

**ORDINANCE NO. 758**

**AN ORDINANCE OF THE CITY OF WILSONVILLE REPEALING ORDINANCE NO. 685 AND AMENDING CHAPTER 9, SECTION 9.300 OF THE WILSONVILLE CODE, DESIGNATED AS “FIRE PREVENTION CODE”.**

WHEREAS, the City of Wilsonville is within the fire protection district of the Tualatin Valley Fire and Rescue, a Rural Fire Protection District (TVF&R), and the City has previously adopted the TVF&R Fire Code as the City Fire Code, Wilsonville code 9.300; and

WHEREAS, TVF&R proposes to adopt the State Fire Code as its fire code under its Ordinance 14-02, and the City of Wilsonville has reviewed and received a copy of Ordinance 14-02, marked Exhibit “A” and a copy is on file in the office of the Building Official of the City of Wilsonville; and

WHEREAS, ORS 478.924 requires City Council approval of Ordinance 14-02 before it has legal authority within the City; and

WHEREAS, the City Council finds there is a need for updating fire codes and to prescribe regulations governing conditions hazardous to life and property including maintenance and supports the adoption of Ordinance 14-02; and

WHEREAS, the City’s Building Official has certain enforcement duties regarding certain provisions of the fire code as they relate to new construction in addition to the City’s Building and Specialty Codes; and

WHEREAS, certain provisions of Ordinance 14-02 and the City’s Building and Specialty Codes address identical areas and there may be a need, from time to time, to provide interpretations and determinations among the various specialty codes, and given the historical experiences in this area, the City Council finds the public safety, health, and welfare is best served for resolving conflicting provisions by requiring interpretations under the Building and Specialty Codes to be given the greater weight in any final determination.

**NOW THEREFORE THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:**

1. Pursuant to ORS 478.924, the 2014 Fire Prevention Code as published by Tualatin Valley Fire and Rescue, a Rural Fire Protection District, as Ordinance 14-02, is hereby adopted by the City of Wilsonville as the City’s Fire Code subject to Section 2 below, and WC 9.300 is hereby amended in accordance with the provisions of this ordinance.

2. In the event that identical provisions are in the City's Fire Code (Ord. 14-02 of TVF&R) and the City's Building and Specialty Codes, which require interpretation for enforcement by the City's Building Official and are in conflict, the greater weight shall be given to the interpretation of the provisions of the Building and Specialty Codes in any final determination.

3. A copy of the City Fire Code and TVF&R Ord. 14-02 shall be on file in the office of the Building Official for the City of Wilsonville.

4. Ordinance No. 685 is hereby repealed.

SUBMITTED to the Wilsonville City Council and read for the first time at the regular meeting thereof of the 17th day of November 2014, and scheduled for the second reading on December 1, 2014, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

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Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on December 1, 2014, by the following votes:

AYES: -5-

NAYS: -0-

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Sandra C. King, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of December 2014.

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Tim Knapp, Mayor

**SUMMARY OF VOTES:**

Mayor Knapp - Yes

Councilor Goddard - Yes

Councilor Starr - Yes

Councilor Fitzgerald - Yes

Councilor Stevens - Yes

## ORDINANCE 14-02

**AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 10-02 AND 14-01.**

**WHEREAS**, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

**WHEREAS**, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

### **IT IS ORDAINED AS FOLLOWS:**

#### **TITLE AND FILING:**

This ordinance, including the codes hereby adopted, shall be filed in the records of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

#### **SCOPE:**

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910.

#### **SECTION I – ADOPTION OF THE DISTRICT'S FIRE CODE:**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except as amended under Sections II and III below, the Oregon Fire Code adopted by the Oregon State Fire Marshal, as it may be amended from time to time, is hereby adopted as the District's Fire Code.

#### **SECTION II – ENFORCEMENT OF FIRE CODE**

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g., Sections 106, or provisions providing for enforcement of the Code, such inspections, testing, and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high

priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

### SECTION III – AMENDMENTS TO THE OREGON FIRE CODE:

The Oregon Fire Code is hereby amended as follows:

**1. The following new SECTION 907.7.6 is added:**

**907.6.5.3 Alarm Verification.** Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

**Exception:** Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

### SECTION IV – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage, or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

### SECTION V – FIRE CODE BOARD OF APPEALS

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the District Board adopts a board of appeals, the provisions of this ordinance, where appropriate, are subject to the board of appeals procedures.

**SECTION VI – REPEAL OF CONFLICTING ORDINANCES**

The provisions of this ordinance, i.e., the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. An existing fire code ordinance has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective on the effective date of this ordinance; provided, however, that Ordinance 10-02 or 14-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 14-02. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

**SECTION VII – VALIDITY**

The District hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**SECTION VIII – DATE OF EFFECT**

The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 22<sup>nd</sup> day of July, 2014.

Second reading by Title only this 26<sup>th</sup> day of August, 2014.

PASSED by the District this 26<sup>th</sup> day of August, 2014.

  
PRESIDENT

  
SECRETARY-TREASURER

