



Council Business Meeting

March 19, 2024

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|--------------------|---|--------------|
| Agenda Item | First Reading – Ordinance to AMEND THE ASHLAND FIRE PREVENTION CODE; REPEALING AND REPLACING AMC CHAPTER 15.28 | |
| From | Mark Shay | Fire Marshal |
| Contact | Mark.shay@ashland.or.us , (541) 552-2217 | |
| Item Type | Requested by Council <input type="checkbox"/> Update <input checked="" type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input type="checkbox"/> Consent <input type="checkbox"/> Public Hearing <input type="checkbox"/> New Business <input type="checkbox"/> Old Business <input type="checkbox"/> | |

SUMMARY

On February 21, 2023 the City of Ashland adopted the 2022 Oregon Fire Code and approved the addition of a fulltime Fire Marshal. It is necessary to revise the ordinance adopting the 2022 Oregon Fire Code to adequately reflect the City employing a full time fire code official and the planned frequency of fire safety inspections of regulated occupancies.

POLICIES, PLANS & GOALS SUPPORTED

Analyze City departments / programs to gain efficiencies, reduce costs and improve services.

Support innovative programs that protect the community.

BACKGROUND AND ADDITIONAL INFORMATION

The current fire code through ORS was adopted in February 2023, replacing the 2019 Oregon Fire Code with the 2022 Oregon Fire Code. It is necessary to revise the ordinance adopting the 2022 Oregon Fire Code to adequately reflect the City employing a full time fire code official and the planned frequency of fire safety inspections on regulated occupancies within the boundaries of the City.

- Section 1: No Change
- Section 2: No Change
- Section 3: Added a definition for Fire Prevention Organization
- Section 4: No Change
- Section 5: No Change
- Section 6: Deleted section "S" relating to Mobile and Temporary Cooking Operations, which are now regulated by the Oregon Fire Code section 319 and implied with adoption of the 2022 Oregon Fire Code.
- Section 7: No Change
- Section 8: No Change
- Section 9: No Change
- Section 10: No Change
- Section 11: No Change
- Section 12: No Change
- Section 13: Establishes the Fire Prevention Organization within the fire department in compliance with National Fire Protection Association 1730. The standard on Organization and deployment of Fire Prevention and Code Enforcement, Plan Review, Investigation and Public Education Operations. Sets minimum inspection frequency in conjunction with the occupancy classification.





Council Business Meeting

Section 14: No Change

FISCAL IMPACTS

None

DISCUSSION QUESTIONS

None

SUGGESTED NEXT STEPS

Staff recommends approval of the 1st reading of Ordinance No. 3233 and send the ordinance to a second reading on April 16, 2024.

REFERENCES & ATTACHMENTS

Ordinance Bill No. 3233

1 **ORDINANCE BILL NO. 3233**

2 **AN ORDINANCE TO AMEND THE ASHLAND FIRE PREVENTION CODE;**
3 **REPEALING AND REPLACING AMC CHAPTER 15.28**

4 Annotated to show deletions and additions to the Ashland Municipal Code sections being
5 modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

6
7 **WHEREAS**, the Fire Chief wishes to amend the Ashland Municipal Fire Code to adopt the
8 current 2022 Oregon Fire Code and to allow the addition of an inspection program in compliance
9 with NFPA 1730 the Standard on Organization and Deployment of Fire Prevention Inspection
10 and Code Enforcement, Plan Review, Investigation, and Education Operations

11 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

12 **SECTION 1. 15.28.010 Adoption of Oregon Fire Code**

13 Except as specifically excluded or modified by this chapter, the City of Ashland adopts the 2022
14 Oregon Fire Code and appendices A through N and Q through T which will be referred to in the
15 Ashland Municipal Code as the Oregon Fire Code ("OFC"). One (1) copy of the Oregon Fire
16 Code and appendices shall be filed in the office of the City Recorder. (Ord. 3161 § 1, amended,
17 02/05/2018; Ord. 3104, amended, 2014; Ord. 3037, amended, 09/07/2010; Ord. 2944, amended,
18 11/06/2007; Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921,
19 amended, 01/05/2006)

