

1                   BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                   FOR MULTNOMAH COUNTY, OREGON

3       In the matter of approval of the Fire Code       )  
4       Ordinance of Tualatin Valley Fire and Rescue,    )       RESOLUTION 90-75  
         a Rural Fire Protection District No. 1        )

5               WHEREAS pursuant to O.R.S. Chapter 478, Tualatin  
6       Valley Fire and Rescue, a Rural Fire Protection District No.  
7       1, has enacted a new Fire Code Ordinance; and

8               WHEREAS a portion of Multnomah County lies within  
9       the boundaries of Tualatin Valley Fire and Rescue, a Rural  
10       Fire Protection District No. 1; and

11              WHEREAS O.R.S. 478.924 requires that the Fire Code  
12       Ordinance be approved by the cities or counties lying within  
13       the boundaries of said fire district before the Ordinance  
14       can be applied,

15              NOW THEREFORE, BE IT RESOLVED that the Board of  
16       County Commissioners for Multnomah County hereby approve the  
17       Fire Code Ordinance, Ordinance 90-01 and 90-02, attached as  
18       Exhibit "A" and by this reference incorporated herein, of  
19       Tualatin Valley Fire and Rescue, a Rural Fire Protection  
         District No. 1.

20              ADOPTED this    10th       day of    May       , 1990.

21                                   MULTNOMAH COUNTY, OREGON

22                                   By Gladys McCoy  
23                                   Gladys McCoy  
24                                   Multnomah County Chair

25       REVIEWED:  
26       LAWRENCE KRESSEL, County Counsel  
         for Multnomah County, Oregon

Page    By John L. DuBey

ORDINANCE 90-01

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT NO. 1, SUCCESSOR TO TUALATIN RURAL FIRE PROTECTION DISTRICT AND WASHINGTON COUNTY FIRE DISTRICT NO. 1, 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 ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES, AND REPEALING ORDINANCE 86-1 ENACTED BY WASHINGTON COUNTY FIRE DISTRICT NO. 1 AND RESOLUTION 86-5 ENACTED BY TUALATIN RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Tualatin Valley Fire and Rescue, a Rural Fire Protection District No. 1, pursuant to the authority granted under O.R.S. 198.510 to O.R.S. 198.660, and O.R.S. 478.910 to O.R.S. 478.940, has the power to adopt a fire prevention code; and,

WHEREAS, the Fire Marshals of the City of Beaverton and Tualatin Valley Fire and Rescue, a Rural Fire Protection District No. 1, have met and developed uniform regulations for each jurisdiction; and,

WHEREAS, the Tualatin Valley Fire and Rescue, a Rural Fire protection District No. 1, 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

The whole of this ordinance including the codes hereby adopted have been and are now filed in the record of the District and in the office of the County Clerk as prescribed in O.R.S. 478.560 and with the State Fire Marshals Office and from the date on which this ordinance shall take effect, provisions thereof shall be controlled within the limits of the area known as the District and the whole of this ordinance shall be known as the Fire Prevention Code.

SECTION I, ADOPTION OF UNIFORM CODES

There 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. Uniform Fire Code, 1988 Edition, including Appendices II-D, II-E, III-A, III-C, V-A, VI-A, VI-B, and VI-D as published and copyrighted by the Western Fire Chiefs Association and International Conference of Building Officials, except as hereinafter deleted, modified or amended by this Ordinance.
- B. Uniform Fire Code Standards, 1988 Edition, as published and copyrighted by the Western Fire Chiefs Association and International Conference of Building Officials, except as hereinafter deleted, modified or amended by this Ordinance.

## SECTION II, ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

The Uniform Fire Code and other regulations adopted shall be enforced by the Bureau of Fire Prevention in the District which is hereby established and which shall operate under the supervision of the Chief of the Fire District.

## SECTION III, DEFINITIONS

Definitions set forth in the Uniform Fire Code and other regulations contained herein are hereby adopted save and except for the following:

- A. Whenever the term "Administrator" or "Chief" is used, it shall be deemed to be identical and be held to mean the Fire Chief of the District or his authorized representative.
- B. Whenever the term "Authority Having Jurisdiction" is used, it shall be held to mean the Fire Chief or his authorized representative.
- C. Whenever the term "Authorized Representative" is used, it shall be held to mean the person charged with enforcement of the Fire Prevention Code.
- D. Whenever the term "Board of Appeals" is used, it shall be held to mean the Board of Appeals that is provided by the Fire Prevention Code of the District.
- E. Whenever the term "Board of County Commissioners" or "City Council" is used, it shall be held to mean the Board of Directors at the District.
- F. Whenever the term "Board of Directors" is used, it shall be held to mean the elected officials of Tualatin Valley Fire and Rescue, a Rural Fire Protection District No. 1.
- G. Whenever the term "Building Code" or "Uniform Building Code" or "Structural Specialty Code and Fire and Life Safety Regulations" is used, it shall be held to mean the Building Code adopted by City or County having jurisdiction with the geographical area affected.
- H. Whenever the term "Chief of the Bureau of Fire Prevention" and "Fire Prevention Engineer" is used, it shall be held to mean the Fire Marshal of the District or his authorized representative.
- I. Whenever the term "Chief" or "Chief of the Fire Department" is used, it shall be held to mean the Fire Chief of the District.
- J. Whenever the term "Chief of Police" is used, it shall be held to mean whichever Chief of Police or Sheriff has jurisdiction within the geographical area so affected.

- K. Whenever the term "Corporate Council" or "City Attorney" or "Attorney General" is used, it shall be held to mean the Attorney for the District.
- L. Whenever the term "District" is used, it shall be held to mean Tualatin Valley Fire and Rescue, a Rural Fire Protection District No. 1.
- M. Whenever the term "jurisdiction", "city", "county", "state", or "municipality" is used, it shall be held to mean the district or the city or county of which this District is a part.
- N. Whenever the term "hazardous vehicle" is used, it shall be held to mean vehicles blocking or obstructing private right-of-way, fire hydrants, vehicles with leaking gas tanks or other products, and vehicles located in violation of the Fire Prevention Code.
- O. Whenever the term "room" is used, it shall be held to mean a space or area bounded by any obstruction to exit passage which at any time encloses more than 80 percent of the perimeter. Openings less than 3 feet in clear width and less than 5 feet 8 inches high shall not be considered.

