

RESOLUTION NO. 632 -R

A RESOLUTION APPROVING THE ADOPTION OF THE 1985 UNIFORM FIRE CODE AND AUTHORIZING THE USE OF SAID CODE WITHIN THE CITY LIMITS OF TROUTDALE, BY THE CITY AND MULTNOMAH COUNTY RURAL FIRE PROTECTION DISTRICT #10, AS REQUIRED BY O.R.S. 478.924

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 9th day of July, 1986, the Board of Directors of Multnomah County Rural Fire Protection District #10 did adopt by its Ordinance 1-1986, a revised fire prevention code in accordance with Oregon Revised Statutes 478.924, 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 Fire Code and Fire and Life Safety Regulations; and

WHEREAS, the provisions of the new and revised Fire Prevention Code, cannot, in accordance with O.R.S. 478.924, 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 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 prevention and protection services available to this jurisdiction at this time, and should be adopted and made effective herein.

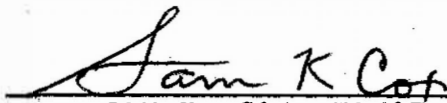
NOW THEREFORE BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

1. The Council does, in accordance with Section 5, Chapter 292, Oregon Laws 1977, formally approve the application of the Fire Code and Fire and Life Safety Regulations, as amended, as adopted July 9, 1986, by Ordinance 1-1986, by the Board of Directors of the Multnomah County Rural Fire Protection District No. 10 in cooperation with the City Building Officials; and

2. This Council does hereby approve the application of said Fire Prevention 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 August 26, 1986.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 26TH DAY OF AUGUST 26, 1986.

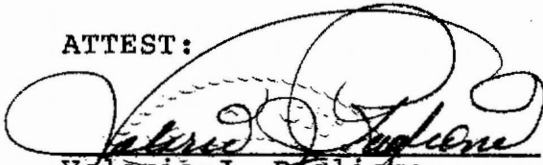
YEAS: 5  
NAYS: 0  
ABSTAINED: 0



SAM K. COX, MAYOR

Date Signed: AUGUST 27, 1986

ATTEST:



Valerie J. Paglione  
City Recorder

22:43



- 1 -

ORDINANCE 1-1986

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; ESTABLISHING A BUREAU OF FIRE PREVENTION; PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES; 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, 1985 edition, published by the Western Fire Chiefs Association and the International Conference of Building Officials, as amended and adopted by the Office of Oregon State Fire Marshal, and the whole thereof, (hereinafter referred to as "UFC"), together with appendices II-C, III-A, III-C, V-A, except, however, as provided by Section 7 of this Ordinance, which Code is attached hereto as Exhibit "A" and incorporated by this reference.

The District adopts the State of Oregon Administration Rules, Oregon State Fire Marshal, Chapter 837, Division 40, Division 12 and Division 41 except, however, as provided by Section 7 of this Ordinance, said Rules are attached hereto as Exhibit "B" and incorporated by this reference.

The District adopts the following National Fire Protection Association Standards in their entirety, said standards are attached hereto as Exhibit "B" and incorporated by this reference:

N.F.P.A. No. 10 Standard for Portable Fire Extinguishers, 1984 edition; N.F.P.A. 13 installation of Sprinkler Systems, 1985 edition; N.F.P.A. No. 54 National Fuel Gas Code, 1984 edition; N.F.P.A. No. 30 Flammable & Combustible Liquids Code, 1984 edition; N.F.P.A. No. 59 Liquified Petroleum Gases at Utility Gas Plants, 1984 edition; N.F.P.A. No. 31 Installation of Oil Burning Equipment, 1983 edition; N.F.P.A. 490 Code for the Storage of Ammonium Nitrate, 1986 edition; N.F.P.A. No. 495 Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials, 1985 edition; N.F.P.A. No. 1124 Code for the Manufacture, Transportation and Storage of Fireworks, 1984 edition; N.F.P.A. No. 56F Standard for Nonflammable Medical Gas Systems, 1983 edition; N.F.P.A. No. 99 Standard for Health Care Facilities, 1984 edition; N.F.P.A. Standard No. 72A Standard for the Installation, Maintenance and use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Services, 1985 edition; N.F.P.A. No. 72B Standard for the Installation, Maintenance and use of Auxiliary Protective Signaling Systems, 1986 edition;

