

ORDINANCE NO. 536-0

AN ORDINANCE ADOPTING A REVISED UNIFORM FIRE CODE FOR MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT NO. 10; PRESCRIBING REGULATIONS TO GOVERN CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING PREVIOUS CODES; AND ADOPTING PERTINENT PROVISIONS.

WHEREAS, The City of Troutdale is situated within the boundaries of the Multnomah County Rural Fire Protection District No. 10, and all territory, land and real property within the City boundaries are a part of said Fire District and as such, said Fire District furnishes this city, its residents and inhabitants and property, fire protection and prevention services; and

WHEREAS, the Common Council has been advised that on the 6th day of December, 1989, the Board of Directors of Multnomah County Rural Fire Protection District No. 10 did adopt, by its Ordinance No. 1-1989, a revised fire protection code in accordance with Oregon Revised Statutes, the purpose of which is to update the previous code to most adequately meet the present needs of the District, including this jurisdiction, with respect to fire protection and protection service and said new Code, as adopted by said Ordinance, is known as the Fire Code and Fire and Life Safety Regulations; and

WHEREAS, The provisions of the new and revised Fire Prevention Code, cannot, in accordance with ORS 478-924, become effective and be applicable to this jurisdiction without the approval of the City Council of the City of Troutdale; and

WHEREAS, Adoption of the Revised Fire Prevention Code as aforesaid, is in the best interests of the District, the City and the residents, inhabitants and properties located therein and will provide the optimum and highest degree of fire protection and protection services available to this jurisdiction at this time, and should be adopted and made effective herein:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE AS FOLLOWS:

SECTION 1: Intent and Scope of Authority.

Pursuant to the Statutes of the State of Oregon and the powers granted in the Charter of the City of Troutdale, the City does hereby declare and reaffirm its intentions to:

1. Adopt Ordinance No. 1-1989 of the Multnomah County Rural Fire Protection District No. 10, and

2. Require that all City divisions and departments, together with other persons referenced or made part of the aforementioned ordinance, whether inside or outside the City limits, to be bound by this Ordinance.

SECTION 2: Adoption.

The attached Ordinance No. 1-1989, adopting a Revised Uniform Fire Code, is adopted individually and supersedes and replaces all previous ordinances, resolutions or agreements in conflict with this Ordinance.

SECTION 3: Severability.

It is hereby declared to be the intention of the Common Council that the sections, subsections, paragraphs, provisions, clauses, words and phrases of this Code are severable; and if any section, subsection, paragraph, provision, clause, phrase or word of this Code is adjudged or declared of any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Code; and it is hereby expressly declared that every other section, subsection, paragraph, provision, clause, phrase or word of this Code enacted, irrespective of the enactment or the validity of the proportion hereof declared to be unconstitutional or invalid is valid.

SECTION 4: Repeal of Ordinance.

Ordinance No. 416-R is hereby repealed. All other ordinances enacted prior to this Ordinance that contain discrepancies or are deemed to be in conflict with this Ordinance, are hereby repealed either in total or part. The repeal of previous ordinances is limited only to those specific sections, subsections, paragraphs, provisions, clauses, phrases or words that conflict with or are superseded by this Ordinance.

SECTION 5: Local Jurisdictional Conflicts.

This ordinance is not intended to supersede the authority established for the City of Troutdale either through its charter, statutes, ordinances, agreements or other legislative instruments. Adoption of the revised Uniform Fire Code for Multnomah County Rural Fire Protection District No. 10 shall be done with the following amendments and/or restrictions:

1. Section 1 of Ordinance 1-1989. Delete all reference to Fire & Life Safety rules and regulations as set forth in the 1990 Edition of the Oregon Structural Specialty Code.

2. Section 4 of Ordinance 1-1989. The last sentence shall be amended to read: "all areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones or additional zones designated and controlled by local jurisdictions.

3. Section 5 of the Ordinance 1-1989. The last sentence shall be amended to read: "all areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones or additional zones designated and controlled by local jurisdictions.

SECTION 7. Other Applicable Laws.

This Ordinance shall in no way be a substitute for, or eliminate the necessity for, complying with any and all State laws and rules and other laws which are now or may be in the future in effect which relate to the activities regulated under this title.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
23RD DAY OF JANUARY, 1990.