#### SECTION IV, ADOPTION OF OREGON ADMINISTRATIVE RULES

- 1. Definitions set forth in these Oregon Administrative Rules herein adopted save and except for the following:
  - A. Whenever the term "State" or "State of Oregon" is used, it shall be held to mean the District.
  - B. Whenever the term "State Fire Marshal" is used, it shall be held to mean the Chief.
  - C. Whenever the term "State Fire Code" is used, it shall be held to mean the Fire Prevention Code of the District.
- 2. The following Oregon Administrative Rules (O.A.R.) by this reference are hereby adopted and incorporated into this ordinance and are made a part hereof, unless specifically modified:
  - A. O.A.R. 837-40-010 to 837-11-030 relating to explosives and ammonium nitrate.
  - B. O.A.R. 837-40-010 relating to Uniform Fire Code.
  - C. O.A.R. 837-41-050 relating to exit-way protection.
  - D. O.A.R. 837-43-005 to 837-43-010 relating to existing group care facilities.
  - E. O.A.R. 837-44-005 relating to "No Smoking" signs in elevators.
  - F. O.A.R. 837-45-005 to 837-45-035 relating to smoke detectors.

- G. O.A.R. 837-80-005 to 837-80-015 relating to liquefied natural gas.
  - H. O.A.R. 837-12-500 to 837-12-570 relating to wholesale sales and storage of pyrotechnics in Oregon.
  - I. O.A.R. 837-12-600 to 837-12-675 relating to Retail Sales and Storage of Pyrotechnics (Allowed Fireworks) in Oregon.
2. The following standards of the National Fire Protection Association (N.F.P.A.) as published by N.F.P.A. by this reference are hereby adopted and incorporated into this ordinance and are made a part hereof, unless specifically modified.
- A. N.F.P.A. Standard No. 32, 1985 Edition, "Dry Cleaning Plants".
  - B. N.F.P.A. Standard No. 54, 1988 Edition, "National Fuel Gas Code".
  - C. N.F.P.A. Standard No. 58, 1989 Edition, "Liquefied Petroleum Gases".
  - D. N.F.P.A. Standard NO. 59, 1989 Edition, "Liquefied Petroleum Gases at Utility Gas Plants".
  - E. N.F.P.A. Standard No. 59A, 1985 Edition, "Production, Storage and Handling of Liquefied Natural Gas (LNG)", SECTION IV.
  - F. N.F.P.A. Standard No. 1231, 1989 Edition, "Standard on Water Supplies for Suburban and Rural Firefighting".
  - G. N.F.P.A. Standard No. 80 A, 1987 Edition, "Recommended Practice for Protection of Buildings from Exterior Fire Exposures".

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

The limits, referred to in Section 79.501 of the Uniform Fire Code relating to the storage of Class I and II flammable or combustible liquids in outside aboveground tanks, are the limits of the District. EXCEPTION: The Fire Marshal, after consideration of built-in fire protection or fire-extinguishing facilities or topographical conditions and the District's firefighting capabilities may permit the installation of aboveground storage in industrial areas, farms, gravel pits, rock quarries and other isolated areas.

SECTION VI, ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED

The limits, referred to in Section 77.106(b) of the Uniform Fire Code in which the storage of explosives and blasting agents is prohibited, are the limits of the District. EXCEPTION: The Fire Marshal, after consideration of built-in fire protection or fire extinguishing facilities or topographical conditions, and the District's firefighting capabilities may permit the storage of explosives and blasting agents on farms, gravel pits, rock quarries, and other isolated areas when the storage of explosives and blasting agents meet the requirements of the Fire Prevention Code.

SECTION VII, ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM IS TO BE RESTRICTED

The limits, referred to in Section 82.105 of the Uniform Fire Code in which storage of liquefied petroleum gas is restricted, is hereby established as the limits of the District.

EXCEPTION: The Fire Marshal, after consideration of built-in fire protection or firefighting facilities or topographical conditions, and the District's firefighting capabilities may permit the installation of liquefied petroleum gas containers in industrial areas, farms, gravel pits, rock quarries, and other areas, and then only when approval has been obtained pursuant to Section 82.102 of the Fire Prevention Code.

SECTION VIII, AMENDMENTS MADE IN THE UNIFORM FIRE CODE

The Uniform Fire Code is amended and changed in the following respects:

1. Article 1, Section 1.102 is amended by adding an additional paragraph (d) to read:

"(d) Where the conditions imposed by a provision of this code differ from those imposed by another ordinance, law or regulation having application, the provision which is more restrictive shall govern."

2. Article 2, Section 2.101 is amended by adding paragraphs (9), (10), (11), and (12) to read:

(9) The adequacy of means of approach to buildings and structures by mobile fire apparatus and firefighting personnel.

(10) Providing firefighting water supplies and fire detection and suppression apparatus adequate for the protection of buildings and structures.

(11) Issuance of permits before burning trash or waste material.

(12) Inspection of premises by officers designated by the Board of directors and requiring removal of fire hazards found on premises at such inspections."

3. Article 2, Section 2.102 is amended to read as follows:

"The Chief, with the approval of the Board of Directors, is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this code. Such rules and regulations shall be adopted under provisions of O.R.S. 198.510 - 198.600 and a minimum of one certified copy of number required by the governing laws of such rules and regulations, shall be filed with the Clerk of the District and the Clerk of any cities governed by the jurisdiction and shall be in effect immediately thereafter and additional copies shall be kept in the office of the fire district for distribution to the public."

4. Article 2, Section 2.104 is amended by deleting the existing language and adding the following:

- (a) The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the appropriate authority of the District on the basis of examination to determine his qualifications.
- (b) The Chief may detail certain employees of the fire district as inspectors as shall from time to time be necessary. The Chief shall recommend to the Board of Directors the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position and appointments made after examination shall for an indefinite term with removal only for cause.

5. Article 2, Section 2.201 (b) is amended by deleting the following words:

"in accordance with the procedure specified in Chapters 4 through 9 of the Uniform Code for the Abatement of Dangerous Buildings or by any other procedures provided by law"

6. Article 2, Section 2.303 is deleted.

7. Article 4 is amended by adding a new section as follows:

"Section 4.109 Permits and Plan Examination Fees.

- (a) In order to assist in defraying expenses of issuing permits, examination of plans and on-site inspections as required by this code, a permit and/or plan examination or inspection fee shall be paid at the time the application is filed with the Bureau of Fire Prevention.
- (b) Where plans are incomplete, changed or violations are not corrected, a fee of 20% of the plan examination may be charged.
- (c) A re-inspection fee may be charged for re-inspections and each subsequent re-inspection until the violation is corrected.
- (d) The fees for plan review shall be established by intergovernmental agreement between the District and the counties and all cities issuing building permits within the District and shall not be in excess of 40% of the building permit fee as authorized and limited by O.R.S. 455.210 (2)."
- (e) The fee schedule shall be set by an ordinance of the Board of Directors. The Fire Marshal shall collect all fees and forward such fees to the Finance Division of the District.
- (f) If the fees provided for in this section are not paid within thirty (30) days after service at written notification by the Fire Marshal, the fees shall be delinquent and penalty equal to the amount of the fee shall be imposed for such delinquency. After ninety days of delinquency the fees, re-inspection fees and penalty shall become a lien on the property. Liens shall be collected by the Finance Division in the manner prescribed in law.