20 **SECTION 2. 15.28.020 Establishment of Duties**

21 The Oregon Fire Code shall be enforced by the Fire Code Official as defined by the Oregon Fire
22 Code. (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
23 01/05/2006)

24 **SECTION 3. 15.28.030 Definitions**

25 The following definitions govern the construction of this chapter:

- 26
27 1. "Jurisdiction," as used in the Oregon Fire Code, means the City of Ashland ("Ashland").
28 2. "Department of Fire Prevention," as used in the Oregon Fire Code, means ".Wildfire and
29 Community Risk Reduction Division"
30 3. "Fire Code Official," as used in the Oregon Fire Code, means the Fire Chief or designee.

1 4. “Apparatus cost” means the standardized cost, including repairs and depreciation, for the use
2 of Ashland Fire and Rescue (“AF&R”) and public works apparatus or equipment, as set forth in
3 adopted regulations of the State Fire Marshal or in City resolution, and the cost for the use of
4 apparatus or equipment of another jurisdiction which may respond to an incident pursuant to
5 statute or intergovernmental agreement.

6 5. “Direct costs” means those costs of supplies, apparatus and labor incurred by the City or
7 another jurisdiction in responding to an incident and as may be set forth in adopted regulations of
8 the State Fire Marshal or in City resolution.

9 6. “Direct fire or rescue services” means any service provided by employees of the City (1) to a
10 person whose person or property is injured or threatened with injury; or (2) to a person whose
11 property has injured or threatens to injure another person or another person’s property, for which
12 a charge is not otherwise imposed under this code. “Direct fire or rescue services” includes, but
13 is not limited to, the suppression of fires, the rescue of persons or property, the provision of
14 medical assistance, and containment and cleanup of hazardous materials.

15 7. “Indirect costs” means those costs that are set forth in adopted regulations of the State Fire
16 Marshal or in City resolution, and which are the product of the state “average response
17 availability rate” and the time spent responding to an incident, together with the state “average
18 support services cost per incident,” as defined by the State Fire Marshal.

19 8. “General costs” means direct or indirect costs that are not attributable to any particular
20 person who received direct fire and rescue services.

21 9. “Gross negligence” means conduct with conscious indifference to or reckless disregard of the
22 rights of others.

23 10. “Labor costs” means the compensation paid by the City to its employees, including but not
24 limited to base pay, overtime pay and fringe benefits, during the time spent responding to an
25 incident.

26
27 **11: “Fire prevention organization” (FPO) means the organization or the individual, within**
28 **the City of Ashland or otherwise delegated, that has the authority to provide fire**
29 **prevention, inspection and code enforcement, plan review, investigation, and fire and life**
30 **safety education.**

1 12. Occupancy Classification:

2 Low-Risk Occupancy. An occupancy that has a history of low frequency of fires and
3 minimal potential for loss of life or economic loss. Examples of low-risk occupancies
4 could include storage, mercantile, and business.

5 Moderate-Risk Occupancy. An occupancy that has a history of moderate frequency of fires or
6 a moderate potential for loss of life or economic loss. Examples of moderate- risk occupancies
7 could include ambulatory health care and industrial occupancies that do not maintain, store, use,
8 or handle hazardous materials in excess of exempt amounts.

9
10 High-Risk Occupancy. An occupancy that has a history of high frequency of fires, high
11 potential for loss of life or economic loss, or that has a low or moderate history of fires or
12 loss of life but the occupants have a high dependency on the built-in fire protection
13 features or staff to assist in evacuation during a fire or other emergency. Examples of
14 high-risk occupancies could include multiple-family dwellings, high-rise buildings, hotels,
15 dormitories, lodging and rooming, assembly, child care, detention, educational, health
16 care, and industrial.

17 Critical Infrastructure. The assets, systems, and networks, whether physical or virtual,
18 that are so vital to the community that their damage or destruction would have a
19 debilitating effect. Examples of critical infrastructures could include water treatment
20 plant, special structures, public safety buildings, and power plants.

