

ORDINANCE No. 22

TITLE:

IN ACCORDANCE WITH OREGON REVISED STATUTES 198.510 TO 198.600; AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR JACKSON COUNTY FIRE DISTRICT 3, PROVIDING MINIMUM STANDARDS 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 FIRE FIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE NO. 21.

WHEREAS, The Oregon Office of State Fire Marshal, in accordance with Oregon Revised Statute (ORS) 476.030, has amended and adopted the International Fire Code, 2018 edition, establishing the 2019 Oregon Fire Code; and,

WHEREAS, Jackson County Fire District 3 (the District) operates as an Exempt Jurisdiction in accordance with ORS 476.030(3); and,

WHEREAS, The Oregon Office of State Fire Marshal has designated the Fire Marshal of Jackson County Fire District 3 as the Fire Code Official and as the approved local authority for exercising functions relating to fire prevention, fire safety measures and building construction; and,

WHEREAS, The Board of Directors for the District, in accordance with ORS 478.910, finds the need for prescribing and enforcing regulations that govern conditions which may be hazardous to life and property from fire and explosions; and now, therefore;

IT IS ORDAINED AS FOLLOWS:

FILING:

This ordinance, including the codes hereby adopted, shall be filed in the record of the District and in the office of Jackson County Clerk and Oregon Office of State Fire Marshal 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 the provisions of the Oregon Fire Code 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 Code Official of the Fire District in accordance with ORS 478.920.

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 and 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 2019 OREGON FIRE CODE

The 2019 Oregon Fire Code is hereby adopted by the District for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion.

SECTION II – ENFORCEMENT OF CODE

Notwithstanding provisions in the 2019 Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, or provisions providing for enforcement of the Fire Code, such inspections, testing and enforcement of the Fire Code shall be discretionary by the District Fire Chief and other individuals charged by the Fire 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 Fire 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 Fire Code is limited to providing a reasonable level of fire and life safety. Such actions by the District are discretionary.

SECTION III – JACKSON COUNTY FIRE DISTRICT 3 SPECIFIC ADOPTIONS AND AMENDEMENTS INCLUDED WITH THE 2019 OREGON FIRE CODE

The District hereby specifically adopts the following Appendices of the 2019 Oregon Fire Code:

Appendix A- Board of Appeals

Appendix F- Hazard Ranking

Appendix I- Fire Protection Systems-Noncompliant Conditions

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 Fire 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, as needed, 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 the fire district Board establishes 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 shall be controlling within the territorial limits of the District and within each city and county within the District approving the Fire Code pursuant to ORS 478.924. The existing fire code, Ordinance No. 21, has been approved within the county and each city 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, Ordinance No. 21, and 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 date of this Ordinance; provided, however, that Ordinance No. 21 shall continue in effect in the county and each city which has approved it until the city or county approves this Ordinance No. 22. 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 Fire Code 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.

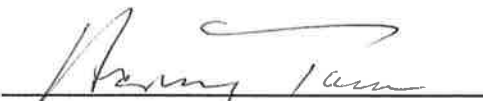
SECTION VIII – DATE OF EFFECT


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 20th day of February, 2020.

Second reading by title only this 19th day of March, 2020.

PASSED by the District this 19th day of March, 2020.


Board President


Board Secretary-Treasurer