

ORDINANCE 04-01

ANALYSIS OF REVISIONS

Tualatin Valley Fire & Rescue is an Exempt Jurisdiction. Exempt status indicates that a governmental subdivision, such as TVF&R, has enacted adequate regulations generally conforming to state and national standards concerning fire prevention, fire safety measures and building construction requirements for safety, and also provides reasonable enforcement of its regulations. Because TVF&R meets these requirements, the State Fire Marshal has exempted the District subject to such regulations from the statutes, rules and regulations administered by the State Fire Marshal.

Basically this means that TVF&R has resources adequate to provide an equivalent level of fire prevention services that the State Fire Marshal's Office would otherwise provide if TVF&R did not exist.

This analysis is created in order to explain the provisions included in the adoption of the District's Fire Prevention Ordinance.

SECTION I - ADOPTION OF OREGON FIRE CODE

This section adopts the most current edition of the Oregon Fire Code which is based on the 2003 Edition of the International Fire Code. The International Fire Code is revised and reprinted on a three year cycle by the International Code Council. It is then amended by the Oregon State Fire Marshal's Office and given the title of Oregon Fire Code. The state adopted Oregon Fire Code is then further amended by TVF&R and becomes, in this case, Ordinance 04-01. An exempt jurisdiction such as TVF&R is allowed to adopt codes that are more restrictive than the state adopted codes, but in no case may they be less restrictive.

SECTION II – ENFORCEMENT OF CODE

This section was added to the existing Ordinance 99-01 to address the growing concern as it relates to liability with regard to enforcement of the Fire Code. This paragraph, written by the attorney representing the District, is designed to provide discretionary power for those individuals charged with enforcement of the Fire Code. The District can only provide a certain level of service with its current staffing and funding, this section addresses that issue. The intent of the District is to provide the highest level of service with the resources available; however, this requires prioritization of some functions. This new section is intended to relieve the District of the liability of those functions that cannot be reasonably accomplished.

SECTION III - AMENDMENTS TO THE UNIFORM FIRE CODE

- Item 1** – A cite to ORS 478.910 is added to clarify where the District obtains its authority to adopt a fire prevention code.
- Item 2** - The Oregon Fire Code calls out certain statutes and regulations that a fire department or district is authorized to enforce. RFPD's such as TVF&R are formed by authority of Oregon Revised Statute Chapter 478. The amendment to this section references additional provisions that an RFPD may regulate as authorized by ORS 478.910 above and beyond those listed in the model Fire Code.
- Item 3** – Appendix B establishes required fire flow for buildings. IFC fire flow requirements are nonspecific in order to accommodate a broad range of fire departments and fire districts. The amendments to Section B105 serve to expand on model code language by designating fire flow requirements for the District. These requirements are based on calculated fire flows necessary to suppress a fire in any given structure. The District Board determines the level of fire protection taxpayer funding can provide and any requirements beyond that level must be provided by the developer in the form of built-in fire protections systems or etc.

This section deviates from the state adopted code in that it limits all structures within the jurisdiction to a maximum required fire flow of 3,000 gpm. This provision is found in our currently adopted ordinance.

SECTION IV - PENALTIES

This section describes the penalties for failure to comply with the provisions of the Ordinance, as authorized by Oregon Revised Statute.

SECTION V - FIRE CODE BOARD OF APPEALS

One of the required elements for exempt status is to provide a board of appeals. This board is established in order to address any application for adjustment or variance to the provisions of the Ordinance on a case by case basis.

SECTION VI - REPEAL OF CONFLICTING ORDINANCES

This section repeals all former Ordinances, or parts thereof, which are conflicting or inconsistent with the provisions of Ordinance 04-01 or of the code or standards adopted.

SECTION VII - VALIDITY

This section validates the remainder of the ordinance in the event any portion is deemed invalid.