21
22 12.. “Railroad right-of-way” means a right-of-way used for rail transportation.

23
24 13. Scope. Establishes the organization and deployment of fire prevention resources for
25 fire prevention inspection and code enforcement activities in existing occupancies, new
26 construction and renovation inspections.

27
28 14. “Transportation route” means a roadway or waterway against which no taxes or assessments
29 for fire protection are levied by the City. (Ord. 3161 § 2, amended, 02/05/2018; Ord. 3081,
30 amended, 04/02/2013)

SECTION 4. 15.28.050 Fire Protection System Maintenance

1 Fire protection systems service providers providing inspections, tests, and maintenance required
2 by OFC 901.6, and the referenced standards shall be qualified and shall provide the inspections,
3 tests, and maintenance in accordance with the referenced standards and section 108.3. Failure by
4 a company or individual service provider to follow the referenced standards is a Class I violation.
5 (Ord. 3161 § 3, amended, 02/05/2018; Ord. 3104, amended, 2014)

6 **SECTION 5. 15.28.060 Restricted Uses During Fire Season**

7 A. The City of Ashland will follow the Oregon Department of Forestry (“ODF”) burn
8 restrictions and regulations during fire season. Open flame and fire pits are prohibited at high fire
9 index.

10 Exemption: A seasonal permit for contractors can be obtained for use within the City of Ashland
11 to allow for powered equipment use during fire season (i.e., landscape, construction, etc.).
12 Working on or within one-eighth (1/8) of a mile of ODF-protected property requires an
13 additional permit issued from ODF.

14 B. The Fire Code Official or designees may issue a permit which allows a person to conduct a
15 restricted activity as long as specified fire prevention measures are taken to reduce the potential
16 for fire ignition. Contractors, such as those performing landscape or construction work, may
17 obtain a seasonal permit for use within the City to allow for powered equipment used during fire
18 season. Working on or within one-eighth (1/8) of a mile of ODF-protected property requires an
19 additional permit issued by ODF. (Ord. 3161 § 4, amended, 02/05/2018; Ord. 3037, amended,
20 09/07/2010; Ord. 2944, amended, 11/06/2007; Ord. 2929, amended, 08/18/2006; Ord. 2925,
21 amended, 04/18/2006; Ord. 2921, amended, 01/05/2006)

22 **SECTION 6. 15.28.070 City of Ashland Modifications to the Oregon Fire Code 2019 2022**
23 **Edition**

24 Ashland Fire Prevention Code incorporates the Oregon Fire Code 2022 Edition except that the
25 following referenced OFC sections are modified as set forth below:

26 A. OFC Section 104.6.3 is modified by the addition of the following language:

27
28 Fire Investigation Reports for fires that are under investigation will not be released until the
29 investigation is complete. Exception: The Fire Chief may release incomplete Fire Investigation
30 Reports if warranted.

B. OFC Section 106.2 is modified by the addition of the following language:

1 1. Inspections outside of normal business hours: The Wildfire and Community Risk Reduction
2 Division will make every attempt to conduct inspections during normal business hours (Monday
3 thru Friday 8 am to 5 pm). If the applicant or business owner's agent requests an inspection
4 outside of normal business hours, or if the Fire Code Official determines a permit inspection is
5 required and there is no other alternative but to conduct the inspection outside of normal business
6 hours, the Fire Code Official shall inform the applicant or business agent there will be an after-
7 hours inspection fee of \$150.00. The inspection will not be performed until the required fees
8 have been paid.

9 For additional information see City of Ashland Fee Schedule.

10 2. Re-Inspection Fees, each Fire & Life Safety inspection is provided with one additional re-
11 inspection at no additional cost to the business. If a second re-inspection is required, a fee of the
12 base inspection plus \$100 shall be assessed. If a third re-inspection is required, a fee of the base
13 inspection plus \$200.00 shall be assessed. If a fourth re-inspection is required, a fee of the base
14 plus \$400.00 shall be assessed.