8. Section 10.206(c) is amended and new paragraphs (c) and (d) have been added to read:

"(c) With respect to fire hydrants, standpipes or fire department connections located along public or private property, all curbs shall be painted yellow or otherwise appropriately marked by the owner, lessee or other person in charge of premises to prohibit parking within 10 feet to the front, within 10 feet on either side and 3 feet to the rear of a hydrant, standpipes or fire department connection. In cases where curbs do not exist, appropriate markings shall be painted on the pavement or signs shall be erected, or both, giving notice that parking is prohibited and vehicles may be towed. All towing and impound fees or costs shall be at the vehicle owner's expense."

(d) As considered necessary by the Chief, the area immediately surrounding fire hydrants, fire department connections and other appurtenance shall be kept clear of vegetation such as trees, shrubs and other landscaping plants or brush that obstructs access, visibility or use of the above named equipment.

9. Section 10.207(b) is amended by adding a third paragraph to read:

"(b) When required by the Chief exposure protection shall be provided as set forth in N.F.P.A. 80A."

10. Section 10.207(c) is amended to read:

"(c) Width. Fire apparatus accessways shall be provided in accordance with the following definitions and standards:

- (1) 'Accessway' means driveways used by fire apparatus and subject to other vehicular traffic. Twenty (20) feet of unobstructed width is considered standard for an "accessway".
- (2) 'Work Areas' means those areas designated by the Chief as necessary for the placement and operation of fire department apparatus. Twenty-four (24) feet of unobstructed width is considered standard for 'work areas'.
- (3) 'Fire Lanes' means lanes providing access to building, fire hydrant or other appurtenance and not subject to other vehicular traffic. Twelve (12) feet of unobstructed width is considered standard for 'fire lanes'.
- (4) 'Maneuverability Areas' means areas including but not limited to the point of entry from public streets, accessways, grade level changes, turning radius, and turnarounds. The minimum design criteria for 'maneuverability areas' shall be established and made available to the public by the Chief."



11. Section 10.207(f) is amended to read:

"(f) Surface. Fire apparatus access roads shall be designed and maintained to support the loads of fire apparatus and shall sustain a minimum wheel load of 12,500 pounds and a gross vehicle weight of 45,000 pounds and be provided with an all-weather driving surface."

12. Section 10.207(j) is amended to read:

"(j) Grade - The gradient for a fire apparatus access road shall not exceed 15 percent.

EXCEPTION: When approved by the Chief grades in excess of 15 percent, but not more than 20 percent, may be allowed for a distance not to exceed 200 feet. Street intersections and curb cuts will not be allowed in grades exceeding 15 percent. These steeper sections must be separated by a section with a grade of 15 percent or less that is at least 200 feet in length.

13. Section 10.207(k) is amended to read:

"(k) Obstructions. "The required width of fire apparatus accessways shall not be obstructed in any manner, including parking of vehicles. Signs stating "NO PARKING - FIRE LANE - TOW AWAY ZONE O.R.S. 98.810-812" and/or other appropriate notice prohibiting obstructions may be required to be posted and maintained. If in the judgement of the Chief it is necessary to prohibit vehicular parking along a fire apparatus accessway in order to keep them clear and unobstructed, the Chief may require the owner, lessee or other person in charge of the premises to paint the curbs yellow, or install and maintain signs or give other appropriate notice to the effect that parking is prohibited. When a vehicle obstructs a fire apparatus accessway marked in the manner described in the above subsection or elsewhere in this ordinance, the Fire Marshal or his representative shall order the owner or operator of the vehicle to remove it. If the vehicle is left unattended, the Fire Marshal or his representative may cause the vehicle to be towed and stored in accordance with provisions of Section 10.206(c)."

14. Section 10.301(b) is amended by changing the word "asbestos" to "fire retardant" in line 8.

Section 10.301(g) is amended by adding the following:

"(g) Water supply for areas outside water districts. When a municipal type water system is not available, water supply for firefighting shall be provided in accordance with N.F.P.A. 1231 for R3 and M occupancies."

15. Section 10.305(b) is amended by adding an additional paragraph to read:

"(b) Fire Department Connections. When structures are protected with an automatic fire sprinkler system, the location of the fire department connection shall be approved by the Chief and be within seventy (70) feet of a standard fire hydrant assembly. They shall not be attached to the structure so protected unless approved by the Chief."

16. Section 10.301(c) is amended to read:

- "(c) (a) Water Supply: 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. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of supplying the required fire flow. Other water supply sources may be counted as contributing to the supply if, in the opinion of the Chief, the source is dependable, readily accessible and adaptable to use by public fire fighting equipment.

EXCEPTION: When there are not more than two Group R or Group M Occupancies, the requirements of this Section may be modified provided, in the opinion of the Chief, fire-fighting or rescue operations would not be impaired.

- (b) Required Fire Flow: No building shall be constructed, altered, enlarged, or repaired in a manner that by reason of size, type of construction, number of stories, location on property, occupancy, or any combination thereof creates a need for a fire flow in excess of 3000 gallons per minute at 20 pounds per square inch residual pressure. The requirements for determining fire flow for all buildings are set out in Uniform Fire Code, Appendix III-A.
- (c) Fire flow requirements in excess of 3000 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.
- (d) Existing buildings that require a fire flow in excess of 3000 gallons per minute are not required to comply with the fire flow-requirements of this section; however, alterations, additions or repairs shall not further increase the required fire flow for the buildings. Furthermore, if alterations, additions or repairs made in any twelve (12) month period exceed fifty percent (50%) of the value of the building, the entire building shall be made to conform with the fire flow requirements.

(2) Fire Hydrants:

- (a) Commercial Buildings: Fire hydrants shall be located so that no part of a commercial building is more than 250 feet from a fire hydrant as measured along a route of travel accessible to fire apparatus.

EXCEPTION: When such buildings are protected with an approved automatic fire protection system, the Chief may allow variations up to a maximum of 500 feet as measured along a route of travel accessible to fire apparatus.

- (b) Non-Commercial Buildings: Unless otherwise approved by the Chief, fire hydrants shall be placed at each street intersection. Intermediate hydrants are required when the distance to any part of non-commercial buildings exceed 500 feet measured along a route of travel accessible to fire apparatus.

For the purposes of (a) and (b) above, a 'commercial building' means a building used for other than R-3 or M occupancies as such occupancies are defined in the Building Code.

Fire hydrants on private water mains that are serving automatic fire sprinkler systems and are pressurized by a fire department connection shall not be considered to contribute to the above requirements unless specifically approved by the Chief.

All facilities required to be installed under Section 10.301, as amended, shall be installed by the developer and shall be approved by and meet the specifications and requirements of the Chief as to location, size and type of materials and manner of installation. Fire hydrant installations shall be in accordance with 'Standard Fire Hydrant Assembly' Drawing #W-602."