YEAS 6

NAYS 0

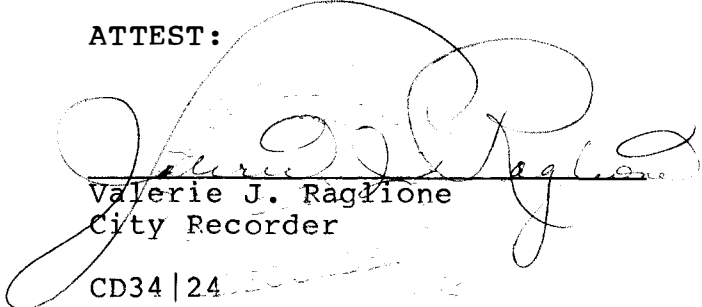
ABSTAINED 0



Sam K. Cox, Mayor

Date Signed: 1-24-90

ATTEST:



Valerie J. Raglione
City Recorder

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ORDINANCE 1-1989

AN ORDINANCE ADOPTING A REVISED UNIFORM FIRE CODE FOR MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT NO. 10; PRESCRIBING REGULATIONS TO GOVERN CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING PREVIOUS CODES; AND ADOPTING OTHER PERTINENT PROVISIONS.

WHEREAS, the Board of Directors of the Multnomah County Rural Fire Protection District No. 10, hereafter referred to as District in this ordinance, being aware of the need to develop adequate rules and regulations governing the operation of this department in order to provide effective and efficient fire protection and prevention services for the residents, inhabitants and property located within the District, has from time to time adopted appropriate rules and regulations and a Uniform Fire Code pertinent thereto; and

WHEREAS, after due investigation and consideration, this Board is of the opinion and belief that a revised Fire Code is needed by the District and that said code, together with pertinent provisions relating thereto, should be adopted by this District to most adequately meet the present needs of the District with respect to fire prevention and protection services, and based on this premise:

THE BOARD OF DIRECTORS OF THE MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT 10, MULTNOMAH COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION OF FIRE CODE AND FIRE AND LIFE SAFETY REGULATIONS:

(a) The whole of this ordinance, including the codes hereby adopted, shall be filed and maintained in the record of the District and in the State Fire Marshal's Office, and a copy shall be posted at each fire station within the District, as prescribed in ORS 478.940. The whole of this ordinance is the Fire Code and Fire and Life Safety Regulations (hereinafter "Code") of Multnomah County Rural Fire Protection District No. 10, adopted pursuant to ORS 478.910.

(b) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the District adopts the fire code known as the Uniform Fire Code, 1988 edition, published by the Western Fire Chiefs' Association and the International Conference of Building Officials, together with appendices, as amended and adopted by the Office of the Oregon State Fire Marshal, and the whole thereof (hereinafter referred to as "UFC"), as further amended by this ordinance. (The UFC is attached hereto as Exhibit "A" and

incorporated by this reference.) The following sections and appendices that were excluded by the Office of the State Fire Marshal in the adoption of the Uniform Fire Code, 1988 edition, are hereby adopted by the District: Uniform Fire Code appendices I-C, II-E, III-A, III-B, V-A, VI-A, and VI-B; Sections 78.103 through 78.106. The following sections which were adopted by the Office of the State Fire Marshal in the adoption of the Uniform Fire Code, 1988 edition, are hereby excluded: Sections 10.306, 10.309.

The following sections and subsections that were excluded by the Office of the State Fire Marshal in the adoption of the Uniform Fire Code, 1988 edition, are amended and adopted as provided in Section 6 of this 1989 Code: Sections 2.101, 2.102, 2.204(c), 2.304(a), 4.101, 4.102, 10.210, 10.301(c), 11.201(c), 11.415, 49.101(c), 78.102.

SECTION 2. FIRE PREVENTION FUNCTIONS CARRIED ON BY FIRE BUREAU OF THE CITY OF PORTLAND.

(a) For the duration of the intergovernmental agreement signed June 28, 1984 between the Multnomah County Rural Fire Protection District No. 10 and the City of Portland, the fire prevention functions of the Multnomah County Rural Fire Protection District No. 10 under this ordinance shall be carried on by the fire prevention division of the Fire Bureau of the City of Portland, pursuant to that intergovernmental agreement.

