

RESOLUTION NO. CLXX (170)

A RESOLUTION ADOPTING FOR THE CITY OF WILSONVILLE THE FIRE PREVENTION CODE FOR TUALATIN RURAL FIRE PROTECTION DISTRICT, TOGETHER WITH CERTAIN LOCALLY DESIRED AMENDMENTS TO SAID FIRE PREVENTION CODE.

WHEREAS, the Tualatin Rural Fire Protection District services the City of Wilsonville and its inhabitants therein; and

WHEREAS, the Tualatin Rural Fire Protection District has submitted its ORDINANCE ADOPTING A FIRE PREVENTION CODE FOR TUALATIN RURAL FIRE PROTECTION DISTRICT PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT THEREOF, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR DUTIES AND POWERS AND OTHER PERTINENT PROVISIONS; and

WHEREAS, the City Council for the City of Wilsonville has reviewed said Ordinance at its May 4, 1981, Council meeting and continued its review to May 18, 1981; and

WHEREAS, the City Council for the City of Wilsonville finds that the adoption of the aforementioned Ordinance, together with certain locally desired amendments as set forth below would be in the best interests of the health, safety and general welfare of the City's citizens,

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The City of Wilsonville adopts the ORDINANCE ADOPTING A FIRE PREVENTION CODE FOR TUALATIN RURAL FIRE PROTECTION DIST-

RICT PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT THEREOF, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR DUTIES AND POWERS AND OTHER PERTINENT PROVISIONS, a copy of same is marked Exhibit "A", attached hereto and by reference incorporated herein as if fully set forth, save and except those amendments thereto as set forth below.

2. The City of Wilsonville hereby adopts the following amendments to the aforementioned Exhibit "A":


- (a) SECTION III - DEFINITIONS (b), the term "the appropriate City Attorney" shall be stricken so DEFINITIONS (b) reads "Wherever the term "corporation counsel" or "city attorney" is used in the Codes adopted herein, it shall be held to mean the attorney for Tualatin Rural Fire Protection District, or the appropriate County District Attorney, whichever is deemed to be suitable by the Fire Chief;".
- (b) There shall be added to SECTION X - ENFORCEMENT the following sentence to the end of the paragraph: The Fire District will provide copies of all inspection notices to the City by address.
- (c) There shall be added an additional SECTION XXI - PREMISES:

For purposes of this ordinance, "premises" means all structures which are subject to the jurisdiction of the State Fire Marshal under ORS 476.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 1st day of June, 1981, and filed with the Wilsonville City Recorder this same date.


WILLIAM G. LOWRIE, Mayor

ATTEST:


DEANNA J. THOM, City Recorder

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE FOR TUALATIN RURAL FIRE PROTECTION DISTRICT PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT THEREOF, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR DUTIES AND POWERS AND OTHER PERTINENT PROVISIONS.

WHEREAS, after due investigation and consideration, the Board of Directors of Tualatin Rural Fire Protection District is of the opinion and belief that a revised Fire Prevention Code is necessary to meet the needs of the fire district with respect to fire prevention and protection services; and

WHEREAS, the Board of Directors desires and intends to develop, adopt, and make use of rules and regulations which provide the most effective and efficient fire protection and prevention services for the residents and the property within the fire district; and

WHEREAS, the Board of Directors, pursuant to ORS 198.510 to ORS 198.600 and ORS 478.910 to ORS 478.940, has the power and authority to adopt a Fire Prevention Code;

NOW THEREFORE, the Board of Directors of Tualatin Rural Fire Protection District, located in both Washington and Clackamas Counties, Oregon, in order to adopt a Fire Prevention Code, does HEREBY ORDAIN AS FOLLOWS:

SCOPE

The Fire Prevention Code sets forth ordinances and procedures (in Fire and Life Safety only) which after adoption by a city or county provides the Fire District with authority to enforce this code within that city or county. This Fire Prevention Code shall not replace or overrule any city or county ordinance nor shall any city or county be held responsible for any action taken by the fire district in enforcing this Fire Prevention Code.

SECTION II - ADOPTION OF UNIFORM CODES

(a) The 1979 edition of the Uniform Fire Code, together with the 1979 Uniform Fire Code Standards, as developed by the International Conference of Building Officials and the Western Fire Chiefs Association, and as amended and adopted by the Oregon State Fire Marshal, and the whole thereof, save and except for portions as are hereinafter deleted, modified or amended by this Fire Prevention Code, is hereby adopted.

