of Fire Prevention Division.

- (1) The Fire Prevention Division of Scappoose Rural Fire Protection District is hereby established. This Division shall operate under the supervision of the Fire Chief of the District and shall be charged with enforcement of the code.
- (2) The Fire Chief of the District may appoint a Fire Marshal to be in charge of the Fire Prevention Division. The Fire Chief or his designee may also assign additional members of the District as fire and life safety inspectors as may be necessary.

Section 5. Bulk Storage of Flammable or Combustible Liquids in Above Ground Tanks.

The storage of flammable or combustible liquids in aboveground tanks located outside of buildings referred to in Section 3404.2.9.5 of the Fire Code is prohibited within the limits established by law as the limits of districts or municipalities in which such storage is prohibited. Specific exceptions are made for those areas identified as industrial or commercial whenever a permit has been properly issued that fully complies with code provisions of Articles 22 and 34 of the Fire Code.

Section 6. Bulk Storage of Liquefied Petroleum Gases.

Within the limits established by law restricting the storage of LP gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a 2,000 gallon water capacity.

Section 7. Storage of Explosives and Blasting Agents.

Storage of explosive materials as defined in Chapter 33 of the Fire Code is prohibited in the entire Fire District except for those areas specifically approved by the Fire Chief. This prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds of explosive materials unless otherwise regulated by other provisions of this code.

Section 8. Deletions to the Oregon Fire Code.

The following appendices of the International Fire Code / Oregon Fire Code are excluded from the provisions of this code adoption.

Appendix (A) Board of Appeals

Section 9. Amendments to the Oregon Fire Code.

- (1) Section 101 is amended to add: Whenever a reference is made to any portion of this code or any other applicable law or ordinance, the reference applies to all amendments and additions now or hereafter adopted by the State Fire Marshal and the Fire District.
- (2) Section 105 is amended to add Permits. A permit shall be obtained from the District for the following:

- a. Flammable/Combustible Liquids: To install tanks for flammable or combustible liquids above ground in excess of 500 gallons (individual or aggregate quantities).
- b. Agricultural burning: To conduct open burning as defined in OAR 340-264-0030.
- c. Open Burning: To conduct open or barrel burning of dry yard trimmings, paper, and cardboard.
- d. Public Assemblies: To conduct a fair, exhibition, food cart, or other special assembly event in any building, tent, or other structure involving large numbers of people.

(3) Section 111 is amended to add:

- a. Stopping Uses, Evacuation. The Chief is authorized to order an operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a fire hazard.
- b. The Chief may also declare a premises, building, or vehicle or portion thereof dangerous due to the presence of hazardous materials when they create a condition hazardous to life, health or property.

(4) Hood Systems:

- a. Any hood system that has a fire suppression system installed shall have the interlock installed in a way in which all systems are shut down except the hood exhaust system.
- b. In addition, if the hood suppression system is activated, the kitchen lights shall be installed in a way in which the lights will remain on or triggered in the on position.

Section 10. Appeals.

- (1) When any person seeks relief from a decision of a fire official enforcing provisions of this Code, including permits, waivers, alternative materials or methods, approval of variances or matters of interpretation, he/she may request reconsideration of the decision by first appealing to the Fire Marshal in writing within 10 days of the receipt of the decision. The Fire Marshal may affirm, modify, revoke or vacate the order under consideration.
- (2) After reconsideration by the Fire Marshal, any person seeking relief from the decision of the Fire Marshal regarding the order may appeal to a Board of Appeals as established by Section 108. Such appeal shall be filed in writing with the Fire Marshal within 30 days of the Fire Marshal's decision. The Appeals Board may, by majority vote, affirm, modify, or revoke the action of the Fire Marshal. Such Board of Appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the Fire District Board adopts a Board of Appeals, the provisions of this ordinance, where appropriate, are subject to the Board of Appeals procedures. If the District does

not have an Appeals Board, the person seeking relief shall follow the procedures outlined in ORS 479.180.

Section 11. Self-Inspection Program.