(b) The functions allocated to the Fire Marshal in the Uniform Fire Code, as adopted and incorporated in this Code, shall be carried out by the City or District officer in charge of fire prevention or his delegate specifically assigned to act in such capacity with respect to the administration of the Code.

SECTION 3. DEFINITIONS

The following definitions apply within this Code:

(a) "Administrator" or "Director" means the executive officer of the District (or of the Fire Bureau of the City of Portland for the duration of the intergovernmental agreement referred to in Section 2).

(b) "District", "jurisdiction", "city", "municipality", "county", or "state" means the Multnomah County Rural Fire Protection District No. 10.

(c) "Corporation Counsel", or "City Attorney" means the attorney for the Multnomah County Rural Fire Protection District No. 10.

(d) "Chief" or "Chief of the Fire Department" means the Fire Chief for the District (or, for the duration of the contract referred to in Section 2, for the Fire Bureau of the City of Portland), or his authorized representative.

(e) "Hazardous vehicles" means vehicles blocking public or private rights-of-way or interfering with access to fire hydrants, vehicles with leaking gas tanks and vehicles located in violation of the Fire Code.

(f) "State Fire Marshal" means the Fire Marshal of Multnomah County Rural Fire Protection District No. 10 (or Fire Marshal of the Fire Bureau of the City of Portland, for the duration of the contract referred to in Section 2) or his authorized representative, except where the context indicates otherwise.

SECTION 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVEGROUND TANKS IS TO BE PROHIBITED

For the purposes of UFC Section 82.104(b), the districts in which storage of flammable or combustible liquids in outside, aboveground tanks is prohibited are all areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones.

SECTION 5. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

For the purposes of UFC Section 77.106(b), the districts in which storage of explosives and blasting agents are prohibited are all areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones. Such explosives and blasting agents are permitted in M-1 and H-M zones only, provided that the distances described in UFC Table No. 77.201 are maintained unless different distances are authorized by special permit from the Chief.

SECTION 6. UNIFORM FIRE CODE (UFC) - 1988 EDITION, AMENDMENTS

(a) The District by intergovernmental contract may perform building code review pursuant to the authority of Multnomah County. If so, the District shall combine fire code review pursuant to this Code, with building code review pursuant to the building code adopted by the governmental agency which has contracted with the District for such review, in accordance with the applicable building code and with the applicable intergovernmental agreement.

(b) UFC section 2.101 is amended to read:

Responsibility for Enforcement

Sec. 2.101. The Chief shall be responsible for the administration and enforcement of this code. Under his direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

- (1) The prevention of fires.
- (2) The suppression or extinguishing of dangerous or hazardous fires.
- (3) The storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, solid and liquid materials.
- (4) The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment.
- (5) The maintenance and regulation of fire escapes.
- (6) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.
- (7) The maintenance of exits.
- (8) The investigation of the cause, origin and circumstances of fire.
- (9) Adequacy of means of approach to buildings and structures by mobile fire apparatus and firefighting personnel.
- (10) Providing fire fighting 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 materials.
- (12) Inspection of premises by officers designated by the Board of Directors and requiring removal of fire hazards found on premises at such inspections.

(c) UFC Section 2.102 is amended to read:

The Chief, by executive order, is authorized to make, promulgate and enforce such rules and regulations for the prevention and control of fires and hazards as may be necessary from time to time to carry out the intent of this Code. Certified copies of such rules and regulations shall be filed with the Multnomah County Clerk and shall be available for public inspection pursuant to ORS 478.940. Rules and regulations are effective upon the filing of a certified copy of the rules and regulations with the Multnomah County Clerk. Additional copies of the rules and regulations shall be kept in the Fire Prevention Bureau office for distribution to the public.

(d) UFC Section 2.204(c) is amended to read:

Whenever, upon inspection, it is found that any condition existing in, on, or adjacent to any tent, structure, building, room, exit way, machine, equipment, device or process which individually or in conjunction with other existing conditions creates a hazard which is an imminent threat to life or property, such tent, structure, building, or any affected portion may be ordered closed for use or occupancy until compliance with safety requirements has been achieved.

