

ORDINANCE NO. 787

AN ORDINANCE AMENDING CHAPTER 15.12 OF THE TROUTDALE MUNICIPAL CODE, FIRE CODE AND FIRE LIFE AND SAFETY REGULATIONS, REPLACING REGULATIONS FROM THE 2004 OREGON FIRE CODE WITH REGULATIONS IN THE 2007 STATE OF OREGON FIRE CODE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The state of Oregon adopted new fire regulations, known as the 2007 Oregon Fire Code. Prior to the adoption of the 2007 Oregon Fire Code, fire regulations were found in the 2004 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 2007 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 2007 Oregon Fire Code may be applied and enforced in the City of Troutdale.

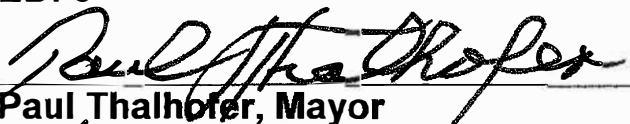
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

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

YEAS: 6

NAYS: 0


ABSTAINED: 0



Paul Thalhofer, Mayor

April 26, 2007

Date



Debbie Stickney, City Recorder
Adopted: April 24, 2007

Chapter 15.12

FIRE AND LIFE SAFETY CODE*

- 15.12.010 Adoption of fire code and fire and life safety regulations.**
- 15.12.020 Definitions.**
- 13.12.030 Establishment and duties of the Fire and Life Safety Division.**
- 15.12.070 Amendments to the Oregon Fire Code.**
- 15.12.080 Appeals.**
- 15.12.090 Fire safety inspection program.**

* Prior ordinance history: Ord. 746.

15.12.010 Adoption of fire code and fire and life 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 (OFC), 2007 edition, and the whole thereof, including Oregon adopted appendices, except as otherwise amended in Section 15.12.070 of this chapter, and incorporated herein.

B. This code section, including the codes hereby adopted, shall be filed and maintained in the record of Gresham Fire and Emergency Services (FES), in the State Fire Marshal's Office, and the Troutdale Community Development Department. This chapter shall be known as the 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 Fire Code shall also constitute a public nuisance under Chapter 8.28 of this code, and shall be subject to the

general penalty provisions in Chapter 1.04 of this code.

15.12.020 Definitions.

For purposes of this chapter, 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.

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

"Illegal Occupancy" Any business occupying a building or premises without a city business license or the changing of an occupancy without proper building and planning department permits or certificate of occupancy.

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

"Occupancy". The lawfully permitted purpose for which a building or part thereof is used or intended to be used.

15.12.030 Establishment and duties of the Fire and Life Safety Division.

The 2007 Oregon Fire Code shall be enforced by the Fire and Life Safety Division of Gresham Fire and Emergency Services, which shall be operated under the supervision of the Fire Marshal under the direction of the Fire Chief.

15.12.070 Amendments to the Oregon Fire Code.

The 2007 Oregon Fire Code is amended and changed as follows:

Section 104.2 is amended to add:

The Jurisdiction shall establish the fees, if any, for special use permits. The fees shall be set by resolution.

Section 106.2 is amended to add:

The Jurisdiction 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.

Section 308.3.1 is amended to read:

Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten feet of combustible construction.

Exceptions:

1. One and two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

Section 308.3.1.1 is amended to read:

Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound LP-gas capacity) shall not be operated on combustible balconies or within ten feet of combustible construction.

Exception: One and two family dwellings.

Section 505.1 is amended to read:

Address Numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of six inches high with a minimum stroke width of 0.5 inch and larger when required by Gresham Fire and Emergency Services Standard Operating Guideline 3.1.5.

Section 804.1.1 is amended to read:

Restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4 and SR occupancies.

Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2 shall not be prohibited.

2. Within dwelling units of R-2 occupancies.

Section 3401.4 is amended to read:

Permits. Permits for the installation of all flammable or combustible liquid tanks and/or storage of all flammable or combustible liquids within or outside of buildings are required within all areas of the city.

Section 3401.4.1 is amended to read:

Plans. Construction documents shall be submitted with each permit application for flammable or combustible liquid tanks and/or the storage of the same.

Section 3801.2 is amended to read:

Permits. Permits for the installation of all liquefied petroleum gas (LPG) tanks and/or storage of all LPG are required within all areas of the city. Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the fire code official.

Section 3801.3 is amended to read:

Plans. Plans shall be submitted with each permit application for liquefied petroleum gas (LPG) tanks and/or storage of the same.

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 professional as designated by the Fire Code Official.

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. The provisions of this section shall apply to each business location

of every business within the City of Troutdale.

B. Hazard Level Designations. A hazard level designation for each individual business will be determined by the Fire Marshal based on occupancy classification and existing hazards. The Fire Marshal will utilize the hazard ratings issued for occupancy designations by the National Fire Protection Association (NFPA), 13, "Installation of Sprinkler System", and as designated by OFC Chapter 2. In cases of multiple occupancy classifications, hazard level placement will normally correspond to the occupancy classification with the highest rated hazard level.

C. 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. Inspection fees, if any, shall be established by council resolution and correspond to the hazard level designation for each business location as determined by the Fire Marshal.

D. 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. Fees for reinspection, if any, shall be established by council resolution.

E. 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 Chapter 8.28 of this code including 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. In addition to the imposition of an administrative enforcement fee, the City Administrator or

the City Administrator's designee, may enforce abatement proceedings or civil action as provided in Chapter 8.28 of this code, or as otherwise authorized by law, including any enforcement remedies, orders, or powers under the OFC.

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.

F. Business License Inspections. Any person or business entity that applies for a license to conduct business in a physical location within the City of Troutdale must obtain a Business License Inspection by Gresham FES, and pay a fee for that inspection, if established by council resolution. Any person or business entity that applies for a renewal of any license to conduct business in a physical location within the City of Troutdale may be subject to a Business License Inspection by Gresham FES, and pay a fee for that inspection, if established by council resolution, if a history of OFC code violations has been found within said business location and a general fire safety inspection has not been completed there within the previous 12 months.