

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Approving Ordinance No.)
4-03, "The Fire Prevention and Fire and)
Life Safety Code" of Columbia River)
Fire & Rescue District")
_____)

RESOLUTION NO. 27 - 2004

WHEREAS, on May 13, 2003, the Board of Directors of the fire district known as Columbia River Fire & Rescue adopted Ordinance No. 4-03, the "Fire Prevention and Fire and Life Safety Code" of Columbia River Fire & Rescue, a copy of which is attached hereto, labeled Attachment 1 and incorporated herein by this reference; and

WHEREAS, the voluminous exhibits attached to Ordinance No. 4-03, although not attached hereto, are incorporated herein by this reference and are on file with the Office of Columbia County Counsel; and

WHEREAS, Ordinance No. 4-03 adopts the Oregon Uniform Fire Code 1998 Edition, including the 2001 Supplement and appendices; and

WHEREAS, Ordinance No. 4-03 also adopts the Columbia County Fire Defense Board Rules for Open Burning; certain of the Oregon State Fire Marshal's administrative rules as provided in OAR Chapter 837; the National Fire Protection Standard No. 10, "Portable Fire Extinguishers", 2002 Edition; the National Fire Protection Standard No. 59A, "Liquefied Natural Gas", 2001 Edition; and certain Oregon State Fire Marshal and Columbia River Fire & Rescue Code Interpretations; and

WHEREAS, Ordinance No. 4-03 also establishes the Fire Prevention Division of Columbia River Fire & Rescue, which shall operate under the supervision of the Fire Chief of the Fire District and shall be charged with enforcement of the code; and

WHEREAS, ORS 478.924 provides that the Fire Prevention and Fire and Life Safety Code of Columbia River Fire & Rescue shall not apply within any portion of the Fire District within Columbia County unless the governing body of the County approves the Fire Code by resolution;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Ordinance No. 4-03, the "Fire Prevention and Fire and Life Safety Code" of Columbia River Fire & Rescue is hereby approved retroactive to May 13, 2003.

2. Within those portions of Columbia County within the boundaries of Columbia River Fire & Rescue and outside the city limits of any incorporated city, Ordinance No. 4-03 may be enforced as provided by, and violators thereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.

3. Upon issuance of a Letter of Authority signed by the Board of County Commissioners, the persons filling the following positions shall be specifically authorized to, have jurisdiction of, and may, enforce infractions under Ordinance No. 4-03. Their authority and jurisdiction under this resolution is subject to the primary authority of the Board of County Commissioners and is limited to those portions of Columbia County within the boundaries of the Columbia River Fire & Rescue and outside the city limits of any incorporated city. An authorized person may issue a citation to any person who commits a listed infraction. The authorized persons are:

- A) The Fire Chief of Columbia River Fire & Rescue;
- B) The Assistant Fire Chief and/or Fire Marshal of Columbia River Fire & Rescue;
- C) Any members of the Fire Prevention Division upon the written request of the Fire Chief of Columbia River Fire & Rescue and approval of the Board of County Commissioners; and,
- D) Any other person authorized by order or resolution of the Board of County Commissioners.

DATED this 5th day of May, 2004.

Approved as to form:

By: John K. Light

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA OREGON

By: John M. Berghard

Chair

By: [Signature]

Commissioner

By: [Signature]

Commissioner

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Columbia River Fire & Rescue

Ordinance No. 4-03

AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE
AS THE FIRE CODE FOR COLUMBIA RIVER FIRE & RESCUE
AND REPEALING ORDINANCE NO. 4-93

Oregon Uniform Fire Code 1998 Edition

with adopted/deleted sections and appendices as noted herein



June 12, 2003

Ordinance No. 4-03

**AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE
AS THE FIRE CODE FOR COLUMBIA RIVER FIRE & RESCUE
AND REPEALING ORDINANCE NO. 4-93**

Whereas, the Western Fire Chiefs Association and the International Conference of Building Officials have promulgated the Uniform Fire Code, now in the 1997 Edition; and

Whereas, based on the 1997 Uniform Fire Code, the State of Oregon has adopted the Oregon Uniform Fire Code, 1998 edition, with 2001 Supplement, effective February 1, 2002; 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 COLUMBIA RIVER FIRE & RESCUE 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.

