

**IN THE CITY COUNCIL  
FOR THE CITY OF HOOD RIVER, OREGON**

**ORDINANCE NO. 2079**

**An Ordinance repealing and replacing in its entirety Title 15 (Buildings and Construction) Chapter 15.40 (Fire Prevention Code), Section 15.40.010 (Adoption of the Oregon fire code), of the Hood River Municipal Code, to authorize the Oregon State Fire Marshal to assist and coordinate with the City's Fire Chief and Fire Department and Declaring an Emergency**

The Hood River City Council finds as follows:

**WHEREAS**, the City previously adopted and incorporated by reference the Oregon Fire Code in Hood River Municipal Code (HRMC) Chapter 15.40 (Fire Prevention Code) to authorize the City's Fire Chief and Fire Department to administer, enforce and apply the Oregon Fire Code throughout the City; and

**WHEREAS**, it assumed at the time of adoption that the City was required to adopt the Oregon Fire Code; whereas, in fact, the State Fire Code applies throughout Oregon by operation of state law and need not be specially adopted for it to apply; and

**WHEREAS**, while the City's Fire Department personnel are well-trained and certified in many aspects of fire prevention, fire safety measures and building construction requirements for safety under the State Fire Code, Hood River still occasionally requires the assistance of the State Fire Marshal's Office for many specialized areas outside of the training or certifications of the City's Fire Department personnel; and

**WHEREAS**, if a local government enacts the State Fire Code by reference or adopts its own fire code, it runs the risk under ORS 476.030(3) that it may be exempt from the involvement and assistance by the State Fire Marshal's Office; and

**WHEREAS**, adopting the Oregon Fire Code, therefore, requires a jurisdiction to have personnel with the full spectrum of training, education, and certification, which is currently beyond the scope and level of expertise of Hood River's Fire Chief and Fire Department; and

**WHEREAS**, the Oregon State Fire Marshal's Office recently advised the City to repeal its adoption of the Oregon Fire Code to make clear that the City is eligible for assistance from the State Fire Marshal in those specialized areas where the City requires assistance or back-up, and

**WHEREAS**, the City's Fire Chief and Fire Department personnel have always and will continue to provide primary fire prevention, fire safety and fire suppression throughout the City, but have and continue to require occasional back-up and assistance from the State Fire Marshal in the enforcement and administration of the Oregon Fire Code; and

**WHEREAS**, the City Council scheduled such an amendment to HRMC 15.40 for consideration at its regular meeting of September 25, 2023, at which time the Council accepted all manner of testimony and public comment on the proposal.

**NOW, THEREFORE**, based on the foregoing findings, which are incorporated herein by this reference, the Hood River City Council Ordains as follows:

**Section 1 – Repeal.** Title 1 (Buildings and Construction) Chapter 15.40 (Fire Prevention Code), Section 15.40.010 (Adoption of the Oregon fire code), of the Hood River Municipal Code is hereby repealed in its entirety.

**Section 2 – Adoption.** The following is hereby adopted as Title 1 (Buildings and Construction) Chapter 15.40 (Fire Prevention Code), Section 15.40.010 (Authority of the State Fire Marshal), of the Hood River Municipal Code.

15.40.010 Authority of the State Fire Marshal to Assist City Fire Department.  
Except as otherwise provided in this Chapter, Hood River hereby authorizes the Oregon State Fire Marshal to provide assistance to the City’s Fire Department in those areas where the State Fire Marshal’s Office has particular expertise and where the City’s fire personnel require assistance or back-up. In those instances, the Hood River Fire Chief and Fire Department shall coordinate with and assist as authorized the State Fire Marshal. In areas within its expertise and training, the City’s Fire Department shall take primary responsibility for fire prevention, fire safety and fire suppression throughout the City. References in this Chapter to “Fire Code” and “Code” mean particular city-adopted fire regulations, but not the Oregon Fire Code. The City Council may from time to time adopt and amend by resolution or ordinance specific fire prevention codes and regulations to be administered, enforced and applied by the Hood River Fire Chief and Fire Department.

**Section 3 – Emergency Declaration.** This Ordinance and the amendments to the Hood River Municipal Code it enacts are necessary for the immediate protection of the public health, safety and welfare due to the extreme heat and fire conditions that will arise this summer and fall. There exists an imminent need to provide clarity and express authority for the administration and enforcement of the state-adopted fire regulations by the Oregon State Fire Marshal’s Office and assistance by the City’s Fire Department. For this reason, this Ordinance shall take immediate effect upon its second reading.

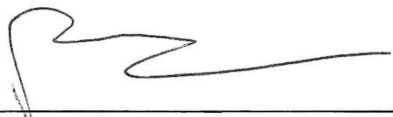
**Section 4 – Severability.** If any portion of this ordinance or the amendment to HRMC Chapter 15.40 adopted herein is determined to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance or the remaining chapters and provisions of the HRMC.

**Read for the First Time** on September 25, 2023.

**Read for the Second Time** and approved on October 10, 2023.

This Ordinance shall take effect immediately upon second reading.

AYES: 6  
NAYS: 0  
ABSTAIN: 0  
ABSENT: 1

  
\_\_\_\_\_  
Paul Blackburn, Mayor

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ATTEST:

Approved as to form:

  
\_\_\_\_\_  
Jennifer Gray, City Recorder

Dan Kearns  
\_\_\_\_\_  
Daniel Kearns, City Attorney

### EXHIBIT A

Language to be deleted in ~~strike-through~~, new language to be added underlined

~~15.40.010 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.~~

15.40.010 Authority of the State Fire Marshal to Assist City Fire Department.

Except as otherwise provided in this Chapter, Hood River hereby authorizes the Oregon State Fire Marshal to provide assistance to the City's Fire Department in those areas where the State Fire Marshal's Office has particular expertise and where the City's fire personnel require assistance or back-up. In those instances, the Hood River Fire Chief and Fire Department shall coordinate with and assist as authorized the State Fire Marshal. In areas within its expertise and training, the City's Fire Department shall take primary responsibility for fire prevention, fire safety and fire suppression throughout the City. References in this Chapter to "Fire Code" and "Code" mean particular city-adopted fire regulations, but not the Oregon Fire Code. The City Council may from time to time adopt and amend by resolution or ordinance specific fire prevention codes and regulations to be administered, enforced and applied by the Hood River Fire Chief and Fire Department.