(e) UFC Section 2.304(a) is amended to add the following two sentences in lieu of the first two sentences in the section:

The Uniform Fire Code Standards in this code are those standards contained in the Uniform Fire Code, 1988 edition, published by the Western Fire Chiefs' Association adopted by the Oregon State Fire Marshal and as modified by this Code.

(f) UFC Section 4.101 is amended to read as follows:

(1) Permit Defined. Permit means a written permission of the Chief issued pursuant to the provisions of the Code.

(2) Regulated Actions without Permit Prohibited. It is unlawful for any person, firm or corporation to use a building or premises or to engage in any activities for which a permit is required as herein outlined without first obtaining such permit from the Chief.

(3) Duration of Permits. A permit issued under the Code shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

(4) Permit Terms. All permits issued under the Code shall be presumed to contain the provision that the applicant, his agents and employees, shall carry out the proposed activity in compliance with all the requirements of this Code and any other federal and state laws and district regulations that apply, whether specified or not, and in complete accordance with the approved plans and specifications. Any permit which purports to sanction a violation of this Code or any applicable law or regulation shall be void and any approval of plans and specifications in the issuance of such permit shall likewise be void. In instances where laws or regulations are enforced by other agencies, joint approval shall be obtained.

(5) Revocation of Permits. Any permit issued under this Code may be suspended or revoked when it is determined after a hearing by the Chief that:

(A) It is used by a person other than the person to whom the permit was issued;

(B) It is used for a location other than that for which it was issued;

(C) Any of the conditions or limitations set forth in the permit have been violation;

(D) The permittee fails, refuses, or neglects to comply with any order or notice duly served under the provisions of this Code;

(E) There has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit was based.

(6) Inspections. All construction or work for which a permit is required shall be subject to inspection by the Chief.

(A) It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Chief nor the district shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(B) It shall be the duty of the person doing the work authorized by a permit to notify the Chief that such work is ready for inspection. The Chief may require that every request for inspection be

filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Chief. It shall be the duty of the permit applicant requesting any inspections required by this Code to promptly comply with the written notice of corrections required by the Chief as a condition of the permit.

(C) Work requiring a permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the Chief conveniently to make the required entries thereon regarding the inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been granted by the Chief.

(D) When inspections are requested or required outside of normal working hours to verify compliance with approved plans or permits, a fee shall be paid at the rate of \$30 per hour, with a minimum charge of four hours.

(7) Permit Requirements. Permits are required for the following equipment and work:

(A) Compressed Gases and Cryogenics. To install containers, piping and related equipment for the storage, handling and use of compressed gases and cryogenics.

(B) Dry Cleaning Plants. To install dry cleaning equipment for the use of flammable or combustible liquids, or to change to a more hazardous cleaning solvent.

(C) Flammable or combustible liquids and tanks.

(i) To install, alter or remove equipment in connection with the storage, handling, use or sale of flammable or combustible liquids.

(ii) To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank.

(iii) To change the type of contents stored in any flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

(D) Liquefied petroleum gases. To install, alter or remove equipment in connection with the storage, handling and use of liquefied petroleum gases.

(E) Paint spray booths. To construct, install, alter or remove any paint spray booth or related equipment.

(F) Hazardous wastes substances and materials. In order to provide for the necessary regulation of hazardous substances and materials, as defined in UFC Article 80 and to ensure compliance with the approved use or occupancy of buildings as authorized by the building official, a permit shall be required and a fee paid, as specified in Table 4-B.

(8) Permit Fees.

(A) General. Fees for permits required under this code shall be assessed in accordance with the provisions of this section or shall be as set forth in the applicable fee schedule.

(B) Permit Fees. The fee for each permit required under Subsection (7)(A)-(E) of this Section shall be as set forth in Table 4-A. For purposes of determining permit fees, the determination of the value or valuation under any of the provisions of this Code shall be made by the Chief. The value to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued, together with the value of fire extinguishing systems and any other permanent equipment installed in connection with the project.