N.F.P.A. No. 72C Standard for the Installation, Maintenance and use of Remote Station Protective Signaling Systems, 1986 edition; N.F.P.A. No. 72D Standard for the Installation, Maintenance and Use of Proprietary Protective Signaling Systems, 1986 edition; N.F.P.A. 72E Standard on Automatic Fire Dectectors, 1984 edition; N.F.P.A. No. 71 Standard for Installation, Maintenance, and Use of Central System Signaling Systems, 1985 edition; N.F.P.A. No. 101 Code for Safety to Life from Fire in Buildings and Structures, Chapters 12, 13, 21, and 31-4, 1985 edition.

The following sections and subsections that were excluded by the Office of the State Fire Marshal in the adoption of the Uniform Fire Code, 1985 edition are hereby adopted by the District:

Section 4.102 through 107, Section 10.101, Section 10.102 Section 10.103, Section 10.201 through .209, Section 10.304, Section 10.305, Section 10.306, Section 11.201 (c), Section 11.203(b), Section 11.301, Section 11.302, Section 11.401, Section 11.402, Section 11.411, Section 11.412, Section 11.414, Section 25-116A, Section 35.102(g), Section 87.103(b) and (c), Section 78.103 and Section 78.106.

The District adopts the Uniform Building Code, 1985 Edition, including appendix chapters, as amended and adopted by the Office of the Oregon State Fire Marshal, and known as the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations, save and except for portions as are hereinafter deleted, modified or amended by this Ordinance.

The District adopts the Uniform Mechanical Code, 1985 Edition, as amended and adopted by the Office of Oregon State Fire Marshal, and known as the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Regulations and the whole thereof, save and except for portions as are hereinafter deleted, modified or amended by this Ordinance.

## SECTION 2. ESTABLISHMENT AND DUTIES OF THE FIRE DIVISION

(a) The fire prevention functions of Multnomah County Rural Fire Protection District No. 10 under this division of the Fire

Bureau of the City of Portland, pursuant to contract entered into by Multnomah County Rural Fire Protection District No. 10 and the City of Portland, under Oregon Revised Statutes Chapter 190.

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

### SECTION 3. DEFINITIONS

(a) Wherever the term "Administrator" or "Director" is used, it means the City of Portland Fire Chief.

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

(c) Wherever the term "Corporation Counsel" or "City Attorney" is used, it means the attorney for the Multnomah County Rural Fire Protection District No. 10, or the City Attorney of the City of Portland

(d) Wherever the term "Fire Prevention Engineer" or "Chief of the Bureau of Fire Prevention" is used, it means the City of Portland Fire Marshal or other highest city officer in charge of fire prevention, or his delegate assigned to act in such capacity with respect to the administration of this code of Multnomah County Rural Fire Protection District.

(e) Wherever the term "Chief" or "Chief of the Fire Department" is used, it means the Fire Chief or his authorized representative for the City of Portland.

(f) Wherever the term "hazardous vehicle" is used, it means vehicle(s) blocking public or private rights-of-way or interfering with access to fire hydrants; vehicle(s) with leaking fuel tanks and vehicle(s) located in violation of the fire code.

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

The districts referred to in UFC Section 79.501 in which storage of flammable or combustible liquids in outside,

aboveground tanks is prohibited are as follows: All areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones.

SECTION 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE PROHIBITED

The districts referred to in UFC Section 82.105(a) in which bulk storage of liquefied petroleum gas is prohibited, are as follows: All areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones.

SECTION 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The districts referred to in UFC Section 77.106(b) in which storage of explosives and blasting agents is prohibited, are as follows: All areas other than those described by Multnomah County Zoning Ordinances as M-1 and H-M zones, are maintained unless different distances are authorized by special permit from the Chief.