17. Table 10.309 is amended by adding an additional footnote #7 to Occupancy Column Sub 5, Sprinklered Building, Standpipe Class to read:

"7. Class II stand pipes as specified in UBC Section 3803(d) shall be provided when processes or conditions exist which would nullify the effectiveness of the automatic sprinkler system.

18. Section 11.404 is amended by adding a Paragraph (e) to read:

"(e) The use of portable electric heaters and fuel fired space heaters in Group I and SR occupancies is prohibited."

19. Section 12.105(b) is added to read:

"(b) Deadend. Corridors with deadends are permitted when the deadend does not exceed 20 feet in length.

EXCEPTION: Group B, Division 2 office occupancies may have 30 foot deadend corridors in the tenant spaces."

20. Section 14.106(a) is amended to read:

"(a) Maintenance and Testing. All fire alarm systems shall be maintained and tested as set forth in this article and in accordance with nationally recognized standards. The fire alarm and detection system shall be tested as set forth in UFC Standard 14-1 and in accordance with nationally recognized standards."

21. Section 36.103 is amended to read:

"NFPA 32, Standard for Dry Cleaning Plants, 1985 Edition is hereby adopted and made part of this code and it applies to the design, installation, and maintenance of dry cleaning plants."

22. Section 45.211(d) is amended to read:

"(d) "Automobile refinishing booths and enclosures, otherwise installed and maintained in conformity with this division may alternately be used for drying with portable infrared bulb type drying apparatus when conforming with the following:"

23. Section 61.103 is amended to read:

"Section 61.103. The design, construction, and installation of oil burning equipment shall be in accordance with the Mechanical Code and NFPA 31, Oil Burning Equipment, 1987 Edition, which is hereby adopted and made part of this code."

24. Section 63.101 is amended to read:

"Section 63.101. This article applies to only those refrigeration units or systems utilizing group 2 and 3 refrigerants having a refrigerant, compressor, or hose power rating of 100 or more."

25. Sections 78.101, 78.102, 78.104 and 78.105 are deleted.

26. Section 78.107 is added to read:

"Oregon Administrative Rule 837-12-630(2) a is amended to read:

The application shall be received by the Chief no later than May 1 of each year and shall be accompanied by a fee as set by resolution."

27. Section 80.101 is amended by deleting the second paragraph and adding a second paragraph to read:

"The provisions of this article are not retroactive for existing facilities unless the Chief determines that the conditions present a distinct hazard to life or property."

28. Section 80.101 is further amended by adding the following (to be the fifth paragraph) to read:

"For retail display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 Retail Sales Occupancies, see Section 80.109."

29. Section 80.104(a) is amended by adding an exception to read:

"EXCEPTION: Oregon Revised Statutes 466.604 through 466.680, 468.780 through 468.815 and 466.200 through 466.205 and administered under Oregon Administrative Rule 340, Division 108, as described in Annex O of the Oregon Emergency Operations Plan."

30. Section 80.104(e) is amended by adding a phrase to the third sentence to read:

"or other approved equivalent systems."

31. Section 80.106 is amended by adding an exception to the second paragraph to read:

"EXCEPTION: Compliance with requirements with 40CFR, Hazardous Chemical Reporting and Community Right-To-Know Regulations, under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA)."

32. Section 80.108 is amended by deleting the existing language and inserting the following to read:

"The Chief may require notification of a facility that may be placed out of service."

33. Article 80 is amended by adding a new Section 80.109, Retail Display to read:

"Retail Display

Section 80.109. When in accordance with this section, the aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials permitted within a single control area of a Group B, Division 2 retail sales occupancy may exceed the exempt amounts specified in Division III, Tables Nos. 80.306-A, 80.309-A, 80.310-A, 80.312-A, 80.314-A and 80.315-A. The maximum allowable quantity in pound or gallons permitted within a single control area of a retail sales occupancy shall be the amount derived from the formula:

$$E R = E X p X A$$

WHERE:

- E R = exempt amount permitted in a single control area of a retail sales occupancy  
E = exempt amount specified in Division III exempt amount tables.  
p = density factor from Table No. 80.109.  
A = square footage area of the hazardous material retail display or storage.

The maximum aggregate floor area for hazardous material retail display or storage over which the density factor may be applied shall not exceed 1500 square feet per control area.

The area of storage or display shall also comply with the following requirements:

1. Display of solids shall not exceed 200 pounds per square foot of floor area actually occupied by the solid merchandise.
2. Display of liquids shall not exceed 20 gallons per square foot of floor area actually occupied by the liquid merchandise.
3. Display height shall not exceed 6 feet.
4. Individual containers less than 5 gallons or less than 25 pounds shall be stored on pallets, racks or shelves.
5. Storage racks and shelves shall be in accordance with the provisions of Section 80.301(i).
6. Containers shall be approved for the use intended.
7. Individual containers shall not exceed 100 pounds or 5-gallon capacity.
8. Incompatible materials shall be separated in accordance with the provisions of Section 80.301(n).
9. Floors shall be in accordance with the provisions of Section 80.301(z).
10. Aisles 4 feet in width shall be maintained on three sides of the display area.
11. Hazard identification signs shall be provided in accordance with the provisions of Section 80.104(e).

TABLE NO. 80.109  
DENSITY FACTORS FOR EXEMPT AMOUNTS IN RETAIL SALES

HAZARD CATEGORIES 1	CLASS	DENSITY FACTOR p
<u>Physical Hazards:</u>		
Oxidizers; unstable (reactive) materials; water-reactive materials	Class 4	N.P.
	Class 3	0.075
	Class 2	0.006
	Class 1	0.003
<u>Health Hazards:</u>		
Highly toxic solids and liquids; corrosives; other health hazard solids, liquids and gases	All	0.0013

N.P. = Not permitted.

1 Hazard categories are as specified in Division II. Density factors shall not apply to categories other than those listed."

34. Section 80.301(b) is amended by adding the following to the first paragraph to read:

"See Section 2.301(b)"

35. Section 80.301(b) 2 is amended by removing the word "safeguarded" from the first sentence and replacing it with the word "maintained".
36. Section 80.301(b) 3 is amended by removing the first sentence and replacing it with the following sentences to read:

"Defective containers and tanks shall be removed from service, repaired, or disposed of in accordance with nationally recognized standards of good practice such as American Petroleum Institute (API) or American Society of Mechanical Engineers (ASME). See Section 2.304(b).

37. Section 80.301(c) is amended by adding the following to the first sentence to read:

"in accordance with nationally recognized standards."

38. Section 80.301(d) is amended by deleting the following from the second sentence:

"storage areas and within 25 feet of outdoor storage areas" and inserting the following language to read: "accordance with the provisions of Article 13."

39. Section 80.301(j) is amended by adding the following to read:

"and comply with the provisions of this article as well as other provisions of this code."