15 For additional information see City of Ashland Fee Schedule.

16 C. OFC Section 105.1.1 is modified by the addition of the following language:

17 A schedule of permit and service fees not more than the actual or average cost of providing
18 service shall be established by resolution of the City Council and periodically amended by
19 Council resolution and kept at Ashland Fire & Rescue and in the City Recorder's office.

20 Required permits include, but may not be limited to, the following list:

21 1. Operational Permits:

22 a. Fireworks, public display of

23 b. Exhibits and trade shows

24 c. Fumigation and thermal insecticidal fogging

25 d. Liquid or gas-fueled vehicles or equipment in assembly buildings

26 e. Pyrotechnic and special effects material

27 f. Temporary membrane structures, tents and canopies over 400 square feet

28 g. Activities involving open flames

- 1 h. Haunted Houses
- 2 i. Marijuana processing
- 3
- 4 2. Construction/Use Permits:
- 5 a. Automatic fire-extinguishing systems
- 6 b. Battery Systems
- 7
- 8 c. Compressed gases
- 9 d. Fire alarm and detection systems
- 10
- 11 e. Fire Pumps
- 12 f. Flammable and Combustible Liquid Storage
- 13 g. Hazardous Materials
- 14
- 15 h. Industrial Ovens
- 16 i. LP-gas >125 gallons
- 17
- 18 j. Private Fire Hydrants
- 19 k. Spraying or dipping operations
- 20 l. Standpipe systems
- 21
- 22 m. Fire Sprinkler Systems
- 23 D. OFC Section 105.6.30, Open Burning, is modified by deleting the current language of this
- 24 OFC provision entirely and adding the following language: See Ashland Municipal Code [10.30](#).
- 25 E. OFC Section 503.4 is modified by the addition of the following language:
- 26
- 27 1. The Ashland Police Department shall have the authority to issue fire code citations for the
- 28 following offenses on public and private properties:
- 29 a. Obstruction of marked fire apparatus access roads and fire lanes (Ref. OFC 503.4; 503.2.1)
- 30 b. Failure to maintain existing NO PARKING – FIRE LANE signs/markings (Ref. OFC 503.3; D103.6)

1 c. Obstruction of fire hydrants and fire protection equipment (Ref. OFC 507.5.4; ORS [811.550](#)
2 (16))

3 d. The Ashland Police Department may cite the registered owner of the vehicle if the vehicle is
4 found to be standing in violation or tow the vehicle if in the opinion of the officer the parked
5 vehicle is creating a hazard to the community.

6 F. *Section 506.1.* Add the following sentence:

7
8 The key box shall be installed and maintained in accordance with the manufacturer's
9 instructions, and shall contain keys to gain necessary access as required by the Fire Code
10 Official.

11 G. *OFC Section 507.5.1.* Delete and replace with the following:

12 Where required. Where a portion of the facility or building hereafter constructed or moved into
13 or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as
14 measured by an approved route around the exterior of the facility or building, on-site fire
15 hydrants and mains shall be provided where required by the Fire Code Official.

16 Exceptions:

- 17
- 18 1. For Group R-3 and Group U occupancies, the distance requirement shall be 300 feet.
 - 19 2. For buildings equipped throughout with an approved automatic sprinkler system
20 installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3, the distance
21 requirement shall be 600 feet (183 m).

22 H. OFC Section 307 is modified by deleting the current language of this OFC provision entirely
23 and adding the following language: Refer to AMC [10.30](#).

24 I. OFC Section 901.6, Records, is modified by deleting the current language of this OFC
25 provision entirely and adding the following language:

26 Records of all system inspections, tests, and maintenance required by the referenced standards
27 shall be maintained on the premises for a minimum of three years and service contractors shall
28 send reports of tests to the City of Ashland Fire & Life Safety Division within 30 days of
29 performing the inspection and test. The manner in which contractors shall submit ITM reports to
30 Ashland Fire & Rescue shall be specified by the Fire Code Official.