SECTION 7. UNIFORM FIRE CODE (UFC) - 1982 EDITION, AMENDMENTS

The District Fire Code varies from the UFC in the following respects:

- (1) The Code incorporates amendments to the UFC, which amendments are set forth below.
- (2) The Code incorporates provisions for plan review by the city or county agency responsible for the issuance of building permits, as set forth in Exhibit "C" attached hereto and incorporated by this reference.
- (3) The plans and specifications for the following structures and installations 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 or installation shall proceed prior to such approval: Any building (exclusive of one- and two-family dwellings, farm barns and outbuildings); any facility for the storage, handling, use, transportation or dispensing of

flammable liquids; any facility for the storage, handling, use or transportation of explosive and blasting agents; dry cleaning plants; any facility for the storage, handling, use or transportation of liquid petroleum gases; any building, structure or facility wherein highly combustible or hazardous materials are manufactured, used, dispensed, conveyed or stored; and any fire-extinguishing systems, fire alarm systems, or fire detection systems. When the Fire Marshal or his authorized representative approves any plan, he shall so signify by means of a stamp and signature. All construction or alteration of the structure or installation shall thereafter comply with the approved plan in all respects, unless modified by subsequent written permit or order of the Fire Marshal. Approval of plans shall not be construed as authorization to violate any applicable law or regulation of the state, county, or fire district, of any city.

(4) 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.

(5) UFC Section 2.303(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, 1985 edition, published by the Western Fire Chiefs Association and the International Conference of Building Officials, as adopted by the Oregon State Fire Marshal and as modified by this Code. The Uniform Building Code Standards and Uniform Mechanical Code Standards in this Code are those standards contained in the State Structural Specialty Code and Fire and Life Safety Regulations and the State Mechanical Specialty Code and Mechanical Fire and Life Safety Regulations, as modified by this Code.

(6) UFC Section 4.101 is amended to add a second paragraph as follows:

All applications for permits required by this Code shall be made to the Bureau of Fire Prevention in such form and detail as the Bureau shall prescribe. Applications for permits shall be accompanied by such plans as required by the Fire Marshal and by applicable fees.

(7) UFC Section 4.101 is amended to add a third paragraph as follows:

Except as provided below, a permit for a particular occupancy, building, structure or process shall not be required if the occupancy, building, structure or process has a valid certificate of occupancy for that occupancy, building, structure or process which was issued by an appropriate building official prior to the adoption and effective date of this Code. Any new certificate of occupancy shall require the approval of the Chief or his representative in lieu of the permits otherwise required by this Code.

Permits are required for the following:

- A. Fireworks and other items as described in the UFC Section 9.108, fireworks and ORS 480.110, ORS 480.127.
- B. Liquefied petroleum gases.
- C. Flammable or combustible liquids and tanks

A permit is required to construct any installation capable of storing more than 1,000 gallons of flammable or combustible liquids. An application for such a permit shall be made to the Fire Marshal. The application shall be accompanied by two copies of the construction plans, including a plot plan showing the location of any buildings, structures or tanks and the pertinent distances, piping valves, tank capacities, diking, and details of design construction and fire protection, along with any other information requested by the State Fire Marshal. (In the event an installation includes buildings and related equipment in addition to tanks, separate construction plans, specifications, etc., shall be sent to the Plans Review Section of the Building Department in accordance with the provisions of ORS 479.155.)

- D. Exhibition of Automotive Vehicles
- E. Explosives or Blasting Agents
- F. Tents and Air Supported Structures

(8) UFC Section 10.207 is amended to read:

Section 10.207 Access Roadways for Fire Apparatus (a) Required Construction. Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet 6 inches of vertical clearance. Dead-end fire department access roads in excess of 300 feet long shall be provided with approved provisions for the turning around fire department apparatus.

