

## ORDINANCE NO. 10-01

AN ORDINANCE ADOPTING THE NEW 2010 OREGON FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION.

THE DESCHUTES COUNTY RURAL FIRE PROTECTION DISTRICT #2 DOES ORDAIN AS FOLLOWS:

### Section 1. ADOPTION OF 2010 OREGON FIRE CODE.

There is hereby adopted by the Deschutes County Rural Fire Protection District #2 for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the 2010 *Oregon Fire Code*, including Appendices B, C, D, J, K, L, and M.

### Section 2. DEFINITIONS

2.1 Wherever the word "jurisdiction" is used in the 2010 *Oregon Fire Code*, it is Deschutes County Rural Fire Protection District #2, Oregon.

2.2 Where the party responsible for enforcement of the 2010 *Oregon Fire Code* is given the title of "fire code official", the Fire Chief or other designated authority charged with the administration and enforcement of the code, or duly authorized representative.

### Section 3. DIVISION OF FIRE PREVENTION

3.1 GENERAL. The division of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this ordinance.

3.2 DEPUTIES. In accordance with prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

3.3 LIABILITY. The fire code official, officer or employee charged with the enforcement of this ordinance, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

### Section 4. ESTABLISHMENTS OF LIMITS OF DISTRICTS WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

The limits referred to in Tables 2703.1.1 (1-4) of the 2010 *Oregon Fire Code* in which the storage of flammable or combustible liquids is restricted are hereby established as follows: Within the corporate limits of the Deschutes County Rural Fire Protection District #2. Exception #1 – General Industrial Zones in approved tanks that are not in heavily populated or congested areas. Exception #2 – Light Industrial Zones in an approved tank with an individual capacity of 3,000 gallons and an aggregate capacity of 6,000 gallons on each property. Exception #3 – Combustible liquids in approved tanks not greater than 550 gallons solely used for heating. Exception #4 – Flammable and Combustible liquids in approved tanks solely used for emergency equipment not exceeding the amounts prescribed in Chapter 6 of the 2010 *Oregon Fire Code*. Exception #5 – Flammable and Combustible liquids in approved tanks not exceeding 1,000 gallons in business areas not heavily populated or congested.

Section 5. ESTABLISHMENTS OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS PROHIBITED.

The limits referred to in Section 3804.2 of the *2010 Oregon Fire Code*, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: Within the corporate limits of the Deschutes Rural Fire Protection District #2. Exception #1 - General Industrial Zones not heavily populated or congested.

Section 6. ESTABLISHMENTS OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES IS TO BE PROHIBITED.

Storage of Mass-detonating explosives as defined in Section 3301.8.1.1 of the *2010 Oregon Fire Code* is prohibited within the corporate limits of the Deschutes Rural Fire Protection District #2. Exception #1 - Limited amounts of **Mass-detonating and** Nonmass-detonating explosives as defined in Section 3301.8.1.2 and 3301.8.1.3 of the *2010 Oregon Fire Code* may be allowed in areas that are not heavily populated or congested with approval of the Fire Code Official when stored and used within the scope of nationally recognized standards.

Section 7. ESTABLISHMENTS OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO PROHIBITED.

The limits referred to in Section 3004 of the *2010 Oregon Fire Code*, in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: Within the corporate limits of the Deschutes Rural Fire Protection District #2. Exception #1 - General Industrial Zones not heavily populated or congested.

Section 8. ESTABLISHMENTS OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGEN FLUIDS ARE TO BE PROHIBITED.

The limits referred to in Section 3204 of the *2010 Oregon Fire Code* in which the storage of flammable cryogen fluids in stationary containers is prohibited are hereby established as follows: Within the corporate limits of the Deschutes Rural Fire Protection District #2. Exception #1 - General Industrial Zones not heavily populated or congested.

Section 9. ESTABLISHMENTS OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED.

The limits referred to in Section 2703 of the *2010 Oregon Fire Code*, in which the storage of hazardous materials is prohibited or limited is hereby established as follows: Within the corporate limits of the Deschutes Rural Fire Protection District #2. Exception #1 - Light Industrial and General Industrial Zones not heavily populated or congested. Exception #2 - Limited amounts of hazardous materials may be approved by the Fire Code Official within Commercial areas not heavily populated or congested when stored and used within the scope of nationally recognized standards.

Section 10. AMENDMENTS TO THE 2010 OREGON FIRE CODE.

The *2010 Oregon Fire Code* is amended and changed in the following respects:

- (1) Appendix B Section B104.2 Area Separation. *Portions of buildings which are separated by one or more four-hour area separation walls constructed in accordance with the Oregon Structural Specialty Code, without openings and when required with a 30-inch parapet, are allowed to be considered as separate fire-flow calculation areas.*

Section 11. APPEALS.

Appeals of any decision of the Fire code Official may be appealed by filing a written appeal with the Rural District Board of Directors Chair. The Rural District Board of Directors will decide the appeal based on the written appeal document and any written response from the Fire Code Official. The Rural District Board of Directors Decision may be appealed to the Regional Appeal Advisory Board under ORS 479.180 with in 10 days from the date of the Board of Directors decision.

Section 12. PENALTIES.

12.1 Any person who violates any of the provisions of the 2010 *Oregon Fire Code* as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such order as affirmed and modified by the regional appeals advisory board or by a court of competent jurisdiction, within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of a Class "A" infraction, punishable by a fine of not more than \$(500.00). The imposition of one penalty for any violation shall not excuse the violations or defects within a reasonable time; and not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

12.2 The application of the above penalty is in addition to other remedies available to the Deschutes County Rural Fire Protection District #2 including but not limited to the enforced removal of prohibited conditions.

Section 13. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances of parts thereof conflicting or inconsistent with the provisions of this ordinance or of the 2010 fire code as adopted and amended herein are here by repealed.

Section 14. VALIDITY.

The Deschutes County Rural Fire Protection District #2 hereby declares that should any section, paragraph, sentence or word of this ordinance or of the 2010 *Oregon Fire Code* as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Deschutes county Rural Fire Protection District #2 Board of Directors that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.