J. OFC Section 904.1.1 is modified by the addition of the following language:

1 Fire protection system service providers providing inspections, tests, and maintenance required
2 by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections,
3 tests and maintenance in accordance with the referenced standards. Where the manufacturer
4 requires only manufacturer certified technicians to conduct inspection, testing and maintenance
5 service on their engineered fire protection systems, uncertified technicians shall not service the
6 system. Prior to conducting service in the City of Ashland the technicians shall provide a current
7 manufacturer certification in a manner specified by the Fire Code Official.

8 K. OFC Section 5601.1.3 is modified by the addition of the following language:

9 Notwithstanding ORS [480.110](#) through ORS [480.165](#) and OAR [837-012-0600](#) through OAR
10 [837-012-0675](#), the sale of retail fireworks as defined in OAR [837-012-0610](#) is prohibited within
11 the City of Ashland.

12 1. The sale and/or use of retail fireworks as defined in OAR [837-012-0610](#) is prohibited at all
13 times;

14 2. The sale and/or use of sparklers as defined in ORS [480.110](#) is prohibited at all times;

15 3. The storage of retail fireworks within the City of Ashland is prohibited at all times; and

16 4. The advertising of retail fireworks or sparklers is prohibited within the City of Ashland in
17 accordance with ORS [480.152](#) and OAR [837-012-0665](#).

18 5. As a limited exception from the prohibitions in provisions 1 through 4 above, the use of
19 fireworks for public display is allowed in conformance with NFPA 1123 Code for Fireworks
20 Display, current edition, with a valid Ashland Fire & Rescue Fireworks Permit.

21 L. OFC Section 5601, Storage of Explosives – Prohibited, is modified by the addition of the
22 following language:

23 The scope referred to in Chapter 5601 of the Oregon Fire Code which references the Oregon
24 Revised Statutes and Oregon Administrative Rules related to explosives is amended as follows.
25 The sale, manufacture, possession, transfer and storage of explosives as defined by ORS
26 [480.200\(3\)](#) are prohibited in all areas within the City of Ashland except as specifically permitted
27 in writing by the Fire Code Official.

28 M. OFC Section 5704, Above-Ground Storage of Flammable or Combustible Liquids, is
29 modified by the addition of the following language:
30

1 The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of
2 flammable or combustible Class I and II liquids in above-ground tanks outside of buildings is
3 restricted are established as follows: All City of Ashland residential and historical district areas
4 as defined in the Comprehensive Plan. All installation and removal of above ground storage units
5 requires an operational permit from Ashland Fire & Rescue. New above-ground bulk storage
6 plants for flammable or combustible liquids are prohibited within this jurisdiction.

7 N. The City of Ashland is prohibiting section 5707 On-Demand Mobile Fueling Operations
8 within the City Limits.

9 O. OFC Section 6104, Storage of Liquefied Petroleum Gases – Restricted:

10 The limits referred to in Section 6104.2 of the Oregon Fire Code, in which storage of liquefied
11 petroleum gas is restricted, are established as follows: All City of Ashland residential and
12 historical district areas as defined in the Comprehensive Plan are limited to the aggregate
13 capacity of any one installation shall not exceed a water capacity of 500 gallons.

14 Exception: In particular installations, this capacity limit shall be determined by the Fire Code
15 Official, after consideration of special features such as topographical conditions, nature of
16 occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection
17 to be provided and capabilities of the City of Ashland Fire & Rescue Department.

18 P.OFC Appendix A101.11 is modified by the addition of the following language:

19
20 A decision by the Ashland Fire Code Official may be appealed to a Board of Appeals established
21 pursuant to Oregon Fire Code Section 108 of the Oregon Fire Code. An appellant aggrieved by
22 the decision of the Board of Appeals may appeal to the Oregon State Fire Marshal as provided in
23 ORS 479.180 if the subject of the appeal concerns a matter governed exclusively by the Oregon
24 Fire Code and the appeal is filed within 10 days of the Board’s final order. If an appeal from the
25 decision of the Board of Appeals, however, concerns a matter reserved by this Ashland Fire
26 Prevention Code (Ashland Municipal Code Chapter 15.28) for local decision-making, such an
27 appeal must be submitted in writing to the Ashland City Council within 10 days of the Board’s
28 final order. A decision by the City Council shall be the final decision of the City and may not be
29 appealed to the State Fire Marshal.

