

ORDINANCE NO. 11-1002

**AN ORDINANCE AMENDING TITLE 15: BUILDINGS AND CONSTRUCTION; CHAPTER 15.40: FIRE CODE, SECTION 15.40, OF THE OREGON CITY MUNICIPAL CODE OF 1991, AND ENACTING A NEW TITLE 15: BUILDING AND CONSTRUCTION, CHAPTER 15.40: FIRE CODE, SECTION 15.40**

**OREGON CITY MAKES THE FOLLOWING FINDINGS:**

**WHEREAS**, Clackamas County Fire District No 1 ("CCFD #1") has adopted the Fire Code of Clackamas County Fire District No 1 which applies to all aspects of Fire Prevention in CCFD #1; and

**WHEREAS**, the City of Oregon City has annexed into CCFD #1, which now provides fire protection services to the City to provide these services; and

**WHEREAS**, the City of Oregon City desires to harmonize its ordinances with the Fire Code of Clackamas County Fire District No 1 for the purpose of increasing public safety and decreasing confusion; and

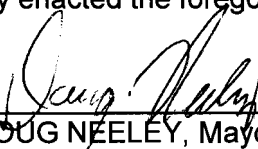
**WHEREAS**, based upon testimony, the Commission finds that (1) the public hearing to consider this request was duly held and (2) public safety will be best served by approving the adoption of the Fire Code of Clackamas County Clackamas as requested;

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** Title 15: BUILDINGS AND CONSTRUCTION, Chapter 15.40: Fire Code is hereby repealed.

**Section 2.** The 2010 Fire Code of Clackamas County Fire District No 1 as adopted by Clackamas County Fire District No 1 and attached to this Ordinance as Exhibit B, is adopted in its entirety, and all provisions, rules, regulations, penalties and statements therein are made the provisions, rules, regulations, penalties and statements of the city.

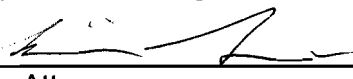
Read for the first time at a regular meeting of the City Commission held on the 16th day of March 2011, and the City Commission finally enacted the foregoing ordinance this 6th of April 2011.

  
DOUG NEELEY, Mayor

Attested to this 6th day of April 2011,

  
Nancy Ide, City Recorder

Approved as to legal sufficiency:

  
City Attorney

# Clackamas Fire District #1



## ORDINANCE 11-01

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE FOR CLACKAMAS COUNTY FIRE DISTRICT #1 A RURAL FIRE PROTECTION DISTRICT, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, MOBILE FIRE APPARATUS ACCESS, FIREFIGHTING WATER SUPPLIES, AND ABATEMENT OF FIRE AND OTHER LIFE HAZARDS IN BUILDINGS AND ON PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS REGULATING HAZARDOUS USES OR OPERATIONS; REPEALING ORDINANCE NO. 07-02 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

**Whereas**, the Board of Directors, hereinafter referred to as the "Board," of Clackamas County Fire District #1, hereinafter referred to as the "District," being aware of the need to develop adequate rules and regulations to safeguard the residents, inhabitants, and property located in the District from fire, explosion and other hazards; and

**Whereas**, the Board finds it necessary to provide for the inspection and maintenance of buildings and premises to protect life and property from hazardous conditions; and

**Whereas**, after investigation and consideration, the Board is of the opinion and belief that a revised Fire Code is needed by the District and finds it necessary to adopt the following regulations; therefore

### THE DISTRICT DOES ORDAIN AS FOLLOWS:

#### SECTION 1. ADOPTION OF FIRE PREVENTION CODE

- (a) This ordinance, including the codes hereby adopted, shall be filed in the record of the District and with the Oregon Office of State Fire Marshal, and a copy shall be posted at each District fire station as prescribed by ORS 478.940. This ordinance is the Fire Prevention Code of the District, hereinafter referred to as the "Fire Code," adopted pursuant to ORS 478.910.