40. Section 80.301(k) is amended by adding two exceptions to read:

"EXCEPTIONS: 1. Compliance with Section 312 of the Superfund Amendments and Reauthorization Act (SARA). 2. Where a site plan prepared under Section 312 of EPCRA Title III has been prepared and submitted."

41. Section 80.301(l) is amended by adding an exception to read::

"EXCEPTION: Facilities which hold NPDES permits and are subject to the requirements for preparation of spill prevention control and countermeasures plans for hazardous materials."

42. Section 80.301(a) 4(m) is amended by adding a second sentence to the end of the first paragraph to read:

"Threshold Limit Values (TLV) as established by the American Conference of Governmental and Industrial Hygienists (ACGIH), OSHA, or other applicable state codes will be utilized for establishing minimum standards where ventilation is required."



43. Section 80.301(a) 4 (n) is amended by adding these words to read:

"4. stored in compliance with other applicable laws or nationally recognized codes."

44. Section 80.301(a) 4(o) is amended by deleting the second sentence and replacing it with the following to read:

"Cabinets shall be conspicuously labeled according to the hazard therein."

45. Section 80.301(a) 4(p) is amended by adding two exceptions to read:

"EXCEPTIONS: 1. Sprinklers may be omitted in rooms or areas as specified in Section 3804 of the Building Code. 2. Approved alternate automatic fire-extinguishing systems shall be used."

46. Section 80.301(a) 4(q) is amended by deleting the words:

"by competent person" and replacing them with "engineered"

47. Section 80.301(a) 4(r) is amended by adding an exception after the first sentence to read:

"EXCEPTION: Facilities in compliance with the Uniform Fire Code, Section 51.106(e)."

48. Section 80.301(a) 4(s) is amended by adding the following to the end of the first sentence to read:

"Article 701"

49. Section 80.301(a) 4(t) 1 is amended by adding the words "or alarm" to the paragraph title and after the word "control" in the first sentence.

50. Section 80.301(a) 4(u) is amended by adding the word "approved" in the second line after the words "door of".

51. Section 80.301(a) 4(v) is amended by deleting the following from the second line:

"are required in Sections 80.302 through 80.315," and replacing them to read: "which require supervision by other applicable codes and the Uniform Fire Code,"

52. Section 80.303(a) 2 is amended by deleting Table No. 80.303A and replacing it with the following to read:

"TABLE NO. 80.303-A  
COMPRESSED GAS STORAGE  
EXEMPT AMOUNTS 1 2

CONDITION	EXEMPT AMOUNTS (Cubic Feet at WTP)		
	Highly Toxic (Cubic Feet)	Toxic (Cubic Feet)	Toxic (Pounds)
Unprotected by sprinklers, gas cabinets or separate rooms	0	500	50
Within gas cabinets in unsprinklered building	20	1000	100
In sprinklered building, not in gas cabinets or separate rooms	20	1000	100
In sprinklered building, within gas cabinets	40	2000	200

1 No exempt amounts are permitted in Group R Occupancies or offices or retail sales portions of Group B Occupancies.

2 Except for cylinders not exceeding 20 cubic feet stored within a gas storage cabinet or fume hood, no exempt amounts are permitted in Group A, E, I or M Occupancies or in classrooms of Group B Occupancies."

53. Section 80.303(a) 3 is amended by adding two exceptions to read:

"EXCEPTIONS: 1. Where sprinklering is incompatible with the hazardous materials. 2. Sprinklers may be omitted in rooms or areas in accordance with Section 3804 of the Building Code. Approved alternate automatic fire-extinguishing system shall be used."

54. Section 80.303(a) 4 is amended by adding the following to the first line after the word "when" to read:

"flammable gases which are toxic or"

55. Section 80.303(a) 6A, second paragraph, is amended by deleting the second sentence:

"Emergency response planning shall demonstrate control at the property line." and adding an EXCEPTION to read:

"EXCEPTION: Where natural ventilation can be shown to comply with Section 80.301(m)."

56. Section 80.303(a) 6 c (ii) is amended by adding two exceptions to read:

"EXCEPTIONS: 1. Where emergency response planning has shown that levels at the property line are manageable, then alternative technologies are permitted. 2. Where natural ventilation can be shown to comply with Section 80.301(m)."

57. Section 80.303(a) 6 d (iii) is amended by deleting the first sentence and inserting the following to read:

"Valves or fittings that are inserted directly into a stationary tank shall be labeled with the maximum rate of release."

58. Section 80.303(a) 6 D (iv) is amended by adding two exceptions to read:

"EXCEPTIONS: 1. Upon approval of the Chief, it can be demonstrated that alternate means are capable of managing any release that would not create an immediate threat to life or property. 2. Where natural ventilation can be shown to comply with Section 80.301(m).

59. Section 80.303(a) 8 is amended by adding an exception to read:

"EXCEPTION: When it can be demonstrated that an unsafe condition does not exist."

60. Section 80.303(b) 3 is amended by adding an exception to the second sentence to read:

"EXCEPTION: Where automatic sprinklers are incompatible with the hazardous material, other automatic fire extinguishing system shall be provided."

61. Section 80.303(b) 4 C is amended by adding an exception 3 to read:

"3. Where excess flow control causes unsafe conditions."

62. Section 80.303(c) 2 is amended by deleting the existing language and adding the following to read:

"Security. Storage areas shall be protected against tampering or trespassers by fencing or other control measures."

63. Section 80.305(a) is amended by adding an exception to the first paragraph to read:

"EXCEPTION: Storage of wood chips or other combustible materials with an ignition temperature above 2120F."

64. Section 80.305(a) 4 is amended by deleting the period and adding the following words plus one exception to read:

", or shall be controlled with engineering practices.

EXCEPTION: Fire Suppression is not required unless required by other applicable codes."

65. Section 80.305(b) 4 is amended by deleting the existing language and replacing it with the following to read:

"4. Storage conditions. Exterior storage of flammable solids shall be in accordance with nationally recognized standards of good practice."

66. Section 80.306(a) is amended by adding an exception to the first paragraph to read:

"EXCEPTION: The storage of ammonium nitrate shall be in compliance with NFPA 490, Storage of Ammonium Nitrate, 1986 Edition, which is hereby adopted and made part of this code."

67. Table No. 80.306A is amended by adding a footnote "3" to the table title and adding footnote 3 to read:

3. For liquid oxidizers, a conversion of 10 pounds per gallon shall be used."

68. Section 80.306(a) 6 is amended by deleting the existing language and replacing it with the following to read:

"6. Insulated roof. Roofs of storage areas shall be insulated or provided with explosion venting."

69. Section 80.306(a) 8 is amended by deleting the word "and" between the words "Class 1 and Class 2" and adding a "comma" between "Class 1 and Class 2" and adding the words "and Class 3" between Class 2 and oxidizers so the sentence will read:

". . . for class 1, Class 2 and Class 3 oxidizers."