30 Q. OFC Appendix D105.1, Aerial Fire Apparatus Access Roads, is modified by deleting the
current language of this OFC provision entirely and adding the following language:

1 Where required. (Buildings or portions of buildings or facilities exceeding 24 feet in height
2 above the lowest level of fire department vehicle access shall be provided with approved fire
3 apparatus access roads capable of accommodating fire department aerial apparatus.) Where the
4 vertical distance between the grade plane and the highest roof surface exceeds 24 feet approved
5 aerial fire access roads shall be provided. For the purposes of this section, the highest roof
6 surface shall be determined by measurement to the eave of a pitched roof, the intersection of the
7 roof to the exterior wall, or the top of parapet walls, whichever is greater. Overhead utility and
8 power lines shall not be located within the aerial fire apparatus access roadway or between the
9 aerial fire access road and the building.

10 R. OFC Appendix D105.2 is modified by deleting the current language of this OFC provision
11 entirely and adding the following language:

12 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the
13 immediate vicinity of any building or portion of building more than 24 feet in height. (Ord. 3161
14 § 5, amended, 02/05/2018; Ord. 3104, amended, 2014; Ord. 3059, amended, 04/17/2012; Ord.
15 3037, amended, 09/07/2010; Ord. 3006, amended, 03/02/2010; Ord. 2944, amended, 11/06/2007;
16 Ord. 2932, amended, 10/18/2006; Ord. 2929, amended, 08/18/2006; Ord. 2925, amended,
17 04/18/2006; Ord. 2921, amended, 01/05/2006; Ord. 2876, amended, 09/04/2001; Ord. 2871,
18 amended, 08/07/2001)

19 ~~S. Mobile and Temporary Cooking Operations~~

20 ~~The City of Ashland will follow nationally referenced standards of inspection and~~
21 ~~maintenance provided by the National Fire Protection Agency (NFPA 1 National Fire Code~~
22 ~~section 50.7) for Mobile and Temporary Cooking Operations.~~

23 **SECTION 7. 15.28.090 New Materials, Processes or Occupancies – Permits Required**

24 The Building Official, the Fire Chief and the Fire Marshal shall act as a committee to determine
25 and specify, after giving affected persons an opportunity to be heard, any new materials,
26 processes or occupancies for which permits are required in addition to those now enumerated in
27 the Oregon Fire Code. The Building Official, in accordance with Section 104.9 of the Oregon
28 Structural Specialty Code, shall record and enter in the files of the Building Department any
29 action granting approval of new or alternate materials. (Ord. 3161 § 6, amended, 02/05/2018;
30 Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
01/05/2006)

SECTION 8. 15.28.100 Penalties

1 A. Any person violating or causing violation of any of the provisions of this chapter has
2 committed a Class I violation and, upon conviction thereof, is punishable as prescribed in AMC
3 [1.08.020](#). Such person, firm or corporation is guilty of a separate violation for each and every
4 day during which any violation of this chapter is committed or continued by such person, firm or
5 corporation. This violation can be retroactively applied to the first day the occupant or owner
6 was made aware of the violation by the Fire Code Official.

7 B. For any violations of this chapter deemed to be life-threatening, a citation can be issued for
8 each and every occurrence, including multiple occurrences in one (1) day. Life-threatening
9 hazards include but are not limited to overcrowding, locking or obstructing doors designated to
10 remain unlocked, and shutting off or removing designated fire protection equipment.