- (b) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, mobile fire apparatus access, fire-fighting water supplies, and abatement of fire and other life hazards in buildings and on premises, the District adopts the International Fire Code, 2009 Edition, as published and copyrighted by the International Code Council, as amended and adopted by the Oregon State Fire Marshal and known as the Oregon Fire Code, together with appendices B, C, D, H, I, J, K, L, and M except as hereinafter amended by this ordinance.
- (c) Notwithstanding the provision to assist the State Fire Marshal as required under ORS 476.060, it is the intention of the Board that this code stand separate and distinct from, and to the extent authorized by ORS 478.910, shall supercede such rules enacted by the State Fire Marshal under ORS 476.030 unless herein stated otherwise. The authority of the Fire Chief to act as an assistant to the State Fire Marshal where provided by statute or authorized by the State Fire Marshal is retained.

## SECTION 2. DEFINITIONS

- (a) Whenever the term "Fire Chief" is used in this ordinance, it shall mean the Fire Chief of the District or the Fire Chief's authorized representative.
- (b) Whenever the term "Fire Code Official" is used in this ordinance, it shall mean the Fire Chief or the Fire Chief's designated authority charged with the administration and enforcement of the Code, or a duly authorized representative of the District.
- (c) Whenever the term "State Fire Marshal" is used in this ordinance, it shall mean the Fire Marshal of the State of Oregon.

## SECTION 3. AMENDMENTS TO THE OREGON FIRE CODE

The 2010 Oregon Fire Code, based on the 2009 Edition of the International Fire Code, is amended and changed in the following respects:

### 1. Section 101 GENERAL is amended as follows:

**101.1 Title.** These regulations shall be known as the ~~Oregon Fire Code~~ Fire Code of Clackamas County Fire District #1, hereinafter referred to as "this code."

**101.3 Intent.** 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 ~~as authorized by ORS 476.030~~ and to provide safety to firefighters and emergency responders during emergency operations. It is further intended that this code regulate mobile fire apparatus means of approach to buildings and structures; fire-fighting water supplies; the issuance of permits for open burning; the inspection of premises by officers designated by the Fire

Chief and the removal of fire hazards found on premises during such inspections, as authorized by ORS 478.910, 478.920, and 478.960.

**2. Section 103 DEPARTMENT OF FIRE PREVENTION is amended as follows:**

**103.1 (Not adopted) General.** The department of fire prevention is established within the ~~jurisdiction~~ District under the direction of the Fire ~~code official~~ Chief. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

**3. Section 104 GENERAL AUTHORITY AND RESPONSIBILITIES is amended as follows:**

**104.1 General.** The fire code official is hereby authorized to enforce the provisions of this code ~~as directed in ORS 476.060 and OAR Chapter 837, Division 39~~ and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. ~~Modifications to this code shall not be less stringent than the minimum fire code adopted by the State Fire Marshal.~~ Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

**104.3 (Not adopted) Right of Entry.** Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code, which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises, except a private residence, at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry and is authorized to seek, obtain and execute a warrant pursuant to ORS 476.155 through 476.170.

**Section 104.6.5 is added as follows:**

**104.6.5 Occupancy records.** The fire code official is authorized to keep contact records of the owners and any persons having charge, care, or control of every building or premises in the District.

**Section 104.8 is amended as follows:**

**104.8 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention. ~~The State Fire Marshal may make adjustments and variances to this code under ORS 476.035.~~

**4. Section 105 PERMITS is amended as follows:**

**105.6 Required operational permits.** An operational permit as authorized by law or regulation shall be obtained from the State Fire Marshal for the operations set forth in Sections 105.6A through 105.6E. When ~~the District a governmental subdivision~~ has enacted regulations, the ~~local~~ fire code official may issue operational permits for the operations set forth in Sections 105.6A through 105.6.46.

**5. Section 106 INSPECTIONS is amended as follows:**

**106.1 (Not adopted) Inspection authority.** The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle, or premises in accordance with Section 104.3 for the purpose of enforcing this code.

**Section 106.1.2 Interference** is deleted in its entirety and replaced by:

**106.1.2 Interference.** The fire chief is authorized to seek the arrest and prosecution of any individual who obstructs the lawful administration of this code by an employee or duly authorized representative of the District in violation of ORS 162.235, or interferes with the lawful duties of a firefighter in violation of ORS 162.257.

