

ORDINANCE NO. 1790

(An ordinance amending Chapter 15.40 of the Hood River Municipal Code
Fire Prevention Code)

WHEREAS, the City is updating its code to provide continuity and consistency and compliance with state law;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 15.40 of the Hood River Municipal Code is amended to read as follows:

CHAPTER 15.40 – FIRE PREVENTION CODE

Sections:

- 15.40.010 Adoption of the Uniform Fire Code.
- 15.40.020 Establishment and duties of bureau of fire prevention.
- 15.40.030 Definitions.
- ~~15.40.040 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is to be prohibited.~~
- ~~15.40.050 Establishment of limits to which bulk storage of liquefied petroleum gases are to be restricted.~~
- ~~15.40.060 Establishment of limits to which bulk storage of liquefied petroleum gases is to be prohibited.~~
- ~~15.40.070 Modification.~~
- 15.40.040080 Appeals.
- 15.40.050090 New materials, processes or occupancies which may require permits.
- 15.40.060100 Recovery of costs of suppressing fire.
- 15.40.070110 Penalties- Removal of prohibited condition.

~~15.40.010 Adoption of the Oregon Uniform Fire Code. The most recent edition of the Uniform Fire Code, including all appendices as adopted by the State of Oregon, together with all future amendments and additions thereto, shall be and the same is adopted as the Uniform Fire Code of the City of Hood River, prescribing regulations, governing conditions hazardous to life and property from fire or explosions, establishing a bureau of fire prevention and providing officers therefor and defining their powers and duties; and each and all of the regulations, provisions, penalties and conditions and terms of the most recent edition of the Uniform Fire Code, including all appendices, save as are hereafter in this chapter amended, are referred to;~~

~~adopted and made a part hereof as if fully set out in this chapter~~ For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, and except as otherwise provided in this Chapter, the *Oregon Uniform Fire Code*, including all Appendices as adopted by the State of Oregon, together with Appendix Chapters I-E, I-F, II-A, II-C, III-B, III-E, IV-B, and V-B, published by the International Fire Code Institute (together referred to in this Chapter as the "Code") are adopted and incorporated as fully as if set out in full. The applicable version of the Code shall be set by resolution of the Council. (Ord. 1756, 1998; Ord. 1626 §1, 1990; Ord. 1574 51, 1986; Ord. 1548 §1, 1984; Ord. 1474 §1, 1980).

15.40.020 Establishment and duties of Fire Marshal. A. ~~the Uniform Fire Code shall be enforced by the bureau of fire prevention of the city which is established and which shall be operated under the supervision of the chief administrative officer of the fire department. The City Manager, with approval of the Council, shall appoint a Fire Marshal to enforce the Code.~~

B. ~~The fire marshal in charge of the bureau of fire prevention shall be appointed by the city manager with approval of the city council.~~

~~C.~~ The Fire Marshal, with prior approval of the Chief of the City's fire department, prevention bureau may detail such members of the fire department as inspectors to assist the Fire Marshal as shall from time to time be necessary. (Ord. 1626 §2, 1990; Ord. 1574 §2, 1986; Ord. 1474 §2, 1980).

15.40.030 Definitions. As used in the Code, the following words shall have the following meanings:

A. ~~whenever the word "Jurisdiction" is used in the Uniform Fire Code it shall be held to mean the Ceity of Hood River.~~

B. ~~whenever the words "Corporation counsel" is used in the Uniform Fire Code they shall be held to mean the City Attorney for the city of Hood River.~~

C. ~~Whenever the words "Chief of the bureau of fire prevention" are used in Oregon Uniform Fire Code, they shall be held to mean the Fire marshall Marshal of the Ccity of Hood River. And the words "fire marshall" herein refers to the fire marshall of the city of Hood River.~~ (Ord. 1474 §3, 1980).

~~15.40.040 Establishments of limits of districts in which storage of flammable or combustible liquids in outside above ground tanks is to be prohibited. The limits referred to in Section 79.501 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are established as follows: the area described and set forth as zoned for residential occupancies and commercial within the city of Hood River as established by ordinance now or hereafter put into effect.~~

~~— B. The limits referred to in Sections 79.501 and 79.1401 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are established as follows: the area described and set forth as zoned for residential occupancies and commercial, within the city of Hood River as established by ordinance now or hereafter put into effect. (Ord. 1548 §2, 1984; Ord. 1474 §4, 1980).~~

~~— 15.40.050 The limits referred to in Section 82.105 (a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: the area described and set forth as zoned for residential occupancies and commercial within the city of Hood River as established by ordinance now or hereafter put into effect. (Ord. 1474 §5, 1980).~~

~~— 15.40.060 The limits referred to in Sections 82.101 and 82.105 (a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: the area described and set forth as zoned for residential occupancies and commercial within the city of Hood River as established by ordinance now or hereafter put into effect.~~

~~— 15.40.070 Modification. The fire marshal may modify any of the provisions of the Uniform Fire Code upon application when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such a modification when granted or allowed and the decision of the fire marshall thereon shall be entered upon the records of the department and a signed copy shall be available to applicant. (Ord. 1474 57, 1980).~~

15.40.040080 Appeals. Whenever the ~~F~~fire marshall Marshal shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply, or that the code has been wrongly interpreted, ~~or that modification of any provision of the code by the fire marshall is improper,~~ the applicant may appeal from the decision of the ~~F~~fire marshall Marshal to the City Council of the City within thirty days from the decision. (Ord. 1474 §8, 1980).

15.40.050090 New materials, processes or occupancies which may require permits. The City Council may, by resolution, The City of Hood River manager, the fire chief, building officials and fire marshall marshal shall act as a committee to determine and specify, after giving persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the said Code. The fire marshall may file with the city recorder a list of approved new materials, processes or occupancies. Said A list of all materials, processes and occupancies requiring permits and that are not specified in the Code shall be posted in a conspicuous place at the fire department and made available to interested persons in accordance with the City's public records policy. (Ord. 1474 §9, 1980).

15.40.060100 Recovery of costs of suppressing fire. If city fire fighting personnel are required to respond to a condition of smoke or fire, whether they engage in fire fighting or not, if the smoke or fire is the result of a person violating the ~~Uniform Fire Code and appendices which have been adopted by the city~~, is the result of a person intentionally burning material in a reckless manner, or is the result of a person disobeying a permit issued by the ~~fire marshal~~ Marshal, such person or persons responsible for the violation shall be liable to the City for the reasonable costs of the fire fighting personnel and use of the equipment involved. If the city of Hood River files a civil action to collect costs as a result of a violation as described in this section in addition to recovery costs, the City shall be entitled to recover a reasonable amount to be fixed by the arbitrator, a trial court or appellate court as the City's attorney fees. (Ord. 1548 §4, 1984: Ord. 1474 §11, 1980).


15.40.070 Penalties – Removal of Prohibited Condition.

A. Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be considered to have committed an offense and be subject to punishment as set forth in the City's general penalties ordinance, Chapter 1.12. Each day that a violation occurs or is permitted to exist shall constitute a separate offense. (Ord. 1474 §12, 1980).

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Read for the first time: Feb 14, 2000.

Read for the second time and passed: Feb 28, 2000, to become effective thirty (30) days hence.



Paul G. Cummings, Mayor

ATTEST:



Anita R. Smith, City Recorder