- (1) Purpose and Scope. The purpose of this section is to set forth the requirements of a self-inspection program by certain business owners and operators within the District for certain Fire Code violations. The provisions of this section shall apply to businesses designated by the District. The designation shall apply to low fire risk occupancies, which are defined for purposes of this section as office, business and commercial occupancies that do not use hazardous processes, and are not in a hazardous location.
- (2) Procedure and Requirements. Each year the District Fire Prevention Division will compile a list of businesses designated to participate in this self-inspection program.
 - a. Each business designated to participate in the District's self-inspection program shall be mailed a notice stating that the owner or operator of the business shall comply with each of the requirements of this self-inspection program within 30 (thirty) days of the date of mailing of the notice.
 - b. Each business designated to participate in the District's self-inspection program shall be mailed a written summary and description of the specific items and subjects that must be inspected by the business owner or operator and reported to the District. The written summary and description provided by the District shall identify the basic fire safety matters and items to be inspected.
- (3) The District will supply a checklist containing various items and subjects pertaining to general areas of concern regarding Fire and Life Safety. Checklist items must be inspected under this self-inspection program by each owner or operator of a designated low fire risk occupancy.
- (4) The owner or operator of each business selected to participate in this fire self-inspection program shall inspect each matter identified by the District, and shall correct any deficiencies that are identified during the self-inspection, within 30 (thirty) days of the date of mailing of the notice.
- (5) The owner or operator of each business selected to participate in this fire self-inspection program must fully and accurately report to the District the results of each self-inspection, utilizing the reply card provided by the Fire Prevention Division. The information required to be provided on the reply card must be reported to the District within 30 (thirty) days of the date of mailing of the notice, and must be signed by the person who conducted the self-inspection.
- (6) Any business, including the owner and/or operator of said business, that fails to return a properly completed self-inspection reply card within the time specified could be charged an administrative fee as established by Board resolution.

Section 12. Enforcement of the Code.

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g. Sections 106 or provisions providing for enforcement of the Code, such inspections, testing and enforcement of the Code shall be discretionary, by the Chief and other individuals charged by the Chief with such activities. The District places a high priority on prevention, inspection, and maintenance of fire systems. The District also recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions. Consequently, the District is forced to make public policy decisions as to allocation of District resources.

Therefore, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

Section 12. Penalties.

- (1) Violations of this Code may be prosecuted under ORS 198.600. Pursuant to ORS 478.990, continued violation of the Code, or refusal to remove a fire hazard by one responsible for conformity to the Code, is punishable by a fine to be set by resolution.
- (2) The application of the above penalty shall not prevent the enforced removal of prohibited conditions as specified in Section 109.3.1.
- (3) Liability for Costs. In case of fire resulting directly or indirectly from failure or neglect to promptly comply with the provisions of either a Notice of Violation or a permit issued by the Fire District, the person or persons so notified shall be liable to civil action for the payment for all expenses incurred by the District in or about the use of apparatus, materials, and personnel in extinguishing any fire resulting from such cause.
- (4) Re-inspection fee. A re-inspection fee may be invoiced by the Scappoose Rural Fire Protection District to persons who cause repeated re-inspections due to non-compliance with provisions of the Code. The Chief may direct the fee be charged following the second non-complying re-inspection. This fee will be set by resolution.
- (5) Enforcement procedures and Notices of Violation. The Fire Marshal shall give written notice of any discovered Fire Code violation to a person who is responsible for correcting such violation. The notice shall state the time by which

the violation is to be corrected and indicate the opportunity to appeal the notice of deficiency. The Fire Marshal may extend the time for complying and may issue one or more additional notices before giving notice of intent to seek judicial remedies. If, after written notice of Code violations is given, a person having the duty to correct the violation refuses to do so, the Fire Marshal may issue a pre-complaint letter to the person in question. This letter is a last-chance notice of a final inspection and will state the legal implications of continued non-compliance.

- (6) False alarms. For violations of Section 401.3.1 of the Fire Code and/or response to 3 or more false alarms at the same location in a 24 hour time period from the first alarm, the courts may order that the responsible person or persons pay for all the costs of responding fire personnel and apparatus as set by the State Fire Marshal's schedule.
- (7) Cities or the County may seek any equitable remedy allowed by law for Code violations, including injunctions and restraining orders.

Section 13. Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this Ordinance notwithstanding the parts to be declared unconstitutional and invalid.

Section 14. OAR and ORS References.

References to Oregon Administrative Rules and Oregon Revised Statutes in this Code Adoption Ordinance refer to the most recent rules in effect at the time this Ordinance became effective.

Section 15. Repeal of Conflicting Ordinances.

Ordinance No. 93-01 is hereby repealed.

Section 16. Effective Date.

This Ordinance shall take effect and be in force upon the thirtieth day after the adoption by resolution of the Board of Directors of Scappoose Rural Fire Protection District as provided in ORS 198.570

Record of Public Readings and Final Adoption

1st Reading: April 13, 2017

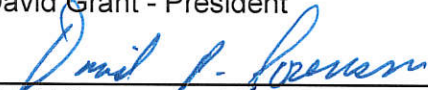
2nd Reading: May 4, 2017

ADOPTED THIS 4TH DAY OF MAY, 2017.

SCAPPOOSE RURAL FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS



David Grant - President



David Sorenson - Vice President



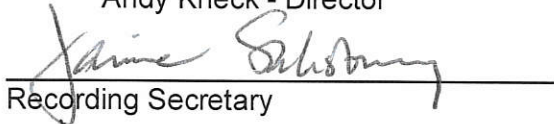
David Graham - Secretary/Treasurer



Ron Cairns - Director



Andy Kriech - Director



Recording Secretary