**Section 106.2.3** is added as follows:

**106.2.3 Registration required.** In order to ensure public safety and to assure that necessary inspections are conducted, the owner and the person having charge, care, or control of a building or premises shall not fail or neglect to provide to the Fire Prevention Division such contact information as deemed necessary by the fire code official. This information shall be provided within 30 days of initial ownership or occupancy of the building or premises, and further amended within 30 days of any changes.

**6. Section 107 MAINTENANCE is amended as follows:**

**107.6 Overcrowding.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon

finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected. The fire code official is further authorized to close a building or structure that is occupied by a number of persons in excess of the maximum number of persons allowed at any one time in violation of ORS 479.195.

7. **Section 108 BOARD OF APPEALS** is deleted in its entirety and replaced by:

**Section 108 BOARD OF APPEALS**

**108.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Fire District Board of Directors and shall hold office at its pleasure. The fire code official shall be an ex-officio member of said board and shall act as secretary of the board of appeals, but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. Members may receive compensation for their service; however reimbursement for members in the course of fulfilling duties must be approved by the Fire Chief.

**108.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board of appeals shall have no authority to waive requirements of this code.

**108.3 Qualifications.** The board of appeals shall consist of five to seven members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the District. At least one of the members shall be a registered design professional with experience in fire and life safety considerations.

**108.4 Meetings.** The board shall make a reasonable effort to meet within 10 days of receipt of a written appeal, but in no case will the board be required to meet more often than once monthly. Four members of the board shall constitute a quorum. Decisions shall be made by the affirmative vote of a majority of voting board members present. Members with a material or financial interest in a matter before the board shall excuse themselves from said matter.

8. **Section 109 VIOLATIONS** is amended as follows:

**109.2.3 (Not adopted) Prosecution of violations.** If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct, or abate such

violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto. See ORS 478.990 and 198.600.

**109.3.1 Violation penalties.** Any owner or occupant of any building or premises who fails to comply with an order to correct any fire safety deficiency or violation of this code not appealed from, shall be punished ~~by a fine~~ as provided by ORS ~~479.990~~ 478.990.

~~Exception: Where other penalties for specific violations are provided for by law, they shall prevail. See ORS 476.990 and ORS 480.990.~~

**9. Section 110 UNSAFE BUILDINGS is amended as follows:**

**110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe. ~~Actions to correct hazards and other deficiencies shall be according to ORS 479.160, 479.170 and 479.195. See the procedures specified in OAR 837-041-0050.~~

**10. Section 111 STOP WORK ORDER is amended as follows:**

**111.1 (Not adopted) Order.** Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

~~**111.1.1 Order.** Stop orders shall be administered through the provisions of ORS 479.170.~~

**111.2 (Not adopted) Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

**111.3 (Not adopted) Emergencies.** Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

**111.4 (Not adopted) Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ in violation of this code. See ORS 478.990 and 198.600.

11. Section 202 GENERAL DEFINITIONS is amended as follows:

**AUTHORITY HAVING JURISDICTION.** When used in this Code or other referenced or recognized standards used to enforce this code, it shall mean the fire code official.

**DISTRICT.** Clackamas County Fire District #1.

**DISTRICT BOARD.** The Board of Directors of the District.

**FIRE CHIEF.** ~~Is the State Fire Marshal, Deputy State Fire Marshal, or the chief officer of the fire department serving the jurisdiction.~~ The Fire Chief of the District or a duly authorized representative.

**FIRE CODE OFFICIAL.** ~~The fire chief Fire Chief or other the Fire Chief's designated authority charged with the administration and enforcement of the code, or a duly authorized representative of the District.~~

**FIRE DEPARTMENT.** Clackamas County Fire District #1.

12. Section 505 PREMISES IDENTIFICATION is amended as follows:

**505.1 Address identification.** 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 numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Buildings with multiple tenants shall have building numbers or approved building identification placed on non property fronting doors as required.

13. Section 507 FIRE PROTECTION WATER SUPPLIES is amended as follows:

**507.2 Type of water supply.** A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains, or other fixed systems capable of providing the required fire flow. New water mains installed to serve residential subdivisions shall be a minimum of six-inch nominal inside diameter. New water mains installed to serve all other occupancies shall be a minimum of eight-inch nominal inside diameter unless otherwise approved by the fire code official.