70. Section 80.306(a) 13 is amended by deleting the "period" at the end of the first sentence and adding the following language to read:

"or separation of 20 feet from noncombustible materials."

71. Section 80.309(a) 1 is amended by adding an "exception 2" to the first sentence to read:

EXCEPTION: "2. For retail display of nonflammable solid and nonflammable or noncombustible liquid unstable (reactive) materials, see 80.109."

72. Section 80.310(a) 1 is amended by adding an exception to the first sentence to read:

"EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid water-reactive materials, see Section 80.109."

73. Table 80.310-A is amended by adding to the title "(Lbs)".

74. Section 80.310(b) 1 is amended by adding language between "materials" and "shall" in the first sentence to read:

"That provide a fire risk" so the sentence reads . . . materials that provide a fire risk shall . . . ."

75. Section 80.312(a) 1 is amended by adding an exception to the first sentence to read:

"EXCEPTION: For retail display of noncombustible solid and nonflammable or noncombustible liquid highly toxic materials, see Section 80.109."

76. Section 80.313 is deleted in its entirety and the following language is added to read:

"Section 80.313.1 General. The storage, use and handling of radioactive materials shall be in compliance with Oregon State Health Division Radiological Section."

77. Section 80.314(a) 1 is amended by adding an exception to the first sentence to read:

"EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid corrosive materials, see Section 80.109."

78. Section 80.315(a) 1 is amended by adding an exception to the first sentence to read:

"EXCEPTION: For retail display of nonflammable solid and noncombustible or nonflammable liquid or other health hazard materials, see Section 80.109."

79. Section 80.401(b) 3 is amended by deleting the first sentence and replacing it with the following language to read:

"Any stationary tank not used for a period of 90 days shall be properly maintained or removed in accordance with nationally recognized standards."

80. Section 80.401(c) 3C is amended by adding an exception to the first paragraph to read:

"EXCEPTION: Where excess flow control is not appropriate according to nationally recognized standards or engineering practices."

81. Section 80.401(f) is amended by adding "and" in the last line of the first sentence between "noncombustible" and "liquid". That portion of the sentence is to read:

". . . noncombustible and liquid . . . "

82. Section 80.401(1) is amended by adding words to the end of the first sentence to read:

"(See the Electrical Code, Article 701.)"

83. Section 80.401(h) is amended by deleting subsections 1 and 2 and adding the following language to read:

"1. Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13. 2. Stationary containers and tanks shall be placarded with hazard identification signs as specified in U.F.C. Standard No. 79-3, HMIS (Hazardous Material Identification Standard)."

84. Section 80.401(o) is amended by deleting the words "unauthorized entry" from the first sentence and replacing them with the following words to read:

"tampering or trespassing by fence or other control measures."

85. Section 80.401(r) is amended by deleting the exception to the first paragraph and adding the following exception to read:

"EXCEPTION: Sprinklers may be omitted in rooms or areas in accordance with Section 3804 of the Building Code. Approved alternate automatic fire-extinguishing systems shall be used."

86. Section 80.402(b) 2 D is amended by deleting the word "can" in the third line of the first sentence and adding in its place "is likely to". That portion of the sentence is to read:

". . . environment is likely to occur . . . "

87. Section 80.402(b) 3 D is amended by deleting the word "can" in the third line of the first sentence and adding in its place "is likely to". That portion of the sentence is to read:

". . . environment is likely to occur . . . "

88. Section 80.402(b) 3, E, (v) is amended by adding Exception to read:

"EXCEPTIONS: Automatic shutdown need not be provided for reactors utilized for production of toxic or highly toxic gases when such reactors are: 1. Operated at pressures less than 15 psig. 2. Constantly attended. 3. Provided with readily accessible emergency shutoff valves."

89. Section 80.402(c) 3 is amended by adding an exception to the first sentence to read:

"EXCEPTION: Sprinklers may be omitted in rooms or areas in accordance with Section 3804 of the Building Code. Approved alternate automatic fire-extinguishing systems shall be used."

90. Section 80.402(c) 8 C Uniform Fire Code is amended by adding Exception to the first paragraph to read:

"EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gases when such reactors are: 1. Operating at pressures less than 15 psig. 2. Constantly attended. 3. Provided with readily accessible emergency shutoff valves."

91. Section 80.403(d) is amended by deleting the words "not more than" from the fourth line of the first sentence.

92. Section 82.101 is amended to designate first paragraph (a) and create a paragraph (b) to read:

"Section 82.101(b) for regulation of liquefied petroleum gas, see ORS 480.410 through 480.990 and OAR 837-30-005 through 837-30-070."

93. "Section 82.102(a) is amended to read:

"Section 82.102(a) Permits, Reports of Installation and Fees. The Fire Marshal shall be notified prior to the tenth of each month by the installer of all new installations of containers, or receptacles for liquefied petroleum gas, including installations for private homes and apartments that were made during the preceding month. The installer shall certify on a form provided by the Fire Marshal that all such new installations are duly and properly reported. The Fire Marshal may require that the notification include the location and description of the installation and the name of the user. All fees due and payable as provided below shall accompany the notification. The replacement of empty containers or receptacles with other containers constructed in accordance with Interstate Commerce Commission specifications shall not be considered as a new installation requiring notification to the Fire Marshal or necessitating further inspection of the installation. The Fire Marshal shall collect from the installer an installation inspection fee to cover the cost of initial inspection by the Fire Marshal after installation. The installation inspection fee shall be set by ordinance".

94. Section 82.102 is amended by adding:

"(d) Corrections. When an inspection of any tank does not comply with the requirements of the Fire Code, the Fire Marshal shall inform the installer, user or owner about any corrections necessary and such corrections shall be made within the time limit established by the Fire Marshal. A re-inspection fee, as set by ordinance, shall be collected for each re-inspection at such tank."

95. Article 82 is amended to add a new Section 82.115 to read:

"Section 82.115 Utility Plants. No person shall maintain or operate a liquefied petroleum gas utility plant without first obtaining a permit from the Chief."

96. Article 82 is amended to add a new Section 82.116 to read:

"Section 82.116 Licenses.

(a) No person shall engage in or work at the business of installing, altering, extending or repairing a liquefied petroleum gas appliance, piping or vent of flue connection pertaining to or in connection with liquefied petroleum gas installation, either as employer or individual, unless the person has received a gas installation license from the State Fire Marshal in accordance with O.R.S. 480.410 to 480.460, as now enacted.



(b) No person shall do liquefied petroleum gas fitting or gas vent work, install, repair or remodel piping or venting of an installation or connector or disconnect a liquefied petroleum gas appliance that is subject to inspection under O.R.S. 480.410 to 480.460, as now enacted, unless that person has received a liquefied petroleum gas fitters license from the state Fire Marshal in accordance with O.R.S. 480.410 to 480.460, as now enacted."