EXCEPTION: When there are not more than two Groups Division 3 or M Occupancies as defined in the Building Code, the requirement of this section may be modified when, in the opinion of the Chief, fire fighting or rescue operations would not be impaired.

(b) Obstructing. The required width of access roadways shall not be obstructed in any manner, including parking of vehicles. NO PARKING signs or other appropriate notice, or both, prohibiting obstructions may be required and shall be maintained.

(c) Extent. The access roadway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the Chief.

(d) Fire-protection Alternate. Where fire-protection systems approved by the Chief are provided, the above required clearance may be modified.

(e) Oversizing. The Chief shall have the authority to require an increase in the minimum access widths where such width is not adequate for fire or rescue operations.

(f) Bridges. Where a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using design live loading sufficient to carry the imposed loads of the fire apparatus.

(9) UFC Section 10.301(c) is amended to read as follows:

#### Water Supply

(a) 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. When any portion of the building protected is in excess of 150 feet from a water supply on a public street, there shall be provided, when required by the Chief, on-site fire hydrants and mains capable of supplying the required fire flow.

Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the Chief may be guided by the standard published by the Insurance Services Office, "Guide for Determination of Required Fire Flow."

The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Chief. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.

(b) Timing of Installation. When fire protection

facilities are to be installed by the developer, such facilities including all surface access roads shall be installed and made serviceable prior to and during the time of construction. When alternate methods of protection, as approved by the Chief, are provided, the above may be modified or waived.

- (c) Approval and Testing. All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire-protection systems and pertinents thereto shall meet the approval of the fire department as to installation and location and shall be subject to such periodic tests as required by the Chief. Plans and specifications shall be submitted to the fire department for review and approval prior to construction.

(10) UFC Section 10.301 is amended to add the following subsections:

- (d) Automatic Fire Pumps. Where required by the Fire Marshal, a minimum of two fire pumps independently driven shall be provided and sized for the sprinkler demand and a minimum 500 gpm fire department standpipe operation.
- (e) Combined System. In combined sprinkler and standpipe systems where sprinkler risers with 2 1/2 inch hose outlets are provided, the risers and supply piping to the risers shall be sized to accommodate a supply of 500 gpm at 65 psi at the topmost two outlets (250 gpm per outlet); or the sprinkler demand, whichever is greater.

(11) UFC Section 11.201 is amended to add the following subsection:

- (e) Portable wheeled containers and roll-off boxes for the accumulation of waste materials shall not be located in such a manner that a fire occurring in a container would create a threat to persons, buildings, automobiles, or their contents.

(12) UFC Section 36.103 is amended to read:

NFPA Standard for Dry Cleaning Plants No. 32, 1979 edition, is hereby adopted and made a part of this Code as it applies to the design, installation, and maintenance of dry cleaning plants.

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

(d) 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.

(14) UFC Section 78.103 is amended to read:

The permittee shall furnish a bond or certificate of insurance in the amount of not less than \$500,000 for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, contractors, or sub-contractors.

SECTION 8. 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 Multnomah County Building Code Board of Appeals is designated as the Appeals Board for the District.

(c) Powers of 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 by 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 an 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.

(3) The procedures under which the Multnomah County Building Code Board of Appeals handles proceedings involving the Multnomah County Building Code, including, for example, the procedures and fees required to initiate proceedings and the procedures followed to conduct hearings and issue decisions, apply to proceedings under this section of the Fire Code.

SECTION 9. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS:

In the event that procedures under Section 8 are not available or are inadequate, the President of the Executive Body, 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 the Code. The Fire Marshal shall post any list of materials, processes or occupancies designated by the committee as requiring a permit in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 10. 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 Court RFPD #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 a 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 11. 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 12. 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, or ordinances or resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

SECTION 13. 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 14. 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 9<sup>th</sup> day of July,  
1986.

READ A SECOND TIME IN FULL AND BY TITLE AND ADOPTED THIS 13<sup>th</sup>  
day of August, 1986.

J. Michael Masini  
President of the Board of Directors

ATTEST:

  
Secretary of the Board