11 C. The application of the above penalty shall not be held to prevent the enforced removal of
12 prohibited conditions. (Ord. 3161 § 7, amended, 02/05/2018; Ord. 3059, amended, 04/17/2012;
13 Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
14 01/05/2006)

15 **SECTION 9. 15.28.110 Severability**

16 Should any section, paragraph, sentence or word of this ordinance or of the Code hereby adopted
17 be declared for any reason to be invalid, it is the intent of the City of Ashland that it would have
18 passed all other portions of this ordinance independent of the elimination here from of any such
19 portion as may be declared invalid. (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended,
20 04/18/2006; Ord. 2921, amended, 01/05/2006)

21 **SECTION 10. 15.28.120 Firefighting Outside City - Authorized**

22 In accord with ORS [476.290](#), the Fire Chief or representative is authorized to extinguish
23 uncontrolled fires that are found to be burning in unprotected areas situated outside the
24 boundaries of the City and that are causing or may cause an undue jeopardy to life or property if,
25 in the opinion of the Fire Chief or representative, such fire is causing or may cause an undue
26 jeopardy to life or property. (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006;
27 Ord. 2921, amended, 01/05/2006; Ord. 1698 § 1, amended, 1971)

28 **SECTION 11. 15.28.130 Firefighting Outside City – Resources**

29 In extinguishing a fire pursuant to Section [15.28.120](#), the Fire Chief or representative may
30 employ the same means and resources used by them to extinguish similar fires within the City.

1 (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
2 01/05/2006)

3 **SECTION 12. 15.28.150 Plan Review/Permits – Fees**

4 For application in this City, Oregon Fire Code plan review fees shall be established by resolution
5 of the City council. (Ord. 2929, amended, 08/18/2006; Ord. 2921, amended, 01/05/2006; Ord.
6 2906, added, 04/06/2004)

7
8 **SECTION 13. 15.28.160 Code Compliance Inspection / Fees**

9 **A. The City of Ashland will follow nationally referenced standards on fire prevention**
10 **inspection and code enforcement as provided by the National Fire Protection Agency**
11 **(NFPA 1730). This standard contains minimum requirements relating to the**
12 **organization and deployment of fire prevention inspection and code**
13 **enforcement, plan review, investigation, and public education operations. This**
14 **standard also addresses the strategic and policy issues involving the**
15 **organization and deployment of fire prevention programs and does not address**
16 **methods for carrying out specific fire prevention services, activities, and programs.**

17
18 **B. The City of Ashland shall maintain a written statement or policy that**
19 **establishes the following:**

- 20 (1) **Existence of the FPO**
21 (2) **Services that the FPO will provide**
22 (3) **Basic organizational structure**
23 (4) **Expected number of FPO members**
24 (5) **Functions that FPO members are expected to perform**

25 **C. General Requirements: Fire prevention inspection and code**
26 **enforcement services, including department personnel, equipment, and**
27 **all support and resources, shall be structured to meet the organizational**
28 **objectives. Fire prevention inspection and code enforcement shall be**
29 **conducted to ensure compliance with adopted codes and standards.**
30 **Personnel responsible for fire prevention and code enforcement activities**
shall meet the job performance requirements in NFPA 1031 and the

1 certification and training requirements for conducting fire code
2 enforcement found in OAR 837-039-0016 for the inspection duties they
3 perform.

4
5
6 D. Minimum Inspection Frequency: Existing occupancy fire prevention
7 inspection and code enforcement inspection frequencies shall not be less
8 than:

| <u>Occupancy Classification</u> | <u>Frequency of Inspections</u> |
|---------------------------------|---------------------------------|
| <u>High:</u> | <u>Annually</u> |
| <u>Moderate:</u> | <u>Biennially</u> |
| <u>Low:</u> | <u>Triennially</u> |
| <u>Critical Infrastructure:</u> | <u>Per the City of Ashland</u> |

14
15 The schedule for fire code compliance inspections shall be established by resolution of the City
16 Council. (Ord. 3161 § 8, amended, 02/05/2018; Ord. 2929, amended, 08/18/2006; Ord. 2921,
17 amended, 01/05/2006; Ord. 2906, added, 04/06/2004)