**507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a



hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exceptions:**

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m). This distance may be increased by the fire code official when such occupancies are provided with an approved automatic sprinkler system, or when the fire code official approves an alternate means of water supply.
2. For buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m). In rural areas, this distance may be increased when the fire code official approves an alternate means of water supply.

14. Appendix B title is amended as follows:

**FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

~~The provisions contained in this appendix are adopted by the State of Oregon~~

15. Appendix B, Section B101 GENERAL is amended as follows:

Section B101.2 Existing conditions is added as follows:

**B101.2 Existing conditions.** The fire code official is authorized to utilize approved field or computer model generated fire-flows provided by the water purveyor or other qualified individuals when assessing available water supplies. Before approving fire-flows for new buildings or subdivisions the fire code official is authorized to consider the impact of new domestic demand on available fire-flows for existing buildings. The fire code official is authorized to consider the potential impact on the Insurance Services Office (ISO) rating for the District when approving any proposed water supply that deviates from fire-flow requirements in Section B105.

16. Appendix B, Section B102 DEFINITIONS is deleted in its entirety and replaced with the following:

**Appendix B, Section B102 DEFINITIONS**

**B102.1 Definitions.** For the purpose of this appendix, certain terms are defined as follows:

**FIRE-FLOW.** The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for fire fighting.

**FIRE-FLOW CALCULATION AREA.** The floor area, in square feet (m<sup>2</sup>), used to determine the required fire flow.

17. **Appendix B, Section B103 MODIFICATIONS** is deleted in its entirety and replaced with the following:

**Appendix B, Section B103 MODIFICATIONS**

**B103.1 Decreases.** The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

**B103.2 Increases.** The fire code official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

**B103.3 Areas without water supply systems.** For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize the *ISO Guide for Determining Needed Fire Flow, 2008 Edition*. The installation of an approved automatic sprinkler system shall be regarded as a priority substitute for water supplies.

18. **Appendix B, Section B105 FIRE-FLOW REQUIREMENTS FOR BUILDINGS IN PROTECTED AREAS WITH ADEQUATE AND RELIABLE WATER SYSTEMS** is deleted in its entirety and replaced with the following:

**Appendix B, Section B105 FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

**B105.1 One- and two-family dwellings.** The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m<sup>2</sup>) shall not be less than that specified in Table B105.1. A 25 percent reduction in the Table B105.1 fire-flow is permitted under this section.

**Exception:** A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

**B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.**

**Exception: A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the Oregon Fire Code. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 l/min) for the prescribed duration as specified in Table B105.1. The resulting fire-flow may be further reduced by the fire code official where modifications are approved using Sections B103.1 or B103.3.**

**19. Appendix B, Section B106 LIMITING FIRE-FLOW REQUIREMENTS FOR BUILDINGS IN PROTECTED AREAS WITH ADEQUATE AND RELIABLE WATER SYSTEMS is deleted in its entirety.**

**20. Appendix B, Section B107 FIRE-FLOW REQUIREMENTS FOR BUILDINGS IN PROTECTED AREAS WITHOUT ADEQUATE AND RELIABLE WATER SYSTEMS is deleted in its entirety.**

1. **Appendix C title is amended as follows:**

**FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

~~*The provisions contained in this appendix are adopted by the State of Oregon*~~

2. **Appendix C, Section C103 NUMBER OF FIRE HYDRANTS is amended as follows:**

**Section C103.1 Fire hydrants available.** The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1, using the Appendix B fire-flow requirement determined prior to any reduction for automatic fire sprinklers. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

**Exception: The fire code official may reduce the number of fire hydrants and increase Table C105.1 required spacing for buildings protected throughout by an approved automatic fire sprinkler system.**

3. **Appendix D title is amended as follows:**

**FIRE APPARATUS ACCESS ROADS**

~~The provisions contained in this appendix are adopted by the State of Oregon~~

4. **Appendix D, Section C102 REQUIRED ACCESS** is amended as follows:

