CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 10-14

AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 10-02 ADOPTING THE 2010 OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 07-18

WHEREAS, the City of Tigard enforces the State Building Code under the authority of ORS 455.150 within in the City of Tigard; and

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

WHEREAS, it is necessary to adopt TVF&R Ordinance No. 10-02 in order for TVF&R to apply the Oregon Fire Code within the City of Tigard.

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

SECTION 1: Pursuant to ORS 478.924, the 2010 Oregon Fire Code as adopted by Tualatin Valley Fire and Rescue, a Rural Fire Protection District as Ordinance 10-02 (Exhibit A), is hereby adopted by the City of Tigard as the City's Fire Code.

SECTION 2: Ordinance No. 07-18 is herby repealed.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 28th day of September, 2010.

Catherine Wheatley

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28th day of September, 2010.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

9/28/10

Date

EXHIBIT A

ORDINANCE 10-02

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 07-01.

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, finds it necessary to adopt regulations that establish a minimum level of fire safety, 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 Oregon 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 and 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 from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910

SECTION I – ADOPTION OF THE 2010 OREGON FIRE CODE:

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2009 Edition, as published and copyrighted by International Fire Code Council and as amended and adopted by the Oregon State Fire Marshal's Office and known as the 2010 Oregon Fire Code, is hereby adopted.

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, 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 TO THE 2010 OREGON FIRE CODE:

The 2010 Oregon Fire Code is hereby amended as follows:

1. **The following new SECTION 907.7.6** is added:

   907.7.6 Alarm Verification. No later than December 1, 2010, or as soon thereafter as approved by a city or county, Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

   Exception: Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

2. **The following section of Appendix B105.3.1.2** is deleted in its entirety:

   B105.3.1.2 Fire Alarm Systems. A reduction in required fire-flow of 25% is allowed when the building is provided with an automatic and manual fire alarm system that is installed throughout the building and is monitored by an approved central receiving station. The systems shall meet all requirements of NFPA 72 as specific for a central station fire alarms system proving total (complete) coverage by detection devices.

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.

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

The provisions of this ordinance, i.e. the Fire Code, 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. The existing fire code, Ordinance 07-01, 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 07-01, 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 07-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 10-02. 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 adoption, as authorized by ORS 198.570.

First reading by Title only this _____ day of _____, 2010.

Second reading by Title only this _____ day of _____, 2010.

PASSED by the District this _____ day of _____, 2010.

_____ PRESIDENT

_____ SECRETARY-TREASURER