18 **SECTION 14.15.28.170 Cost Recovery Fees**

19
20 A. *Fire and Rescue Service Charges Imposed.*

- 21
22 1. Any person receiving direct fire and rescue services from AF&R as a result of a motor
23 vehicle collision, a hazardous materials incident, a victim rescue or an occurrence on a
24 railroad right-of-way or transportation route that requires AF&R service, shall be liable to
25 the City for the direct and indirect costs incurred by the City in responding to the incident.
- 26 2. Whenever a fire is extinguished or attempted to be extinguished by AF&R outside the
27 City of Ashland, the owner of the property involved in such fire shall be liable to the City for
28 the direct and indirect costs of fire and rescue services incurred by the City in responding to
29 the incident.
- 30 3. When more than one person receives direct fire and rescue services from AF&R in a
single incident, the general costs incurred may be apportioned pro rata among the recipients
of the services not otherwise exempt from payment or among the parties involved in the

1 incident, or through any other apportionment which reasonably allocates the costs of the
2 benefits received.

3 B. *Exemptions from Charges.*

4
5 1. Except as provided in this section, a person liable for a charge imposed under Section
6 [15.28.170](#) shall be excused from paying the charge if the person presents satisfactory proof
7 to the City that, at the time of the incident giving rise to the charge, the person was a resident
8 of the City, owned real property within the City, or was the holder of a valid license from the
9 City issued under Chapter [6.04](#).

10 2. The exemptions of this section do not apply to:

11 a. Drivers of vehicles under the influence of alcohol or drugs;

12 b. Persons who commit acts of gross negligence or are otherwise in violation of local
13 law or state statute;

14 c. Persons causing incidents that require hazardous materials clean-up; or

15 d. Fire extinguishment efforts by AF&R on property outside the City of Ashland.

17 C. *Interest on Charge.* Any charge imposed under this section shall be due to the City upon
18 demand or billing by the City. Any person who fails to pay such charge within ninety (90) days
19 of receipt of a bill from the City shall also pay interest on the charge from the date of the billing
20 at the rate of 12 percent (12%) per year; interest for a fraction of a year shall be prorated.

21 D. *Use of Payments Received.* Fire and rescue service charges collected by the City shall be
22 deposited in accounts designated for such payments. Funds in such accounts shall be expended
23 only for operational costs of the fire department, police department, or the public works
24 department, to reimburse the City for costs of administering and collecting charges for fire and
25 rescue services.

26 E. *Failure to Pay Charge – Violation.*

27
28 1. Any person who fails to pay a fire and rescue service charge within ninety (90) days of
29 receipt of a bill from the City, or within such additional time as may be allowed by a written
30 extension of time by the Fire Chief, is in violation of this code. The issuance and
enforcement of a citation for this violation is governed by the provisions of AMC Chapters [1](#)
and [15](#), and any other remedy provided by municipal or state law.

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- 2. It shall be a defense in any proceeding that:
 - a. The person did not receive fire or rescue services;
 - b. The person is exempt from the payment of the charge; or
 - c. The charges were improperly computed and billed.
- 3. Failure to pay a fire and rescue service charge when due shall also subject the obligee to the general penalties for violation of City ordinances and any other remedy provided by municipal or State law.

F. *Appeal Procedures.* A person AF&R determines to be liable for fire and rescue services charges may appeal AF&R’s determination as provided in AMC [2.30.020](#) [Administrative Appeals Process]. A person whose application for a permit for exemption from fire restrictions is denied by the Fire Code Official or who objects to fire inspection fees or fees imposed by the Fire Code Official for noncompliance with regulations in AMC Chapter [15.28](#) or the Oregon Fire Code may appeal the decision as provided in AMC [2.30.020](#), which appeal shall be decided in compliance with Appendix A of the Oregon Fire Code. (Ord. 3081, amended, 04/02/2013)

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2024, and duly PASSED and ADOPTED this ____ day of _____, 2024.

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this ____ day of _____, 2024.

Tonya Graham, Mayor

Reviewed as to form:

Carmel S. Zahran, Assistant City Attorney

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