**Section D103.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 ~~60,000~~ pounds (34,090 kg) ~~(27,240 kg)~~.

**SECTION 4. ENFORCEMENT OF THE FIRE CODE**

- (a) The Board authorizes the Fire Chief to conduct a fire prevention program that pursues a reasonable level of fire and life safety throughout the District. The Fire Chief is further authorized to determine the scope of all fire prevention activities conducted by the District in consideration of the overall financial health of the District.
- (b) The Fire Chief is authorized to designate a Fire Marshal, Deputy Fire Marshals, Fire Inspectors, and other representatives for the purpose of implementation, administration and enforcement of the Fire Code. Authority to enter buildings and premises for the purpose of inspection is provided under this Fire Code and ORS 478.920, and 476.070.
- (c) The Fire Code Official is authorized to issue citations for violations of this ordinance as permitted by law.
- (d) In accordance with ORS 478.927, the Fire Chief shall ensure that plan review is provided at the agency of the city or county responsible for the issuance of building permits for the orderly administration of that portion of the Fire Code that requires approval prior to the issuance of building permits. Plan review and inspection of construction and operations not subject to building permit, but regulated by the Fire Code, as herein adopted, shall be under the direction of the Fire Chief.

**SECTION 5. APPEALS**

Whenever the Fire Code Official disapproves an application or refuses 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 interpreted, the applicant or aggrieved party may appeal the decision of the Fire Code Official to an appeals board appointed by the District Board. An appeal must be submitted to the Fire Code Official in writing within 30 days from the date of the decision appealed.

**SECTION 6. PENALTIES**

- (a) This Fire Code is adopted pursuant to ORS 478.910 under procedures prescribed in ORS 198.510 to 198.600. Unless other penalties for specific violations are provided for by law,

violations of the provisions of this Code are subject to the applicable penalties prescribed under ORS 478.990.

- (b) Obstructing or interfering with the duties of a Fire Code Official is a Class A misdemeanor under ORS 162.235 and 162.257. The Fire Chief is authorized to seek prosecution for such offences.
- (c) Burning without a permit required under ORS 478.960 (1) or in violation of a condition thereof is subject to the penalties prescribed in ORS 478.990. Violation of ORS 478.960 (4) is subject to the penalties prescribed in ORS 478.990. In accordance with ORS 478.965, the Fire Chief is authorized to pursue the recovery of costs incurred in connection with the extinguishment or control of a fire that has been started or allowed to spread in willful violation of ORS 478.960 (1) to (5).
- (d) Violation of this ordinance, unless otherwise provided for under ORS 478.965 or 478.990, is subject to prosecution under, and penalties described in, ORS 198.600.

#### **SECTION 7. SEVERABILITY AND VALIDITY**

If any section, subsection, sentence, clause or phrase of this ordinance or herein referenced codes or standards is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares that it would have passed all other portions of this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional.

#### **SECTION 8. CONFLICTING ORDINANCES OR RESOLUTIONS**

Ordinance No. 07-02 and all previously adopted ordinances, resolutions or parts thereof in conflict herewith, to the extent of such conflict and not further, are hereby repealed. Provisions of this ordinance, insofar as they are substantially the same as existing ordinances or resolutions, shall be construed as restatements and continuations and not as new enactments. However, until such time as a city or county within the District approves the provisions of this Fire Code pursuant to ORS 478.924, all former ordinances or parts thereof, shall continue in effect.

#### **SECTION 9. DATE OF EFFECT**

This Ordinance shall be effective the 30<sup>th</sup> day following its second reading and adoption by majority vote of the Board of Directors pursuant to ORS 198.550(1) and (2). This Fire Code shall apply within each city and county within the District when approved pursuant to ORS 478.924.

This Ordinance was read during a regular meeting of the Board of Directors on the 20<sup>th</sup> day of December, 2010. This Ordinance was re-read during a regular meeting of the Board of Directors on the 24 day of January, 2011 and adopted by the affirmative vote of a majority of the Board of Directors of Clackamas County Fire District #1.

ATTEST:

  
Secretary

BY:

  
Chairman