- (1) 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:
 - a. The Oregon Uniform Fire Code, 1998 Edition, published by the International Fire Code Institute and the whole thereof, including the 2001 Supplement and the appendices, 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.
 - b. The Columbia County Fire Defense Board Rules for Open Burning, as set forth in Exhibit "B" and incorporated herein by this reference.
 - c. The following Oregon State Fire Marshal Administrative Rules as set forth in Exhibit "C" and incorporated herein by this reference:

- i. OAR 837-012-0021, "Special Effects"
- ii. OAR 837-012-0600 through 0675, "Retail Sales of Pyrotechnics"
- iii. OAR 837-012-0700 through 0970, "Public Display of Fireworks"
- iv. OAR 837-012-1200 through 1420, "Explosives"
- v. OAR 837-030-0100 through 0140, "Liquefied Petroleum Gas"
- vi. OAR 837-039-0060 through 0110, "Administration of Fire Prevention Programs by Non-Exempt Jurisdictions, Inspection Programs, and Certification for Plan Review"
- vii. OAR 837-045-0040 through 0070, "Smoke Alarms and Detectors"
- viii. OAR 837-061-0005 through 0015, "Standardization of Fire Protection Equipment"
- d. The National Fire Protection Standard 10, "Portable Fire Extinguishers" 2002 Edition, as set forth in Exhibit "D" and incorporated herein by this reference.
- e. The National Fire Protection Standard 59A, "Liquefied Natural Gas" 2001 Edition, as set forth in Exhibit "E" and incorporated herein by this reference.
- f. Oregon State Fire Marshal and Columbia River Fire and Rescue Code Interpretations, as set forth in Exhibit "F" and incorporated herein by this reference.

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").

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 Columbia River Fire and Rescue.
- (3) "Fire Department" shall be defined per ORS 489.110.
- (4) "Jurisdiction" shall mean Columbia River Fire and Rescue.
- (5) Whenever the word "code" is used in this chapter, it shall be held to mean the 1998 Oregon Edition of the Uniform Fire Code, including the 2001 supplement, 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 (Building Code).
- (7) "Plumbing Code" shall mean the current edition of the State of Oregon Plumbing Specialty Code (State Plumbing Code).
- (8) "Uniform 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 Columbia River Fire and Rescue 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 7902.2.2.1 and Appendix II-K 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 52 and 79, and Appendix II-K 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 Article 77 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 Uniform Fire Code.

The following appendices of the 1997 UFC are excluded from the provisions of this code adoption.

Appendices:	I-A (1.2)	Existing Buildings - (18-month provision to vacate)
	I-B	Existing High Rise Buildings
	II-D	Rifle Ranges
	IV-B	Christmas Trees
	VI-E	Model Citation Program
	VI-F	Model Fees and Charges Program

Section 9. Amendments to the Oregon Uniform Fire Code.

The Oregon Uniform Fire Code, 1998 Edition, is amended and changed as follows:

(1) Section 103.2.1.1. is amended to add:

The Chief is authorized to enforce and administer this code as directed in ORS 476.060, and OAR Chapter 837, Division 39. Under the Chief's direction, the Fire District is authorized to enforce all statutes, ordinances and regulations pertaining to:

- a. The maintenance of clear access to buildings and structures, by preventing the blockage of any fire access to buildings.
- b. The appropriation of water supplies, when necessary, to adequately provide for the protection of buildings and structures.
- c. Inspection of occupancies for the purposes fire risk determination and mitigation, which are defined for purposes of this subsection as office, business, educational, institutional, and other commercial occupancies.
- d. Investigation of all fires for determination of origin and cause.
- e. Investigation of the cause, origin and circumstances of unauthorized releases of hazardous materials.

(2) Section 103.4.1.3 is amended to read:

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. 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.