(b) The 1979 editions of the Uniform Building Code and the Uniform Mechanical Code, as adopted by the International Conference of Building Officials, and as amended and adopted by the Oregon State Fire Marshal and the Oregon State Department of Commerce as the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code; to the extent only of those portions that fall within the regulatory power of the Oregon State Fire Marshal and this district.

SECTION II - MINIMUM STANDARDS

The National Fire Prevention Association National Fire Code, 1980 edition, Volumes one through sixteen, and the whole thereof, save and except for portions as are hereinafter deleted, modified, or amended by this Fire Prevention Code, is herein considered to be, and shall be used as, the generally accepted minimum standard for the protection of life and property against fire, as per PRS 476.120, however:

1. The National Fire Code shall be applicable only in the following situations or under the following circumstances:
 - a. Wherein the circumstance or situation in question is not defined, specified, or found by or in the Uniform Fire Code, Uniform Building Code or Uniform Mechanical Code.
 - b. Wherein this Fire Prevention Code specifically states that the National Fire Code is applicable, to the exclusion of contradictory provisions of the Uniform Fire Code, Uniform Building Code or Uniform Mechanical Code.
2. Wherein a conflict or contradiction may exist between the National Fire Code, and the Uniform Fire Code, the Uniform Building Code or the Uniform Mechanical Code, and wherein this Fire Prevention Code does not specifically state otherwise, the Uniform Fire Code, the Uniform Building Code or the Uniform Mechanical Code, shall be applied to the exclusion of the contradictory or conflicting portion of the National Fire Code.

SECTION III - DEFINITIONS

Definitions set forth in the State of Oregon Structural Specialty Code and Fire and Life Safety Code, the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, the Uniform Fire Code, and the National Fire Code, are hereby adopted save and except for the following:

(a) Whenever "jurisdiction" or any other term indicating a specific governmental body is used in the Codes adopted herein, it shall be held to mean the Tualatin Rural Fire Protection District;

(b) Wherever the term "corporation counsel" or "city attorney" is used in the Codes adopted herein, it shall be held to mean the attorney for Tualatin Rural Fire Protection District, the appropriate City Attorney, or the appropriate County District Attorney, whichever is deemed to be suitable by the Fire Chief;

(c) Wherever the terms "Chief of the Bureau of Fire Prevention", "Fire Marshal", "Fire Prevention Engineer", or "State Fire Marshal", are used in the Codes adopted herein, they shall be held to mean the Fire Marshal of Tualatin Rural Fire Protection District or his authorized representative;

(d) Wherever the term "Board of County Commissioners" is used in the Codes adopted herein, it shall be held to mean the Board of Directors of Tualatin Rural Fire Protection District;

(e) Wherever the term "Administrator" or "Director" is used in the Uniform Fire Code adopted herein, it shall be held to mean the Fire Chief of Tualatin Rural Fire Protection District or his authorized representative.

SECTION IV - ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

(a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention of the Tualatin Rural Fire Protection District which is hereby established and which shall be operated under the supervision of the Chief of the fire department.

(b) The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Chief of Tualatin Rural Fire Protection District on the basis of examination to determine his qualifications.

(c) The Chief of the fire department may detail such members of the fire department as Inspectors as shall from time to time be necessary.

(d) The Chief of the fire department shall recommend to the Board of Directors of Tualatin Rural Fire Protection District the employment of Technical Inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.

SECTION V - ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED

(a) The limits referred to in the Codes adopted herein in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are hereby established as all areas except those zoned agricultural,

(b) The limits referred to in the Codes adopted herein in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as all areas except those zoned agricultural and industrial.

SECTION VI - ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED

The limits referred to in the Codes adopted herein in which bulk storage of liquified petroleum gas is restricted, are hereby established as all areas except those zoned agricultural and industrial.

SECTION VII - ESTABLISHMENT OF LIMITS OF DISTRICT IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE TO BE PROHIBITED

The limits referred to in the Codes adopted herein in which storage of explosives and blasting agents is prohibited are hereby established as all areas except those zoned agricultural and industrial.