(C) Hazardous Waste Permit Fees. To determine permit fees required under Section 6(f)(7)F:

(i) Select the hazard class section of Table 4-B which applies to the material regulated:

a. Radioactive substances or radioactive wastes.

b. Class A and B poisons; irritating materials; class A, B and C explosives and blasting agents; highly toxic substances.

c. All other regulated hazardous substances, materials and wastes.

(D) Plan Review Fees. When a plan or other data is required to be submitted to the Chief, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 65 percent of the permit fee as shown in Table 4-A. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table 4-A.

(E) Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or be destroyed by the Chief. The Chief may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(F) Investigation fees - work without a permit.

(i) Investigations. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

(ii) Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 4-A. The payment of such investigation fee shall not exempt any person from compliance with all

other provisions of this Code nor from any penalty prescribed by law. Where applicable, a special investigation fee shall be charged as provided in Subsection (6)(D) of this Section.

(ii) Locate the appropriate category for the form of the material (solid, liquid or gas).

(iii) Select the appropriate quantity range for that class in each category (highest quantity during the calendar year).

(iv) Read the appropriate fee from the schedule to the right of each section.

(v) Add fees for each material to obtain a total.

(vi) Fees shall not exceed \$2,000 for any one facility site.

(vii) The cost of the permit shall be based on the assessed hazard and the highest annual quantity of hazardous substances or materials generated, used, stored, or disposed or at the facility location during the calendar year.

(g) UFC Article 10 is amended to add the following section:

Section 10.210. Authority to Tow Hazardous Vehicles. The Chief or other officer of the fire department may immediately cause a vehicle to be towed without prior notice at the owner's expense if the vehicle is determined to be a hazardous vehicle.

(h) UFC Section 10.301(c) is amended to read:

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

(i) UFC Section 11.201(c) is amended to read:

Portable wheeled containers and roll-off boxes for the accumulation of waster materials shall not be located in such a manner that a fire occurring in a container would create a threat to persons, buildings, automobiles, exit ways, utilities, vegetation or adjacent property, or their contents.

(j) UFC Section 11.415 is amended to add the following paragraph:

The Chief may issue a permit for the exhibition or use of automotive vehicles in buildings other than public garages when such precautions and safety plans as designated and declared by the Chief have been complied with by the applicant for such permit.

(k) UFC Section 49.101(c) is amended to read:

A permit to conduct welding and/or cutting is required and a fee shall be paid, as specified in Table 4-C.

(l) UFC Section 78.102 is amended to add the following sentences:

All persons, municipalities, associations, organizations, or groups of individuals desiring to sell, discharge, fire off, explode, or display fireworks shall obtain a permit from the Chief and pay a fee, as specified in Table 4-C.

(m) UFC Section 78.102 is further amended to add the following subsections:

(1) No permit shall be issued under the provisions of this article to a nonresident person, firm, or corporation for the conduct of a pyrotechnic display in this jurisdiction until such person, firm, or corporation shall have appointed in writing a member of the Oregon State Bar whose office is located in Multnomah County to serve as an agent upon whom all process in any action or proceeding may be served.

(2) All person, municipalities, associations, organizations, or groups of individuals desiring to sell sparklers or articles described in subsections 1 through 4 of Section 9.108, FIREWORKS, shall obtain a permit from the Chief and comply with all rules and regulations adopted and enforced by the Chief for the granting of permits for the sale of such items.

(3) The Chief may revoke permits for display or sale of fireworks and other items issued under the provisions of this article, when, in his opinion, the sale or display of fireworks or items described in Section 9.108, FIREWORKS, is not in compliance with the applicable rules and regulations governing such sale or displays or is in violation of the Oregon Revised Statutes.

SECTION 7. APPEALS:

Appeals shall be provided and determined in accordance with the provisions of this section.

(a) Additional Definitions:

(1) "Executive Body" means the Board of Directors of the District.

(2) "Appeals Board" means the Fire Code Board of Appeals designated in accordance with this ordinance.

(b) Fire Prevention Code Board of Appeals:

The City of Portland Fire Code Board of Appeals is designated as the Appeals Board for the District for the duration of the intergovernmental agreement referred to in Section 2.

(c) Powers of the Appeals Board: The Appeals Board shall:

(1) Provide interpretations of the Fire Code.

