CITY OF TIGARD, OREGON

ORDINANCE NO. 05-02

AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE 04-01, AMENDING THE 2004 OREGON FIRE CODE AND DECLARING AN EMERGENCY

WHEREAS, Tualatin Valley Fire & Rescue (TVF&R) provides fire prevention and firefighting services to the City of Tigard; and

WHEREAS, TVF&R is granted authority by the Office of the State Fire Marshal to amend the State adopted Fire Code; and

WHEREAS, the State Fire Marshal adopted the 2003 edition of the International Fire Code on October 1, 2004; and

WHEREAS, when the State adopted the 2003 edition of the International Fire Code, it became the 2004 Oregon Fire Code; and

WHEREAS, TVF&R further amended the 2004 Oregon Fire Code with Ordinance 04-01, as shown in Exhibit "A"; and

WHEREAS, this ordinance will adopt those amendments made to the 2004 Oregon Fire Code; and

WHEREAS, the City Council has historically adopted previous Tualatin Valley Fire & Rescue ordinances whenever there was a new edition of the fire code; and

WHEREAS, it is necessary to adopt these amendments in order for Tualatin Valley Fire & Rescue to apply the Fire Code within the City of Tigard,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The City of Tigard adopts amendments to the 2004 edition of the Oregon Fire Code as amended by Tualatin Valley Fire & Rescue and shown in Exhibit A, Ordinance 04-01.

SECTION 2: Because this ordinance is necessary for the preservation of the health, safety and welfare of the City, an emergency is declared to exist and this ordinance shall be in full force and effect immediately on passage.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 25th day of January, 2005.

Catherine Wheatley

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 25th day of January, 2005.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

1.25.05

Date

EXHIBIT "A"

ORDINANCE 04-01

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE A RURAL FIRE PROTECTION DISTRICT, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS, AND REPEALING ORDINANCE 99-01.

WHEREAS, Tualatin Valley Fire & Rescue A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and,

WHEREAS, Tualatin Valley Fire and Rescue A Rural Fire Protection District, hereinafter referred to as the District, desires to and finds it necessary to adopt the following regulations to provide minimum fire safety and that a plan for inspections and maintenance will upgrade existing structures, thereby reducing hazards of fire, thus does hereby adopt the following regulations; and now, therefore,

IT IS ORDAINED AS FOLLOWS:

TITLE AND FILING:

This ordinance, including the codes hereby adopted, shall be filed in the record of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within 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 or county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

SCOPE:

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection form the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations as authorized by ORS 478.910

SECTION I – ADOPTION OF THE OREGON FIRE CODE:

The following code is hereby adopted by the District for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Those certain codes and standards known as the:

A. The International Fire Code, 2003 Edition, as published and copyrighted by International Fire Code Council as amended and adopted by the Oregon State Fire Marshal's Office and known as The Oregon Fire Code, except as hereinafter amended by this ordinance.

SECTION II – ENFORCEMENT OF 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 106.2, 901.6 and 907.20.2 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 recognizes that it has limited financial resources with which to provide fire, rescue and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high priority on prevention, inspection and maintenance of fire systems, due to financial limitations, 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 III – AMENDMENTS MADE IN THE OREGON FIRE CODE:

The Oregon Fire Code, based on the 2003 Edition of the International Fire Code, is amended and changed in the following respects:

1. **Section 101.3** is amended as follows:

   101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection form the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations as authorized by ORS 476.030 <u>and 478.910.</u>

2. **Section 104.1** is amended as follows:

   104.1 General. The fire code official is hereby authorized to enforce the provisions of this code as directed in ORS 476.060<u>, 478.910</u> and OAR Chapter 837, Division 39 and shall have the authority to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Modifications to this code shall not be less stringent than the minimum fire code adopted by the State Fire Marshal. Such policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

ORS 476.060<u>, 478.910</u> and OAR Chapter 837, Division 39 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.
ORS 476.060 designates local fire marshals. Local fire chiefs and chief of police as assistants to the State Fire Marshal by virtue of office held.
<u>ORS 478.910 grants the authority to a district board to adopt a fire prevention code.</u>
OAR Chapter 837, Division 39 regulates the administration of fire prevention programs.

3. **Appendix B, Section B105** is amended as follows:

B105.1 Required Fire Flow: No building shall be constructed, altered, enlarged, moved, or repaired in a manner that by reason of size, type of construction, number of stories, occupancy, or any combination thereof creates a need for a fire flow in excess of 3,000 gallons per minute at 20 pounds per square inch residual pressure, or exceeds the available fire flow at the site of the structure. The requirements for determining fire flow for all buildings are as set forth in Oregon Fire Code, Appendix B.