SECTION VIII - FIRE AND LIFE SAFETY PLAN REVIEW

(a) The City or County Building Department, of a city or county located within Tualatin Rural Fire District, upon receipt of a building permit application for a building, structure, or facility located within said fire district, including but not limited to those buildings, structures, or facilities as set forth by ORS 476.030 (b) and (c), shall advise the applicant that said fire district requires and will make a Fire and Life Safety Plan Review prior to the issuance of the building permit.

(b) The applicant must provide to the fire district two (2) complete sets of building plans.

(c) The fire district will provide a written copy of the completed Fire and Life Safety Plan Review to the applicant, the City or County, and any other interested parties.

(d) The fire district will cooperate with the City or County Building Department in making special, cover, final, and any other necessary inspections insofar as determining and insuring compliance with this Fire Prevention Code.

(e) The fire district will provide to the City or County Building Department copies of all relevant written communications made between the fire district and third parties insofar as compliance, or lack thereof, with this Fire Prevention Code.

SECTION IX - INSPECTIONS REQUIRED

The Fire Marshal shall inspect, or cause to be inspected, all premises, including but not limited to those as set forth by ORS 476.030 (b) and (c), on a periodic basis and shall make such orders as may be necessary for enforcement of Tualatin Rural Fire Protection District's Fire Prevention Code as adopted herein.

SECTION X - ENFORCEMENT

Certain designated members of the Fire Prevention Division shall act as enforcement officers; authority to issue citations in lieu of arrest for violations of this Fire Prevention Code shall be obtained from the appropriate City or County authorities and such citations issued shall follow such procedures as set forth by the appropriate Courts, City and County officials.

SECTION XI - APPEALS

(a) ESTABLISHMENT OF BOARD. A Fire Code Advisory and Appeals Board is hereby established.

(b) ESTABLISHMENT OF BOARD CONDITIONED UPON "EXEMPTION". Should TRFPD become exempt from fire laws of the State Fire Marshal as per ORS 476.030(4), the Fire Code Advisory and Appeals Board will generally conform to the requirements of ORS 476.113(2) and ORS 476.115 as modified and set forth herein (to include Sections 16.30 to 16.60).

(c) BOARD MEMBER QUALIFICATIONS. The Fire Code Advisory and Appeals Board (hereinafter called the "Board") shall consist of three regular members and three or more alternate members appointed by the Chief of TRFPD. A member or alternate member of the Board shall receive no compensation for his services as a member; but he shall receive his actual and necessary travel and other expenses incurred in the performance of his duties as a Board member. All such appointed members shall be persons qualified by experience and training. At least one member of the Board shall be a qualified architect who has practiced his profession for at least two years. Appointments shall be made for three-year terms. Any member may be removed by the Chief of TRFPD for cause. Upon the death, resignation or removal of any member, a successor shall be appointed by the Chief of TRFPD to serve the balance of the unexpired term. No member of the Board shall sit in a case in which he is interested and if any such case comes before the Board, an alternate shall act in his place.

(d) DUTIES OF BOARD. The Fire Code Advisory and Appeals Board shall:

1. Elect a Chairman to whom referral of any matter by the Chief of TRFPD shall be effective as to all Board members, and who shall call and preside over meetings.
2. Consider and make recommendations to the Chief of TRFPD concerning any application for adjustment or variance referred to the Board by the Chief within 15 days after such referral. With relation to the referred matter the Board may hold a hearing and receive testimony.

3. Hear and consider, and make recommendations to the Chief concerning any appeal from an order, within 15 days after referral of such appeal to the Board by the Chief. Such recommendations shall be accompanied by the same summaries and evidentiary matter as in the case of an application for adjustment of variance referred to the Board.

4. Make recommendations to the Chief concerning any matter referred to the Board by the Chief or considered by the Board on its own motion, relating to fire prevention, protection from fire or other safety measures.

(e) DEPUTY FIRE MARSHAL TO ASSIST BOARD. At the time of each Appeals Board meeting a TRFPD Deputy Fire Marshal shall submit to the Board a report containing the pertinent facts and the manner in which the statutes, ordinances, and regulations apply to the case in point.