(2) Determine the suitability of methods of construction proposed as alternatives to those specifically prescribed in the Fire Code, so long as the alternative methods are equivalent to those required by the Fire Code.

(3) Determine the suitability of materials proposed as alternatives to materials specifically required by the Fire Code, so long as the alternative materials are equivalent to those required by the Fire Code.

(4) Provide recommendations to the Executive Body for such ordinances and rules as may be consistent with the purposes of the Fire Code.

(5) Grant variances from strict compliance with the Fire Code in specific instances where it has determined to its satisfaction and by unanimous vote that practical difficulties, unnecessary hardship or

consequences inconsistent with the general purposes of the Fire Code may result from literal interpretation and enforcement of the Fire Code, provided, however, that the Appeals Board may impose such conditions and safeguards upon approval of alternatives as it determines are consistent with the general purpose, intent and spirit of the Fire Code and which assure protection of the public safety and welfare.

(6) Grant temporary permits as provided by the Fire Code.

(7) Provide interpretation of the water supply system fire flow requirements as provided by the Fire Code.

(8) On appeal from an order or action of the District or its officers, determine the facts relevant to the appeal and revise, reverse, or affirm the order as appropriate, or issue a permit as appropriate, under the facts found to exist.

(9) Perform any other function assigned to it by ordinance, order, resolution or rule of the District.

(d) Parties Entitled to Initiate Proceedings Before the Appeals Board:

(1) Any person who is adversely affected by an action of the District or its officers in interpreting or enforcing the Fire Code may file an appeal under this section.

(2) Any person potentially affected by or who is interested in enforcement of the Fire Code, including an applicant for a building license, a trade group or association, responsible District staff, or any Appeal Board member, may request an interpretation of the Fire Code, even though the District has not taken or proposed a specific action contrary to the interests of such person and, therefore, there is no order or action from which an appeal is sought.

(e) Procedure for Appeals Board Proceedings:

(1) A person adversely affected by an action of the District interpreting or enforcing the Fire Code must file an appeal in writing within 30 days from the action complained of. In the case of an appeal from an order of the Fire Marshal, an appeal must be filed within 30 days from the service of the order.

(2) Any person entitled to request an interpretation of the Fire Code under subsection (d)(2) of this section may seek an interpretation at any time.

SECTION 8. ENFORCEMENT PROCEDURES:

(a) 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 violation, a person having the duty to correct the violation refuses to do so, the inspecting officer may serve upon such person a notice as follows:

Notice of Application for Court Order

Pursuant to ORS 478.990, violation of a local fire code provision is punishable upon conviction by a fine of not less than \$10 nor more than \$100 for each offense. Each day's refusal to remove fire hazard is a separate offense. You have been notified of the following violation of Multnomah County RFPD No.10 Fire Code:

A violation of Section _____.

Written notice was provided to you on _____.

You were directed to correct the violation by _____.

According to the inspection by the undersigned on _____, the violation has not been corrected. This is to notify you that Multnomah County RFPD No. 10 will:

- (1) apply to the Multnomah County District/Circuit Court immediately for a Temporary Restraining Order requiring you to cease occupancy or use of the premises for any and all business purposes until the violation is corrected (failure to comply with a court order is contempt of court, punishable by imprisonment);
- (2) file a complaint seeking judgment against you for \$100 per day of violation after notice was given you;
- (3) seek other judicial remedies as are provided by law.

Signature of Inspecting Officer

(b) Application to be Made. Upon serving a notice of application for court order, the officer immediately shall refer the matter to Corporation Counsel, who shall be authorized to apply for the relief specified in the notice on behalf of the District.

(c) Effect of Appeal. In the event the person upon whom notice is served seeks a Fire Code appeal, the Fire Marshal may instruct counsel to delay judicial proceedings; however, if the violation appears to require immediate correction because of apparent immediate threat to life or property, the Fire Marshal may instruct counsel to pursue a temporary restraining order regardless of the appeal.

SECTION 9. PENALTIES:

Violation of the provisions 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 nor more than \$100 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.

