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BY QC ✓ CODIFIED
Date 10/19/06

ORDINANCE NO. 1905

(An ordinance amending chapters 15.40 and 15.42 of the Hood River Municipal Code)

WHEREAS, Chapter 15.40 is the City's Fire Prevention Code and adopts the Oregon Uniform Fire Code for application in the City;

WHEREAS, the State of Oregon has replaced the Oregon Uniform Fire Code with the Oregon Fire Code;

WHEREAS, Chapter 15.42 is the City's Urban-Wildland Interface Code and adopts the Urban-Wildland Interface Code published by the International Fire Code Institute;

WHEREAS, the Urban-Wildland Interface Code has been replaced by the International Urban Wildland Interface Code;

WHEREAS, it is necessary to amend Chapters 15.40 and 15.42 to reflect these changes;

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

Chapters 15.40 and 15.42 of the Hood River Municipal Code are amended to read as follows:
(additions shown in underline; deletions shown in strikeout)

CHAPTER 15.40 – FIRE PREVENTION CODE

Sections:

- 15.40.010 Adoption of the ~~Uniform Fire Code~~– Oregon Fire Code
- 15.40.020 Establishment and duties of bureau of fire prevention
- ~~15.40.030 Definitions~~
- 15.40.030 Appeals
- 15.40.040 New materials, processes or occupancies which may require permits
- 15.40.050 Recovery of costs of suppressing fire

15.40.060 Penalties

~~15.40.010 Adoption of the Oregon Uniform Fire Code 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 amendments as adopted and amended 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 is 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. Adoption of the Oregon Fire Code. For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, and except as otherwise provided in this Chapter, the International Fire Code, as published and copyrighted by International Fire Code Council and as amended and adopted by the Oregon State Fire Marshal's Office, known as The Oregon Fire Code, is adopted and incorporated as if fully set out in this code. The applicable version of the Oregon Fire Code shall be set by resolution of the Council.~~

15.40.020 Establishment and duties of Fire Marshal. Fire Code Official.

A. The City Manager shall appoint a Fire Marshal Fire Code Official to administer and enforce the Code.

B. The Fire Marshal, Fire Code Official, with prior approval of the Chief of the City's Fire Department, may detail such members of the fire department as inspectors to assist the Fire Marshal Fire Code Official as shall from time to time be necessary.

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

~~"Chief of the bureau of fire prevention" shall mean the Fire Marshal of the City.~~

~~"Corporation counsel" shall mean the City Attorney.~~

~~—————"Jurisdiction" shall mean the City.~~

15.40.030 Appeals. Appeals of the decisions of the Fire Code Official may be made in accordance with ORS 479.180. ~~Whenever the Fire Marshal shall 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 has been wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the City Council of the City within thirty days from the decision.—~~

15.40.040 New materials, processes or occupancies which may require permits. The City Council may, by resolution specify any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Code. A list of all materials, processes and occupancies requiring permits 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.

15.40.050 Recovery of costs of suppressing fire.

A. If City fire fighting personnel respond to protect covered property from a covered cause of loss, the property owner shall reimburse the City for the reasonable costs of response, up to the amount allowed under the policy of insurance.

B. Paragraph A notwithstanding, if City fire fighting personnel 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 Code, is result of a person intentionally burning material in a reckless manner, or is responsible 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 a trial court or appellate court as attorney fees.

15.40.060 Penalties.

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.