(3) Section 104.2 is amended to read:

Investigations. Investigations shall be conducted in accordance with ORS 476.210 and ORS 476.220. Personnel within the Columbia River Fire and Rescue Prevention Division shall be designated as members of the "Fire Investigation Team" which shall work with state and local law enforcement personnel for the purposes of investigating the origin and cause of all fires, especially those involving suspected violations of laws relating to arson, reckless burning, insurance fraud, and other Fire Code-related crimes and violations. District investigative personnel shall make a written report of all facts and findings relative to each investigation.

(4) 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 on OAR 340-264-0030.
- c. Open Burning: To conduct open or barrel burning of yard trimmings.
- d. Public Assemblies: To conduct a fair, exhibition, or other special assembly event in any building, tent, or other structure involving large numbers of people.

(5) Section 201.1 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.

(6) Section 1103.2.2 is amended to add:

1103.2.2.1 Containers and Drop Boxes. Portable wheeled containers and roll-off drop boxes for the accumulation of waste materials shall not be located in such a manner that a fire occurring in a container/drop box would create a threat to persons, buildings, vehicles, exitways, utilities, vegetation, adjacent property or their contents. Maintain not less than 5 feet of combustible walls, openings or combustible roof eave lines.

(7) Add a Section 1103.3.2.6.1

Vehicle Exhibition. The Chief may issue a permit authorizing the exhibition or use of automotive vehicles within commercial buildings, other than public garages and automobile dealerships, when such precautions and safety plans as required by the Chief have been complied with by the applicant for such permit. The following provisions shall apply:

- (a) Maintain not more than two (2) gallons in fuel tanks of each vehicle.
- (b) Disconnect battery terminal and secure in an approved manner.
- (c) Secure gas cap in an approved manner to prevent vehicle filling while on display.

- (8). Section 1303.3.3.2 is amended and adds a subsection to read:

A record of all required fire drills shall be kept by the person in charge of the occupancy and made available for inspection on an annual basis. Records of fire drills shall include the time and date of each drill held, the name of the person conducting such drill, and the time required to vacate the building.

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 103.1.4. Such appeal shall be filed in writing with the Fire Marshal within 30 days of the Fire Marshal's decision. The Board may, by majority vote, affirm, modify, or revoke the action of the Fire Marshal.

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:

(a) Each year the District Fire Prevention Division will compile a list of businesses designated to participate in this self-inspection program.

(b) 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.

- (c) 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 following items and subjects must be inspected under this self-inspection program by each owner or operator of a designated low fire risk occupancy. Information concerning each of the following subjects of inspection shall be reported to the District.
- (a) storage of compressed gas cylinders;
 - (b) storage of flammable liquids;
 - (c) location of dumpsters;
 - (d) use of portable electric heaters;
 - (e) labeling of circuit breakers and fuses;
 - (f) electrical panel box (clear space);
 - (g) use of extension cords;
 - (h) clear areas around furnaces and water heaters;
 - (i) visibility of street address numbers;
 - (j) emergency exit lighting;
 - (k) exit sign lighting;
 - (l) exit doors unlocked during business hours;
 - (m) clear access to all exits;
 - (n) visibility and availability of functioning fire extinguishers.
- (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. 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 upon conviction by a fine of not less than \$10.00 nor more than \$100.00 for each offense. Each day's continued refusal to conform to the Code or remove a fire hazard after notice by the inspecting officer is a separate offense.
- (2) The application of the above penalty shall not prevent the enforced removal of prohibited conditions as specified in Section 103.4.3.1.
- (3) 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 of \$50.00 may be invoiced by the Columbia River Fire and Rescue 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 reinspection.
- (5) Enforcement procedures. Notice 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 1302.3 of the Fire Code, 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.

Reference 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. 4-93 is hereby repealed.

Section 16. Effective Date.

This Ordinance shall take effect and be in force upon the thirtieth day after the approval by resolution of the Board of Directors of Columbia River Fire and Rescue as provided in ORS 478.924.

Record of Public Readings and Final Adoption

1st Reading: April 8, 2003

2nd Reading: May 13, 2003


ADOPTED THIS 13th DAY OF May, 2003.

COLUMBIA RIVER FIRE AND RESCUE
BOARD OF DIRECTORS

Diane M. Dillard

Lee A. Broadbent

A.C. Connelly



Recording Secretary