

Fire Code Ordinance 07-01 Q&A

Q: Why do we need to adopt a new fire code ordinance, what's wrong with the existing one?

A: Nothing is wrong, per say, with our current fire code ordinance. The International Code Council develops and publishes a new edition of the International Fire Code every three years. The Oregon Office of State Fire Marshal subsequently adopts a new fire code for the State of Oregon on the same three year cycle, in this case effective April 1, 2007. In order to maintain our exempt jurisdiction status, we are required by OAR 837-039-0015 to adopt regulations that are consistent with minimum state fire code standards.

Q: What is "Exempt Status?"

A: TVF&R is an Exempt jurisdiction as per OAR 837, Division 39. This means that in the opinion of the State Fire Marshal, we have enacted adequate regulations generally conforming to state and national standards concerning fire prevention, fire safety measures and building construction requirements for safety, and we provide reasonable enforcement of those regulations.

The significant benefit to being an exempt jurisdiction is the power to adopt and administer a local fire code appeals process. Administering our own local board of appeals precludes an appellant from seeking a second opinion from the Office of State Fire Marshal if they are dissatisfied with the outcome of an appeal. In non-exempt jurisdictions, an appellant can bypass a local appeals process and appeal directly to the Office of State Fire Marshal. Appellants not satisfied with the local appeals process administered by an exempt jurisdiction must seek further remedy through civil court proceedings. There are currently nine exempt jurisdictions in Oregon.

Q: Why do we have to adopt a fire code ordinance at all?

A: The simple answer is "We don't." Nothing in OAR 837, Division 39 requires a local governmental subdivision to adopt a fire code. If we choose not to adopt a local fire code ordinance, we can still be exempt, but lose our power to administer a local fire code appeals process. If we chose not to adopt a local fire code ordinance, the 2007 Oregon Fire Code, as adopted by the Office of State Fire Marshal would apply in TVF&R's jurisdiction by default.

Q: Why don't we have any local TVF&R amendments?

A: The trend, based on a Governor's mandate, over the past few code adoption cycles has been to reduce state and local amendments in the interest of consistency and uniformity. Since 1999, the TVF&R Fire Marshal's Office has worked diligently to reduce the number of local amendments. Ordinance 99-01 had 78 TVF&R amendments to the state fire code; Ordinance 04-01 had three TVF&R amendments to the state fire code. The proposal you have in front of you, Ordinance 07-01, contains zero TVF&R amendments to the state fire code.

Along with the trend to reduce amendments has been the use of local policies that clarify the code with regard to TVF&R's specific needs. These policies are developed through a collaborative effort with 16 other metro area jurisdictions in order to promote uniformity of application. The Metro Fire Code Policy Guide is currently being used in over 60 jurisdictions statewide.

Q: Wouldn't it be easier to adopt our fire code by resolution?

A: Yes, it would. However, ORS 478.910 requires a district board to adopt their fire prevention code in accordance with ORS 198.510 to 198.600. The ORS 198 provisions require adoption by ordinance and require two separate readings for other than emergency adoptions. Following adoption by TVF&R's Board, ORS 478.924 further mandates the provisions of a fire prevention code adopted by a district shall not apply within any city or county within the district unless the governing body of the city or county approves the fire code by resolution.