

RESOLUTION 169

A RESOLUTION APPROVING THE ADOPTION OF THE 1976 UNIFORM FIRE CODE AND AUTHORIZING THE USE OF SAID CODE WITHIN THE CITY LIMITS OF TROUTDALE BY THE CITY AND RURAL FIRE PROTECTION DISTRICT No. 10, AS PROVIDED IN CHAPTER 292, OREGON LAWS, 1977.

WHEREAS, The City of Troutdale, is situated within the boundaries of the Multnomah County Rural Fire Protection District #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 to this city, its residents and inhabitants and property, fire protection and prevention services; and

WHEREAS, this Council has been advised that on the 13th day of December, 1977, the Board of Directors of Multnomah County Rural Fire Protection District #10 did adopt by its Ordinance 1-1977, a revised uniform fire code in accordance with Oregon Revised Statutes 478.910, 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 prevention and protection services and said new Code, as adopted by said Ordinance, is known as the UNIFORM FIRE CODE, 1976 EDITION, as recommended by the Western Fire Chiefs Association, the International Conference of Building Officials and the whole thereof, save and except such portions as may have been deleted, modified or amended, by Section 7 thereof, to better meet the needs of the District; and

WHEREAS, the provisions of the new and revised Uniform Fire Code, cannot, in accordance with Section 5 of Chapter 292, Oregon Laws 1977, become effective and be applicable to this jurisdiction without the approval of the City Council of the City of Troutdale; and

WHEREAS, the adoption of the Uniform Revised Fire 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 prevention and protection services available to this jurisdiction at this time, and should be adopted and made effective herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

1. The Council does, in accordance with Section 5, Chapter 292, Oregon Laws 1977, formally approve the application of the Uniform Fire Code, 1976 Edition, as amended, as adopted December 13, 1977 by Ordinance 1-1977, by the Board of Directors of the Multnomah County Rural Fire Protection District #10 in cooperation with the City Building Official; and


2. This Council does hereby approve the application of said Fire Code to this jurisdiction in all respects, effective for this jurisdiction from, upon and after the effective date of said Code, to-wit: Upon the 30th day following its adoption, which shall be January 21, 1978.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE, THIS 10th DAY OF JANUARY 1978.

YEAS 6

NAYS 0

Signed by the Mayor this 10th day of January 1978.

  
R. M. Sturges, Mayor

ATTEST:

  
Acting City Recorder

ORDINANCE  
(1-1977)

AN ORDINANCE ADOPTING A REVISED UNIFORM FIRE CODE FOR THE MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT NO. 10, PRESCRIBING REGULATIONS TO GOVERN CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; ESTABLISHING A BUREAU OF FIRE PREVENTION; PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES; REPEALING PREVIOUS CODES; AND OTHER PERTINENT PROVISIONS.

WHEREAS, this and previous Boards of Directors of the Multnomah County Rural Fire Protection District No. 10, being aware of the need to develop adequate rules and regulations governing the operation of this Department for the purpose of providing the most effective and efficient manner with which to provide adequate fire protection and prevention services for the residents, inhabitants and property located within the District, and have 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 Uniform Fire Code is needed by the District and that said Code, together with other 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 NO. 10, MULTNOMAH COUNTY, OREGON, ORDAINS AS FOLLOWS:

Section 1. Adoption of Uniform Fire Code: In accordance with Oregon Revised Statute 478.910, there is hereby adopted by the Board of Directors of this District, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Fire Code known as the UNIFORM FIRE CODE, 1976 edition, recommended by the Western Fire Chiefs Association and the International Conference of Building Officials and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 7 of this Ordinance, which Code is attached hereto, marked Exhibit "A", and by this reference incorporated herein and made a part hereof as if set forth in full at this point.

Section 2. Establishment and Duties of the Fire Prevention Bureau:

(a) That there is hereby established the Fire Prevention Bureau of the Multnomah County Rural Fire Protection District #10, which Bureau shall be operated under the supervision of the Chief of the Department and which Bureau shall be charged with the enforcement of the Uniform Fire Code here adopted.

(b) The Fire Marshal in charge of the Fire Prevention Bureau shall be appointed by the Chief of the Fire Department on the basis of examination to determine his qualifications.

(c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of

the Fire Department 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. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

Section 3. Definitions:

(a) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the Multnomah County Rural Fire Protection District #10.

(b) Wherever the term "Corporation Counsel" is used in the Uniform Fire Code, it shall be held to mean the Attorney for the Multnomah County Rural Fire Protection District #10.