SECTION 10. CONFLICTING ORDINANCES OR RESOLUTIONS:

All previously adopted ordinances, resolutions or parts thereof in conflict with this ordinance, to the extent of such conflict and nor further, are hereby repealed; provided further, that provisions of this ordinance, insofar as they are substantially the same as existing ordinances or resolutions, or ordinances or resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

SECTION 11. SAVINGS CLAUSE:

If any part of this ordinance or the codes adopted hereby shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, that invalidity shall not nullify the remainder of the ordinance or the code, which shall continue in force, without the invalid part.

SECTION 12. DATE OF EFFECT:

This ordinance shall take effect and be in full force and effect upon the 30th day following its adoption by the District Board of Directors, provided that the governing body of Multnomah County and any city served by the District shall approve the Fire Code contained herein by appropriate resolution as provided in ORS 478.924.

READ BY TITLE AND IN FULL THIS _____ DAY OF _____,
1989.

READ A SECOND TIME IN FULL AND BY TITLE AND ADOPTED THIS
_____ DAY OF _____, 19____.

President of the Board of Directors

ATTEST:

Secretary of the Board

TABLE 4-A

TOTAL VALUATION OF WORK TO BE PERFORMED	FEES
\$1.00 to \$500.00	\$11.85 minimum fee
\$501.00 to \$2,000.00	\$11.85 for the first \$500.00, plus \$1.80 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$38.85 for the first \$2,000.00, plus \$7.10 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$202.15 for the first \$25,000.00, plus \$5.35 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$335.90 for the first \$50,000.00, plus \$3.55 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.00 and Up	\$513.40 for the first \$100,000.00, plus \$2.95 for each additional \$1,000.00 or fraction thereof.

Additional plan review required by changes, additions or revisions to approved plans:

\$30 per hour (minimum charge - one-half hour)

Microfilm service charge for each address or application:

\$1.00 for the first document, .50 for each document thereafter

TABLE 4-B

(A) RADIOACTIVE SUBSTANCES OR RADIOACTIVE WASTES

(S) SOLIDS (in pounds)	(L) LIQUIDS (in gallons)	(G) GASES COMPRESSED (cu. ft. at STP)	FEE
>0-99	>0-99	>0-99	\$ 50
100-999	100-999	100-999	100
1,000-9,999	1,000-9,999	1,000-9,999	200
10,000-99,999	10,000-99,999	10,000-99,999	600
100,000-999,999	100,000-999,999	100,000-999,999	1,000
1,000,000-up	1,000,000-up	1,000,000-up	1,400

(B) CLASS A & B POISONS; IRRITATING MATERIALS; CLASS A, B & C EXPLOSIVES, BLASTING AGENTS AND HIGHLY TOXIC SUBSTANCES

(S) SOLIDS (in pounds)	(L) LIQUIDS (in gallons)	(G) GASES COMPRESSED (cu. ft. at STP)	FEE
>0-9	>0-4	>0-19	\$ 25
10-99	5-99	20-99	50
100-999	100-999	100-999	100
1,000-9,999	1,000-9,999	1,000-9,999	200
10,000-99,999	10,000-99,999	10,000-99,999	600
100,000-999,999	100,000-999,999	100,000-999,999	1,000
1,000,000-up	1,000,000-up	1,000,000-up	1,400

* (C) ALL OTHER REGULATED HAZARDOUS SUBSTANCES, MATERIALS AND WASTES

(S) SOLIDS (in pounds)	(L) LIQUIDS (in gallons)	(G) GASES COMPRESSED (cu. ft. at STP)	FEE
0-499	0-54	0-199	\$ 0
500-999	55-999	200-999	50
1,000-9,999	1,000-9,999	1,000-9,999	100
10,000-99,999	10,000-99,999	10,000-99,999	200
100,000-999,999	100,000-999,999	100,000-999,999	600
1,000,000-up	1,000,000-up	1,000,000-up	1,000

* Permit fees for ordinary flammable and combustible liquids such as motor fuels contained in approved underground storage tanks are \$25 per tank per year. Heating fuels stored in approved underground tanks are exempt from this fee schedule.

TABLE 4-C
SPECIAL PERMITS

Fireworks not regulated by Ch. 31.80:

(a)	Public Fireworks Display (each)	\$200
(b)	Wholesale Fireworks Storage and Distribution (annual)	\$100
(c)	Retail Fireworks Storage or Sale (annual)	\$ 50