(f) APPEAL FROM ORDER TO COMPLY WITH FIRE PREVENTION STATUTES, PROCEDURES. The 1979 edition, State of Oregon Structural Specialty Code and Fire and Life Safety Code of the Uniform Building Code, Section 204 (f) -- "Appeal from order to comply with fire prevention statutes", shall be applicable as modified and set forth herein.

1. If the owner, lessee, agent or occupant deems himself aggrieved by the order of an officer under the provision of ORS 476.030, 479.020 to 479.130, 479.170, 479.210 to 479.220, 480.122 to 480.170, 480.330, 480.340, 480.420 to 480.434 or 480.450 and desires a hearing, he may complain or appeal in writing to the Chief of TRFPD within 10 days from the service of the order. The complaint or appeal shall set forth the specific ground of the complaint and no other ground shall be considered thereafter. The Chief may refer the complaint or appeal to the Board by notifying the Chairman of that Board and sending a copy of the notice to the complainant or appellant. The Board shall fix a time for hearing and notify the complainant or appellant of the time and place thereof which shall be within 15 days after such referral by the Chief. If he does not refer the matter to the Board, the Chief shall fix a time and place, not less than 5 and not more than 10 days thereafter, when and where the complaint or appeal will be heard by him. Within 10 days after receiving a recommendation from the Board, or if no referral was made to the Board, within 10 days after the hearing before him, he may affirm, modify, revoke or vacate the order complained of or appealed from. Unless the order is modified, revoked, or vacated by the Chief of TRFPD, it shall remain in force and be complied with by the owner, lessee, agent or occupant, within the time fixed in the order or fixed by the Chief. If the Chief vacates or revokes the order complained of or appealed from, or modifies it in any particular other than extending time for compliance, the fee paid with the complaint or appeal shall be refunded. Otherwise, it shall be kept by TRFPD.

2. If the complainant or appellant under subsection one of this section is aggrieved by the final order of the Chief, and if such order necessitates the expenditure of money or involves statutory interpretation, he may, within 10 days thereafter, appeal to the circuit court of the county in which the property is situated, notifying the Chief of the appeal within 10 days thereafter. The notice shall be in writing and delivered per-

sonally or by registered letter. In the case of an appeal involving an order under ORS 479.170, the circuit court shall hear and determine the appeal within 10 days after the date of filing the same.

3. The Chief of TRFPD shall make or have made, a certified summary of the proceedings at the hearing before the Board, or before him, and together with all the evidentiary matter filed in his office or presented to the Board, transmit them to the circuit court at least 3 days prior to the date fixed by the court for hearing when it shall be tried de novo. (ORS 447.230)

(g) APPEALS SHOULD TRFPD NOT BECOME EXEMPT AS PER ORS 476.030(4). Should Tualatin Rural Fire Protection District not become exempt from fire laws of the State Fire Marshal as per ORS 476.030(4), Section XI shall not apply.

SECTION XII - NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The Chairman of the Board of Directors, the Chief, and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits in addition to those now enumerated in said Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office and distribute copies to interested persons.

SECTION XIII - AMENDMENTS TO THE UNIFORM FIRE CODE

The Uniform Fire Code is herein deleted, modified, or amended as follows:

A. Amend Section 10.301 (c) to read:

An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed, and to all mobile home parks. When any portion of the building protected is in excess of 250 feet from a water supply on a public street, there shall be provided, when required by the Chief, on-site fire hydrants and mains capable of supplying the required fire flow.

Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying their required fire flow. In setting the requirements for fire flow, the Chief may be guided by 1975 NFPA 20, 22, 24, 1231, and their appendices.

The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided

on the public street or on the site of the premises to be protected as required and approved by the Chief. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.

B. Amend Section 10.302(b) to read:

(b) Testing and maintenance of automatic sprinkler equipment.

1. The building owner and building occupant(s) shall be responsible to assure that automatic sprinklers are being tested and maintained in accordance with NFPA Standard 13-1978 edition and NFPA Standard 13-A-1978 edition.

C. Amend Section 10.308 (d) to read:

Standards. Fire-extinguishing systems shall comply with Uniform Building Code Standards Nos. 38-1, 38-2, and 38-3 or the Fire Marshal may require National Fire Protection Association Standard No. 13-1978 edition, Chapters 1 through 8 and Appendices A,B,C,D, and E.