(c) Wherever the words "Chief of the Bureau of Fire Prevention" are used they shall be held to mean "Fire Marshal".

Section 4. Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited:

(a) The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: All areas other than those described by Multnomah County Zoning Ordinances for M-1 zones.

(b) The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: All areas other than those described by Multnomah County Zoning Ordinances as M-1 zones.

Section 5. Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted: The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: All areas other than those described by Multnomah County Zoning Ordinances as M-1 zones.

Section 6. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited: The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: All areas other than those described by Multnomah County Zoning Ordinances as M-1 zones, provided those distances described in table no. 11.201 are maintained unless otherwise authorized by special permit from the Chief of the Department.

Section 7. Uniform Fire Code - 1976 edition, Amendments:  
The Uniform Fire Code - 1976 edition, is amended and changed in the following respects:

(1) Those amendments, modifications and changes to the Uniform Fire Code - 1976 edition, which are set forth in Exhibit "A" attached hereto and by this reference made

a part hereof and herein incorporated as if set forth in full at this point.

(2) Plan Review: There is adopted as a part of this Code, specific provisions for plan review at the agency of the City or County responsible for the issuance of building permits to permit the orderly administration of that portion of this Code which requires approval prior to the issuance of said permits, which shall be in the manner and as set forth in Exhibit "B" attached hereto and by this reference made a part hereof as if incorporated herein in full at this point.

(3) That Section 1.301 of the Uniform Fire Code-1976 edition, is amended by the addition of a new subparagraph (c) to read as follows:

A permit shall not be required if the occupancy, building, structure or process has a valid certificate of occupancy permit issued by the building official prior to the adoption and effective date of this Code. Any new certificate of occupancy or renewal of said certificate of occupancy shall require the approval of the Chief or his representative in lieu of the permits otherwise required by this Code.

(4) Section 1.404 of the Uniform Fire Code - 1976 edition, shall be amended by the addition of the definition "Business Premise" as follows:

BUSINESS PREMISE shall mean any license, certificate of occupancy, permit to conduct business, or to maintain, store or handle materials, or to conduct processes which may produce conditions hazardous to life or property or to install equipment used in connection with such activity, issued in conjunction with the current Building Code of Multnomah County, Oregon, or those cities serviced by and/or located within the District, or as hereafter amended.

Section 8. Appeals: Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief to the Fire Code Appeals Board, which shall be the Board of Directors of the Multnomah County Rural Fire Protection District #10, within 30 days from the date of said decision.

Section 9. New Materials, Processes or Occupancies Which May Require Permits: The President of the Board of Directors, 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 which shall require permits, in addition to those now enumerated in said Code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 10. Penalties:

(a) Any person who shall violate any of the provisions of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any

detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Prevention Bureau or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$100.00 for each offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within such time as specified by the appropriate Department official, provided that if no time be specified, then a reasonable time shall be allowed for the correction or remedy of such violation or defect. Each day that a prohibited condition or violation is maintained or continued shall constitute a separate offense under the terms of this Ordinance and the District's Fire Code.

(b) The application or imposition of any penalty provision of this Ordinance shall not be held to prevent the District from in any way acting in such other manner, form or fashion as it may be so authorized by law to enforce removal or prevent the continuation of a violation of the District's Fire Code or other pertinent rules and regulations of the Department.

Section 11. Conflicting Ordinances or Resolutions:

All previously adopted Ordinances, Resolutions or parts thereof in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed; provided further, that provisions of this Ordinance, insofar as they are substantially the same as existing Ordinances or Resolutions and/or Ordinances or Resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

Section 12. Savings Clause: If any article, section, subsection, subdivision, phrase, clause, sentence or word in this Ordinance or the Uniform Code adopted hereby, shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance or said Code, but shall be confined to the article, section, subsection, subdivision, clause, sentence or word so held invalid or unconstitutional.

Section 13. 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 within the District shall approve the Fire Code contained herein by appropriate Resolution as provided by Chapter 292, Oregon Laws, 1977.

READ BY TITLE AND IN FULL THIS 8th day of November, 1977.

READ A SECOND TIME IN FULL AND BY TITLE, THIS 13th day of December, 1977.

PASSED BY THE BOARD OF DIRECTORS OF THE MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT NO. 10, this 13<sup>th</sup> day of December, 1977.