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

CHAPTER 15.42 – ~~URBAN WILDLAND INTERFACE CODE~~ — INTERNATIONAL URBAN WILDLAND INTERFACE CODE

Sections:

15.42.010 ~~Adoption of the Urban Wildland Interface Code~~ — International Urban Wildland Interface Code

15.42.020 Establishment and Duties of Code Official

~~15.42.030 Definitions~~

15.42.035 Amendments to the ~~Urban-Wildland Interface Code~~ International Urban Wildland Interface Code

15.42.040 Appeals

15.42.050 New materials, processes or occupancies which may require permits

15.42.060 Recovery of costs of suppressing fire

15.42.070 Penalties

15.42.080 Conflicting Codes and Ordinances

15.42.090 Severability

15.42.100 Establishment of Urban-Wildland Interface Areas

15.42.010 Adoption of the International Urban-Wildland Interface Code. For the purpose of prescribing regulations governing conditions hazardous to life and property from intrusion of fire from wildland fire exposures, fire exposures from adjacent structures, and prevention of structure fires from spreading to wildland fuels, the International Urban-Wildland Interface Code, together with Appendix ~~I-A~~, A, General Requirements and Appendix ~~I-B~~ B, Vegetation Management Plan, published by the International Fire Code Institute (referred to in this Chapter as the "Code"), is adopted and incorporated as fully as if set out in full, except as may otherwise be provided by this Chapter. The applicable version of the Code shall be set by resolution of the Council.

15.42.020 Establishment and duties of Code Official. The Code shall be enforced by the designated Code Official. Under Chapter Five (5) of the Code, the designated Code Official shall be the City Building Official; under all other chapters of the Code, the designated Code Official shall be the City Fire Marshal.

~~15.42.030 Definitions.~~ As used in the Code, the following words shall have the following meanings:

~~—A. "Chief of the bureau of fire prevention" shall mean the Fire Marshal.~~

~~—B. "Corporation Counsel" shall mean the City Attorney.~~

~~—C. "Jurisdiction" shall mean the City.~~

~~—D. "Urban-Wildland Interface Area" is that geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels, and as established pursuant to this Chapter.~~

~~—E. "Wildland" shall mean an area in which development is essentially nonexistent, except for roads, railroads, power lines, and similar facilities.~~

15.42.035 Amendments to the Code. The Code is amended as follows: Section 105 – Permits is deleted.

15.42.040 Appeals. Whenever the ~~Fire Marshal~~ Code Official requires a permit and the applicant does not agree that a permit is required under the Code, or whenever the ~~Fire Marshal~~ Code Official denies an application for a permit, the applicant may appeal the written decision of the ~~Fire Marshal~~ Code Official to the City Council within thirty days from the date of the decision.

15.42.050 New materials, processes or occupancies which may require permits. The City Council may, by resolution, specify any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Code. A list of all materials, processes and occupancies requiring permits that are not specified in the Code shall be posted in a conspicuous place at the City fire department and made available to interested persons in accordance with the City's public records policy.

15.42.060 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 Code, 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, the person 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 files an action to recover costs incurred under this section, in addition to recovery of costs, the City shall be entitled to recover its reasonable attorney fees.

15.42.070 Penalties. Violation of this Chapter shall be considered a violation and shall be punishable by a fine set by City Council Resolution. Any act prohibited by this Chapter shall be considered a nuisance subject to immediate and summary abatement by fire or police personnel. Costs of abatement shall be assessed against any person who violates the provisions of this Chapter and shall be imposed in addition to any fine. If the City files an action to recover costs incurred under this section, in addition to recovery of costs, the City shall be entitled to recover its reasonable attorney fees.

15.42.080 Conflicting Codes and Ordinances. In the event of a conflict between the provisions of this Chapter and the Code adopted under this Chapter, with any other provisions of the Hood River Municipal Code or the codes adopted thereunder, the more restrictive provision shall apply.

15.42.090 Establishment of Urban-Wildland Interface Areas. The Urban-Wildland Interface area shall be depicted on a map of the City and Urban Growth Area and described by written description. The map and written description shall be adopted by resolution of the Council. The boundaries of the Urban-Wildland Interface Area may be natural or man-made features.

Property located in the Urban Growth Area and Urban-Wildland Interface area shall become subject to the provisions of this chapter upon annexation.

Read for the first time: July 24, 2006.

Read for the second time and passed: August 17, 2006, to become effective thirty (30) days hence.

Signed August 30, 2006.


Linda Streich, Mayor

ATTEST:


Jill Rommel, City Recorder