EXCEPTION: Fire flow requirements in excess of 3,000 gallons per minute may be allowed if, in the opinion of the chief, all reasonable methods of reducing the fire flow have been included within the development and no unusual hazard to life and property exists.

Existing buildings that require a fire flow in excess of 3,000 gallons per minute are not required to comply with the fire flow requirements of this section. However, changes in occupancies or the character of occupancies, alterations, additions or repairs shall not further increase the required fire flow for buildings.

B105.1.1 One– and Two–Family Dwellings. The minimum fire flow requirements for one– and two–family dwellings having a fire flow calculation area which does not exceed 3,600 square feet (344.5 m^2) shall be 1,000 gallons per minute (3785.4 L/min.). Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet (344.5 m^2) shall not be less than that specified in Table B105.1.

EXCEPTION: 1. A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

2. When there are not more than one each, Group R, Division 3 and Group U occupancies or agricultural building, as defined by ORS 455.315, on a single parcel of not less than one acre, the requirements of this section may be modified provided, the Group R, Division 3 occupancy does not require a fire flow in excess of 1500 gpm (based on NFPA Standard 1142) and in the opinion of the chief, firefighting or rescue operations would not be impaired.

B105.2 Buildings other than One– and Two–Family Dwellings. The minimum fire flow and flow duration shall be determined by the size and construction type of the structure under consideration. ~~for buildings other than one– and two–family dwellings shall be as specified in Table A–III–A–1.~~

~~**EXCEPTION:** A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the *International Fire Code*. Where buildings are also of Type I or II construction and are a light-hazard occupancy as defined by NFPA 13, the reduction may be up to 75 percent. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L/min.) for the prescribed duration as specified in Table B105.1~~

B105.2.1 Occupancy Hazards

5.2.1.1 Single Occupancy Hazards. Where only a single occupancy hazard is housed in a building the minimum required building fire flow shall be multiplied by the hazard factor in Table B105.2 to determine the total required fire flow.

B105.2.2 Multiple Occupancy Hazards. Where more than one hazard is housed in a building the minimum required building fire flow shall be proportioned by percentage of the floor area used for

each occupancy hazard. The proportioned building fire flow shall be multiplied by the hazard factor, relating to that portion of the building in Table B105.2 and totaled to determine the required fire flow.

Table B105.2

Light Hazard Occupancies	1.0
Ordinary Hazard (Group 1)	1.2
Ordinary Hazard (Group 2)	1.3
Extra Hazard (Group 1)	1.4
Extra Hazard (Group 2)	1.5

B105.2.3 The total required fire flow may be reduced by one of the following options, but in no case shall be less than 1500 GPM @ 20 psi residual.

1. Reduced by 75 percent where a complete approved automatic fire extinguishing system meeting the requirements of NFPA 13, is installed throughout the building and the system is electronically supervised and is monitored by an approved central receiving station.

2. Reduced by 25 percent where an approved automatic and manual fire alarm system is installed throughout the building that is monitored by an approved central receiving station. The systems shall meet the requirements of NFPA 72.

SECTION IV – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage or removal of the hazard or obstruction if necessary.

Any person who violates the provisions of ORS 478.960 (Burning of certain materials permitted only with permission of the Chief; Burning Schedule (1) through (8)) shall be guilty of a misdemeanor, shall severally, for each and every violation be punishable upon conviction as prescribed by ORS 478.990 and shall be subject to costs under 478.965.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

SECTION V – FIRE CODE BOARD OF APPEALS

As authorized by ORS 479.180, the District may establish a board of appeals. 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.

SECTION VI – REPEAL OF CONFLICTING ORDINANCES

Pursuant to ORS 478.924, the provisions of this ordinance, i.e. the Fire Code, shall be controlling within the territorial limits of the District and within each city or county within the District approving pursuant to ORS 478.924. The existing fire code, Ordinance 99-01, has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, Ordinance 99-01, and all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective the effective date of this ordinance; provided, however, that Ordinance 99-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 04-01. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

SECTION VII – VALIDITY

The District hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

SECTION VIII – DATE OF EFFECT

The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following the final reading.

First reading by Title only this 26th day of OCTOBER, 2004.

Second reading by Title only this 16th day of NOVEMBER, 2004.

PASSED by the District this 16th day of NOVEMBER, 2004.

Larry O. Hoff
PRESIDENT

Robert C. Wyffels
SECRETARY-TREASURER