

ORDINANCE NO. 767

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE CHAPTER 15.12, FIRE CODE AND FIRE LIFE AND SAFETY REGULATIONS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The state of Oregon adopted new fire regulations, known as the 2004 Oregon Fire Code. Prior to the adoption of the 2004 Oregon Fire Code, fire regulations were found in the 1998 Uniform Oregon Fire Code.
2. The City of Troutdale has entered into an intergovernmental agreement with the City of Gresham regarding fire code inspections and enforcement. The Gresham Fire Department has requested that the City update its fire regulations so that Gresham Fire can apply and enforce the 2004 Oregon Fire Code in the City of Troutdale.
3. It is in the City of Troutdale's best interest to amend Chapter 15.12 so that the updated regulations in the 2004 Oregon Fire Code may be applied and enforced in the City of Troutdale.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 15.12, Fire Code and Fire Life Safety Regulations, is hereby amended to read as set forth in Attachment 1.

YEAS: 7

NAYS: 0

ABSTAINED: 0



Paul Thalhöfer, Mayor
October 27, 2005

Date



Debbie Stickney, City Recorder
Adopted: October 25, 2005

Chapter 15.12**FIRE CODE AND FIRE LIFE AND SAFETY REGULATIONS****Sections:**

- 15.12.010 Adoption of fire code and fire life and safety regulations.**
- 15.12.020 Definitions.**
- 15.12.030 Establishment and duties of fire prevention division**
- 15.12.040 Bulk storage of liquefied petroleum gases.**
- 15.12.050 Bulk storage of flammable or combustible liquids in above ground tanks.**
- 15.12.070 Amendments to the Oregon Fire Code.**
- 15.12.080 Appeals.**
- 15.12.090 Fire safety inspection program.**

15.12.010 Adoption of fire code and fire life and safety regulations.

A. For the purpose of prescribing minimum regulations governing conditions hazardous to life and property from fire, panic, or explosion, the city adopts the fire code known as the Oregon Fire Code, 2004 edition, and the whole thereof, including the appendices, except as otherwise amended in Section 15.12.070 and incorporated herein.

B. This code section, including the codes hereby adopted, shall be filed and maintained in the record of the Gresham Fire and Emergency Services, in the State Fire Marshal's Office, and the Troutdale Community Development Department. Chapter 15.12 shall be known as the Fire Prevention and Fire and Life Safety Code of the City of

Troutdale (hereafter known as "Oregon Fire Code").

C. In addition to any fines, penalties, remedies or other enforcement powers authorized by the Oregon Fire Code, any violation of the Oregon Fire Code shall also constitute a public nuisance under Chapter 8.28 and shall be subject to the general penalty provisions in Chapter 1.04.

D. Whenever a reference is made to any portion of this code or any other applicable law or ordinance, the reference applies to all amendments and additions now or hereafter adopted by the State of Oregon and the City of Gresham. (Ord. 746 § 3 Att. 2 (part), 2004)

15.12.020 Definitions.

For the purposes of this article, the following mean:

"Business". Any activity, trade, occupation, profession, or pursuit conducted for the purpose of generating revenue, whether for profit or nonprofit, regardless of occupancy type assigned by code language excluding home occupations.

"Jurisdiction". Wherever the Oregon Fire Code uses the term "jurisdiction," it means the City of Troutdale.

"Fire Code Official". Wherever the Oregon Fire Code uses the term "Fire Code Official", it means the City of Gresham Fire Marshal.

"Illegal occupancy". Any business occupying a building without a business license application or changing occupancy without proper building department permits or Certificate of Occupancy. (Ord. 746 § 3 Att. 2 (part), 2004)

15.12.030 Establishment and duties of fire prevention division.

The 2004 Oregon Fire Code shall be enforced by the fire prevention division of the Gresham Fire and Emergency Services, which shall be operated under the supervision of the fire marshal under the direction of the fire chief.

15.12.040 Bulk storage of liquefied petroleum gases.

The storage of liquefied petroleum gas as referred to in Section 3804.1 of the Oregon Fire Code is prohibited within all areas of the city, except those zoned general industrial or light industrial on the Troutdale zoning map or whenever a special use permit has been issued and otherwise approved in compliance with Chapter 38 of the Oregon Fire Code. (Ord. 746 § 3 Att. 2 (part), 2004)

15.12.050 Bulk storage of flammable or combustible liquids in above ground tanks.

The storage of flammable or combustible liquids in outside above ground tanks referred to in Section 34.04.2.9.5 of the Oregon Fire Code is prohibited within all areas of the city, except those zoned general industrial or light industrial on the Troutdale zoning map or whenever a special use permit has been issued and otherwise approved in compliance with Chapter 34 of the Oregon Fire Code. (Ord. 746 § 3 Att. 2 (part), 2004)

15.12.070 Amendments to the Oregon Fire Code.

The 2004 Oregon Fire Code is amended and changed as follows:

Section 104.2.1 is amended to read:

The Troutdale City Council shall establish the fees, if any, for special use

permits. The fees shall be set by resolution of the Council.

Section 106.1 is amended to read:

The Troutdale City Council shall establish the fees, if any, for initial business fire inspections, reinspections, failure to abate hazards and false alarms. The fees shall be set by resolution of the Council. (Ord. 746 § 3 Att. 2 (part), 2004) (Ord. 746 § 3 Att. 2 (part), 2004)

15.12.080 Appeals.

The appeals board specified in Section 108.1 of the Oregon Fire Code shall consist of the Troutdale Building Official, with the addition of a fire protection specialist as designated by the Fire Code Official. (Ord. 746 § 3 Att. 2 (part), 2004)

15.12.090 Fire safety inspection program.

A. Purpose and Scope. The purpose of this section is to set forth the requirements of a fire safety inspection program within the City of Troutdale for violations of the Oregon Fire Code (OFC). The provisions of this section shall apply to each business location of every business within the city.

B. Fire Safety Inspections. Each business location of every business located within the city of Troutdale is subject to a fire safety inspection by Gresham FES each calendar year.

C. Fire Safety Reinspections. When violations of the OFC are found in the course of an annual inspection, Gresham FES shall conduct a reinspection, after allowing the appropriate time for voluntary abatement of the violation.

D. Failure to Abate OFC Violations. Failure to abate OFC violations shall constitute a public nuisance, and subject the violator to the nuisance abatement

remedies established in TMC Chapter 8.28 and Troutdale city council resolutions implementing Chapter 8.28, including, but not limited to, the imposition of an administrative enforcement fee for each month the violation continues. The administrative enforcement fee for inspection violations shall be established by Troutdale city council resolution.

E. Warrants. When an inspection is done pursuant to this chapter to enforce compliance with the Oregon Fire Code, as adopted herein, the person doing the inspection shall obtain consent or a warrant authorizing the entry into a building or structure, except in circumstances where a warrant or consent is not legally required. (Ord. 746 § 3 Att. 2 (part), 2004)