YEAS: 4

NAYS: 0

Danley W. Shaw

President - Board of Directors  
Multnomah County Rural Fire Protection District No. 10

ATTESTED:

Margaret M. ...  
Recording Secretary

Daniel L. Eisenzimmer  
Secretary - Board of Directors  
Multnomah County Rural Fire Protection District No. 10

Dec 13 1977  
Date

CERTIFICATION

I, Daniel L. Eisenzimmer, being first duly sworn, depose and swear that I am the duly appointed and acting secretary-Treasurer of Multnomah County Rural Fire Protection District #10; that I have in my possession all of the books, records, regulations and ordinances and the seal of the District; that under the direction of the Board of Directors I do prepare and keep a record of all Board proceedings and actions taken; and that I do certify as follows:

1. The foregoing document is a true and correct copy of Ordinance 1-1977 of the Multnomah County Rural Fire Protection District No. 10, adopted by the Board of Directors on December 13, 1977.

Dated: 12-13-77

Daniel L. Eisenzimmer  
Daniel L. Eisenzimmer, Secretary-Treasurer  
Board of Directors  
Multnomah County Rural Fire Protection District No. 10.

STATE OF OREGON )  
COUNTY OF MULTNOMAH )

On this day personally appeared before me Daniel L. Eisenzimmer, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10<sup>th</sup> day of December, 1977.

R. M. Allinway  
Notary Public in and for the State of Oregon

My Commission expires February 5, 1981

EXHIBIT "A"

UNIFORM FIRE CODE ORDINANCE - 1-1977

Amend Sec. 13.301 by the addition of a new paragraph to read:

Section 13.301

(F) "When fire fighting facilities are required to be installed by the developer, such facilities shall be installed, and made operational and accessible before any combustible construction begins on the site."

AMEND APPENDIX D, PAGE 271

Change the year of the N.F.P.A. volumes to 1977 and the number of volumes to 1 through 16.

AMEND APPENDIX F, PAGE 280

Change section 2 (D) to read as follows:

"VESSEL shall mean every description of water craft, other than seaplane on the water, used or capable of being used as means of transportation. Included in this definition shall be non-transportation vessels such as houseboats and boathouses.

## A G R E E M E N T

THIS AGREEMENT entered into by and between Multnomah County, a home rule subdivision of the State of Oregon, hereinafter called "County," and Rural Fire Protection District No. 10, a corporation organized under ORS Chapter 478, hereinafter called "District,"

## W I T N E S S E T H:

WHEREAS, County, through its Department of Environmental Services, is capable of and does conduct building plans review under applicable Building Code provisions pursuant to Ordinance 62 and ORS Chapter 456, including compliance with applicable fire and life safety requirements; and

WHEREAS, District has jurisdiction over that geographic area of Multnomah County declared exempt from rules and regulations of the State Fire Marshal pursuant to ORS 476.030(4), and is qualified to perform adequate inspection of building construction within the exempt area to assure compliance with applicable fire prevention, fire safety measures and building construction requirements for safety standards and regulations; and

WHEREAS, building construction permit applicants presently must file plans for review and approval both with the State Fire Marshal and the local building official, which results in duplication of services and additional fee expense to the applicant; and

WHEREAS, County is prepared and able to perform plan review and approval, and District is prepared and able to perform necessary site inspection and enforcement of applicable fire and safety

regulations as a complete service to applicants for building construction permits within the area serviced by District;

Now, therefore, in consideration of the mutual promises and covenants of the parties hereinafter provided, the parties agree as follows:

1. County shall accept and review building construction plans as provided by law, for which it shall collect from the applicant an additional fee for fire inspection services equal to the fee charged by County for building construction plans review for structures located within District's jurisdiction.

2. County shall pay to District 75% of all fire inspection fees so collected, such payment to be made on or before the 20th day of the month following the month of collection.

3. District shall perform on site inspections within its jurisdiction of all buildings constructed under permit of County and supervise installation and testing of automatic sprinkler systems, provide fire prevention and investigation services in connection therewith, and perform all such other appropriate and necessary functions in connection with its lawful duties, consistent with the exemption under ORS 476.030.

4. The term of this agreement shall be for the period May 1, 1977 to June 30, 1977, and may be renewed without further formal agreement upon mutual written consent of the parties, provided that this agreement may be terminated by either party upon thirty (30) days written notice to the other.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers.

MULTNOMAH COUNTY, OREGON  
BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Chairman

RURAL FIRE PROTECTION DISTRICT  
NO. 10

By *Donald L. Engstrom*

APPROVED AS TO FORM:

GEORGE M. JOSEPH

County Counsel for  
Multnomah County, Oregon

By *Paul G. Mackey*  
Paul G. Mackey  
Deputy County Counsel