97. Appendix III A 2 is amended by deleting "with no openings" from the second sentence.
98. Appendix III A 4 is amended by deleting the existing language and inserting the following to read:

"4. FIRE FLOW REQUIREMENTS FOR BUILDINGS

The fire flow for buildings shall be not less than that specified in Table No. III-A-A.

99. Appendix III-A is amended by deleting Table III-A-A "Fire-flow Guide for Buildings" and replacing with the following to read:

"TABLE NO. III-A-A  
FIRE FLOW GUIDE FOR BUILDINGS

Fire Area (in sq.ft.) for Various Construction Types 1. 2.

<u>Duration</u> <u>Hours</u>	<u>Base</u> <u>Fire</u> <u>Flow</u> <u>G.P.M.</u>	<u>I &amp; II</u> <u>F.R.</u>	<u>II</u>	<u>III &amp;</u> <u>IV</u>	<u>V</u>
	1,000	up to 10,900	up to 6,100	up to 3,900	up to 1,700
	1,250	16,200	9,100	5,800	2,600
	1,500	22,700	12,700	8,200	3,600
	1,750	30,200	17,000	10,900	4,800
2	2,000	38,700	21,800	13,900	6,200
	2,250	48,300	27,200	17,400	7,700
	2,500	59,000	33,200	21,300	9,400
	2,750	70,900	39,700	25,500	11,300
	3,000	83,700	47,100	30,100	13,400
	3,200	97,700	54,900	35,200	15,600
3	3,500	112,700	63,400	40,600	18,000
	3,750	128,700	72,400	46,400	20,600
	4,000	145,900	82,100	52,500	23,300
	4,250	164,200	92,400	59,100	26,300
	4,500	183,400	103,100	66,000	29,300
	4,750	203,700	114,600	73,300	32,600
	5,000	225,200	126,700	81,100	36,000
	5,250	247,700	139,400	89,200	39,600
	5,500	271,200	152,600	97,700	43,400
	5,750	295,900	166,500	106,500	47,400
	6,000	greater	greater	115,800	51,500
	6,250			125,500	55,700
	6,500			135,500	60,200
	6,750			145,800	64,800
	7,000			156,700	69,600
	7,250			167,900	74,600
	7,500			179,400	79,800
	7,750			191,400	85,100
	8,000			greater	greater

Note: Source: "Guide for Insurance Services Office,  
Determination of Required Fire Flow"

Footnote 1. In Types I and II F.R. Construction, only the three largest successive floor areas shall be used."

- Footnote 2. Each portion of a building separated by one or more 4-hour area separation walls provided with a 30 inch parapet constructed in accordance with the Building Code may be considered a separate fire area.
- Footnote 3. The base fire flow may be reduced by one of the following options, but in no case to less than 1000 GPM @ 20 psi residual.
- (a) Reduced by 75 percent where a complete approved automatic fire extinguishing system meeting the requirements of the Uniform Building Code, Chapter 38, is installed throughout the building and the system is fully and electrically supervised in accordance with N.F.P.A. Standard No. 72-A, 1989 edition "Standard for the Installation, Maintenance and Use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Service" which is hereby adopted and by this reference becomes a part hereof and is monitored by an approved central station meeting the requirements of N.F.P.A. Standard No. 71, 1989 Edition "Standard for the Installation, Maintenance, and Use of Central Station Signaling Systems" which is hereby adopted and by this reference is made a part hereof.
  - (b) Reduced by 50 percent where a complete automatic fire extinguishing system meeting the requirements of the Uniform Building Code, Chapter 38, is installed throughout the building.
  - (c) Reduced by 25 percent where an approved complete smoke sensing fire detection and manual fire alarm system is installed throughout the building and electrically interconnected one with the other and electrically intertied to an approved central receiving station. The smoke detection and manual fire alarm systems shall meet the requirements of N.F.P.A. Standard No. 72-E, 1987 Edition, "Standard on Automatic Fire Detectors" which is hereby adopted and by this reference is made a part hereof and N.F.P.A. Standard 72-A. The central station shall meet the requirements of N.F.P.A. Standard No. 71. All systems or appliances required by this section shall be installed by the owner and shall be approved by and meet the specifications and requirements of the Chief as to the location, size and types of materials and manner of installation."
  - (d) Reduced by 25 percent when one or more 2-hour area separation walls are provided and constructed in accordance with Section 505(e) of the Building Code.

## SECTION IX, APPEALS

Whenever the Fire Chief, Fire Marshal, or their authorized representatives shall disapprove a construction or alteration plan, or deny a permit applied for under this ordinance, or when it is claimed that the provisions of these regulations do not apply, or that the true intent and meaning of these regulations have been misconstrued or wrongly interpreted, the aggrieved person may appeal the decision of the Fire Chief or Fire Marshal or their authorized representatives to the Board of Appeals of the District, in care of the District offices. Said written notice shall be filed within thirty (30) days of the date of the decision by the Fire Chief, Fire Marshal, or their authorized representatives.

In order to determine the suitability of alternate methods, materials, and types of construction, and to provide for a reasonable interpretation of the provisions of these regulations, there shall be and is hereby created a Board of Appeals consisting of five members and five alternate members appointed by the Board of Directors, who are qualified by experience and training to pass upon pertinent matters. The Fire Marshal shall designate, from time to time as necessary, a person to act as Secretary to the Board for the purpose of recording minutes of appeal hearings and such other clerical functions as may be necessary to keep accurate records of all proceedings coming before the Board, and shall serve as ex-officio member of the Board without voting privileges. The Board shall consist of five members who are qualified by experience and training to render decisions on fire and life safety matters.

The members of the Board of Appeals shall be appointed by the Board of Directors for three year terms filled on a rotating basis. No member or alternate member shall hear appeals or render a decision on an appeal on any matter in which he or she may have a personal or pecuniary interest. The Board of Appeals shall establish rules for the conduct of its meetings and notice thereof.

## SECTION X, NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

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 for which permits are required in addition to those now enumerated in this Code. The Chief of the Bureau of Fire Prevention shall post such lists in a conspicuous place in his office and distribute copies thereof to interested persons.

## SECTION XI, PENALTIES

Any person who shall violate any of the provisions of these regulations hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement, specification or plans submitted and approved hereunder and from which no appeal has been taken, or who 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 misdemeanor as provided in O.R.S. 478.930 punishable upon conviction as prescribed by O.R.S. 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 corporation counsel, the Fire Chief, or the Fire Marshal or his designated representative may bring a complaint in law or inequity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of O.R.S. 478.930 and O.R.S. 478.990.