D. The following amendments, additions, and deletions to the Uniform Fire Code, Section 10.309, are adopted and included within this Fire Prevention Code, and such changes, together with the remaining unchanged portions of said Uniform Fire Code, Section 10.309, shall be adopted, known, and enforced as the: "Ordinance for Built-in Fire Protection".

E. Amend Section 49.109 (b) to read:

(b) Calcium carbide in excess of 600 pounds shall not be stored in a building containing other occupancy unless in an acetylene generator room or separate room in a one-story building without cellar or basement underneath the carbide storage section. Such rooms shall be separated from the rest of the building by a two-hour occupancy separation constructed as specified in the Building Code. Adequate ventilation shall be provided.

F. Add to Section 61.108:

(m) Where oil is supplied to a burner by gravity flow, or where the possibility exists that oil may at any time under any foreseeable circumstance flow by siphon-effect to the burner, both a manual shut-off valve and an approved automatic thermal valve, or a combination thereof, shall be installed at the burner.

G. Amend Section 12.104 (b) EXCEPTIONS to read:

- 2. Exit doors from buildings or rooms having an occupant load of 10 or less may be provided with a night latch, dead bolt or security chains provided such devices are openable from the inside without the use of a key, special knowledge or effort and mounted at a height not to exceed 48 inches above the finished door. This exception is applicable within private dwelling units only (R-1 and R-3).

H. Add Sections 2.204(d) and 2.204(e) to read:

- (d) Whenever the Chief or his duly authorized representative deems any building, premise, or situation therein unsafe so as to create an immediate fire or life safety hazard, he thereupon may post orders or notices so stating. Such orders or notices may be either advisory or prohibitive. When affixed, removal only shall be at the order of the Chief or his duly authorized representative. No building or premise shall be occupied or used when an order or notice prohibiting such use or occupancy has been posted.
- (e) The unauthorized removal of orders, notices, or tags, posted by the Chief or his duly authorized representative under the provisions of Division II, is a violation of this Uniform Fire Code and subject to such penalties as are prescribed by law.

Section XIV - AMENDMENTS TO THE NATIONAL FIRE CODE. The National Fire Protection Association National Fire Code, 1980-edition, is herein deleted, modified or amended as follows:

- (a) Volume 11 is deleted with the exception of pamphlet 1231
- (b) Volume 12 is deleted with the exception of pamphlets 10L, 13A, 26, 325M, 46.
- (c) Volume 14 is deleted with the exception of pamphlet 492, 494L, 80A, 77, 53M, 70B, 68, 497.
- (d) Volume 15 is deleted with the exception of pamphlet 203M, 204, 231A, 97M, 419, 402, 403.
- (e) Volume 16 is deleted with the exception of pamphlet 801, 802, 901, 902M, 903M, 910, 911.

SECTION XV - ADOPTION OF OREGON ADMINISTRATIVE RULES, FIRE MARSHAL, CHAPTER 837.

Divisions 1, 11, 12, 20, 21, 30, 39, 40, 41, 43, 44, 45, 61, 70, 80 of Oregon Administrative Rules--Oregon State Fire Marshal are adopted herein by TRFPD and as such become a part of this Fire Code.

SECTION XVI - PENALTIES

Penalties shall be as so provided by Oregon Revised Statutes, County Ordinance, or City Ordinance.

SECTION XVII - REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Codes herein adopted are hereby repealed.

SECTION XVIII - SAVINGS CLAUSE

Should any section, subsection, paragraph, sentence, clause, article or any other portion of these adopted Codes or regulations, be for any reason held unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion.

SECTION XIX - CONFORMITY WITH LAW.

This ordinance and the rules and regulations adopted pursuant thereto shall not eliminate the necessity for conformity with any and all laws, statutes, and ordinances of the State of Oregon, County of Washington, County of Clackamas, City of Tigard, City of Tualatin, City of Wilsonville, City of Sherwood, City of King City, City of Rivergrove, or City of Durham.

SECTION XX - DATE OF EFFECT

This Ordinance shall take effect and be in force in each City or County, upon each individual City or County's approval by resolution. The present Fire Code shall remain in effect in each City or County until such approval.

ENACTED this _____ day of _____ 1981, before and by the Board of Directors of Tualatin Rural Fire Protection District.

Chairman

Secretary