#### SECTION XII, PLAN REVIEW - SUBMITTAL OF PLAN

Any building (exclusive of one and two family dwellings, farm barns, and outbuildings); flammable liquid storage utilization, transportation or dispensing facilities; and facility for the storage, handling, transport and use of explosive and blasting agents; dry cleaning plants; facilities for the storage, handling, use and transportation of liquefied petroleum gases; or any other building, structure or facility wherein highly combustible or hazardous materials are manufactured, utilized, dispensed, conveyed or stored; the plans and specifications therefore shall be submitted to the Fire Marshal of the District or his authorized representative for examination and approval with respect to conformance with these regulations and no construction shall proceed prior to such approval. When the Fire Marshal or his authorized representative approves any such plan, he shall so signify by means of a stamp and signature. All construction or alteration shall thereafter comply with the approved plan, in all respects, unless modified by subsequent written permit or order of the Fire Marshal.

Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity and detail to permit the Fire Marshal to determine the question of conformity with these regulations and shall include a plot plan showing type, location of the proposed buildings, structures, facilities and fire hydrant locations and access ways in relationship to the property lines, and all other buildings, structures and facilities proposed or existing on the premises.

Approval of plans shall not be construed as to be a permit to violate any applicable law or regulation of the State, County, or Fire District.

#### SECTION XIII, REPEAL OF CONFLICTING ORDINANCES

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

#### SECTION XIV, 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 herefrom of any such portion as may be declared invalid.

## SECTION XV, 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 go into effect forthwith for the preservation of the safety and health of the inhabitants of the Fire District for the reason that fire codes must be brought into conformance with State standards as soon as possible in order to maintain uniformity and comply with the recommended fire and safety standards set out by the Western Fire Chiefs Association, International Conference of Building Officials and the State of Oregon, and in order to ensure that the real property that is being developed in the Fire District is so constructed and maintained with adequate facilities and standards to meet these codes and thereby alleviate unnecessary fire hazards within the District.

First reading by Title only this 20<sup>th</sup> day of March, 1990.

Second reading by Title only this 16<sup>th</sup> day of April, 1990.

PASSED by the District this 16<sup>th</sup> day of April, 1990.

APPROVED by the City/County this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

L. J. H. Ash  
SECRETARY-TREASURER  
TUALATIN VALLEY FIRE AND RESCUE

\_\_\_\_\_  
CITY or COUNTY

W. J. Boon  
PRESIDENT  
TUALATIN VALLEY FIRE AND RESCUE

\_\_\_\_\_  
MAYOR/ADMINISTRATOR

ORDINANCE NO. 90-02

AN ORDINANCE PROVIDING AUTHORIZATION FOR ESTABLISHING PERMITS AND EXAMINATION FEES IN CONJUNCTION WITH ADOPTION OF THE UNIFORM FIRE CODE, 1988 EDITION, ORDINANCE 90-01.

WHEREAS, the Tualatin Valley Fire and Rescue, a Rural Fire Protection District No. 1, has adopted the Uniform Fire Code, 1988 Edition, as the Fire Code; and

WHEREAS, the Fire Code requires the issuance of permits and inspections of materials and processes which constitute permission to maintain, store, use, or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment used in connection with such activities; and

WHEREAS, O.R.S. 455.210(2) provides that a fee may be charged for fire and life safety review and that said fee may be up to 40% of the original building permit fee; and

WHEREAS, it is the wish of the Board of Directors that the permits, inspections, and plan examinations processes be supported by user fees to offset the need for additional taxes;

Now, therefore, be it resolved and ordered by the Board of Directors as follows:

SECTION I

Fees shall be collected by the Fire Marshal in accordance with this schedule:

1. Hazardous chemical storage, handling, or use as a solid, liquid, or gas [other than underground flammable liquid tanks] (UFC 80.102).
  - A. Corrosive liquids - 60 gallons or more \$25.00
  - B. Oxidizing materials - 500 pounds or more \$25.00
  - C. Organic peroxides - 10 pounds or more \$25.00
  - D. Nitromethane - 500 pounds or more \$25.00
  - E. Ammonium nitrate or fertilizer mixture - 1000 pounds or more \$25.00
  - F. Any amount of highly toxic material - pyrophoric, hypergolic, cryogenic material, poisonous gases or radium \$50.00

- |    |  |         |
|----|--|---------|
| 2. | Tank vehicles transporting flammable or combustible liquids, which are not regulated or inspected by Oregon Department of Transportation (O.D.O.T.) or United States Department of Transportation (D.O.T.) (UFC 79.102). | \$30.00 |
| 3. | Liquefied petroleum gas containers, not installed on equipment. (UFC 82.102)   | \$30.00 |

## SECTION II

### Special Services, Fees, Each Occurrence

- |    |  |          |
|----|--|----------|
| 1. | Fireworks, sell, display or storage (UFC 78.107)   | \$50.00  |
| 2. | Flammable or combustible liquid tanks (UFC 79.103)   |          |
|    | A. Installation or repair  |          |
|    | 1) One to three (1-3)  | \$50.00  |
|    | 2) Each additional   | \$ 5.00  |
| 3. | Leaks or discharge of hazardous materials  |          |
|    | A. Inspections   |          |
|    | 1) Inspections of hazardous chemical, highly toxic or toxic materials, mitigate conditions hazardous to life or property (per hour \$30.00 minimum). | \$30.00  |
|    | B. Responses by engine, ladder or rescue companies   |          |
|    | 1) Railroad properties, freeways, roads, and aircraft crashes (per hour, 3 hour minimum)   | \$150.00 |
|    | 2) Each additional hour or fraction thereof  | \$100.00 |
| 4. | Board of Appeals filing  | \$30.00  |
| 5. | Foster care inspections  |          |
|    | A. Initial License   | \$75.00  |
|    | B. Re-license  | \$30.00  |



SECTION III

Examinations

- |                           |                               |
|---------------------------|-------------------------------|
| 1. Construction           |                               |
| A. Plan examination       | 40% of<br>Bldg.<br>Permit Fee |
| 2. Site review            |                               |
| A. Commercial subdivision | \$20.00 per<br>bldg. site     |

SECTION IV

Multiple Permits

When two or more permits are necessary and are located or installed at the same location, a multiple purpose permit may be obtained. The fee for this permit shall be 100% of the largest permit, plus 50% of the next largest permit, plus 10% of each additional permit.

SECTION V

The fees to be charged may be waived by the Fire Marshal when he finds it is within the interests of the public that such fees cause an unwarranted expense. The Fire Marshal shall state in writing the reasons for waiving such fees.

First reading by Title only this 20<sup>th</sup> day of March, 1990.

Second reading by Title only this 16<sup>th</sup> day of April, 1990.

PASSED by the District this 16<sup>th</sup> day of April, 1990.

APPROVED by the City/County this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

  
SECRETARY-TREASURER  
TUALATIN VALLEY FIRE AND RESCUE

  
PRESIDENT  
TUALATIN VALLEY FIRE AND RESCUE

\_\_\_\_\_  
CITY or COUNTY

\_\_\_\_\_  
MAYOR/ADMINISTRATOR