

CHAPTER 1

ADMINISTRATION

101.1 Title. These regulations shall be known as the *Oregon Fire Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code”.

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

The following governmental subdivisions may have other regulations as long as such regulations are consistent with OAR Chapter 837, Division 39. A water district under ORS 264.342 or a city or county, subject to consent as required by ORS 478.924, or a rural fire protection district under ORS 478.910.

ORS 264.342, 478.910, 478.924 and OAR 837, Division 39 are not a part of this code but are reproduced or paraphrased here for the reader’s convenience.

ORS 264.342 allows a domestic water district to adopt a fire prevention code.

ORS 478.910 allows a rural fire protection district to adopt a fire prevention code.

ORS 478.924 states that the provisions of a fire prevention code adopted by a district after October 4, 1977 shall not apply unless approved by the governing body of the city or county in which the district exists.

OAR Chapter 837, Division 39 regulates the administration of fire prevention programs.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. **The provisions of the following appendices are adopted as part of this code: B, C, D, H, I and L.**

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations **as authorized by ORS 476.030.**

ORS 476.030 is not a part of this code but is reproduced or paraphrased here for the reader’s convenience.

ORS 476.030 defines the duties and powers of the State Fire Marshal to adopt a state fire code.

102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

Also see Section 110.1.1, ORS 476.030(c) and OAR Chapter 837, Division 41.

ORS 476.030(c) is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 476.030(c) defines the rules for maintenance and regulations of structural fire safety features in occupied structures and overseeing the safety and directing the means and adequacy of exits in case of fire except that structural changes shall not be required in buildings built, occupied and maintained in conformity with the state building code regulations applicable at the time of construction.

OAR Chapter 837, Division 41 defines the fire protection regulations relating to existing facilities.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the ~~fire code official~~ **building code official**, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life risk, than the existing use.

102.7 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within ~~other laws, codes, regulations, ordinances or bylaws~~ **statutes or administrative rules** adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes and standards for those activities or installations within the fire code official's jurisdiction or responsibility.

103.1 (Not adopted) General. *The department of fire prevention is established within the jurisdictions under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.*

103.2 (Not adopted) Appointment. *The fire code official shall be appointed by the chief appointing authority of the jurisdiction; and the fire code official shall not be removed from office except for cause and after opportunity to be heard on specific and relevant charges by and before the appointing authority.*

103.3 (Not adopted) Deputies. *In accordance with the 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.*

103.4 (Not adopted. See ORS 30.265) Liability. *The fire code official, officer or employee charged with the enforcement of this code, 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 permitted in the discharge of official duties.*

ORS 30.265 is not a part of this code but is reproduces or paraphrased here for the reader's convenience.

ORS 30.265 defines the scope of liability of public body officers, employees and agents.

103.5 Cooperation with other agencies. For regulations regarding interagency cooperation, see ORS 455.150(8), ORS 479.165, OAR 918-020-0010, OAR 918-020-0020 and OAR 837-039-0110.

ORS 455.150(8), ORS 479.165, OAR 918-020-0010, OAR 918-020-0020 and OAR 837-039-0110 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 455.150(8) requires municipalities to create a written plan that specifies how cooperation with the State Fire Marshal or designee of the State Firer Marshal will be achieved and how a uniform fire code will be considered in the review process of the design and construction phases of buildings or structures.

ORS 479.165 requires the State Fire Marshal to develop rules establishing certification of fire officials who review plans, new construction, alterations and specifications from a uniform fire code.

OAR 918-020-0010 and 918-020-0020 establish a minimum standard for procedures of cooperation between local municipalities and the State Fire Marshal or a designee of the State Fire Marshal.

OAR 837-039-0110 establishes standards for certification of fire officials who review plans, new construction, alterations and specifications from a fire code.

104.1 General. The fire code official is hereby authorized to enforce the provisions of this code **as directed in ORS 476.060 and OAR Chapter 837, Division 39** and shall have the authority to ~~render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions.~~ **Modifications to this code shall not be less stringent than the minimum fire code adopted by the State Fire Marshal.** Such ~~interpretations,~~ policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waving requirements specifically provided for in this code.

ORS 476.060 and OAR Chapter 837, Division 39 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.060 designates local fire marshals, local fire chiefs and chief of police as assistants to the State Fire Marshal by virtue of office held.

OAR Chapter 837, Division 39 regulates the administration of fire prevention programs.

OAR 837-039-0015(2)(b) allows a governmental subdivision to adopt a code that is consistent with state fire protection statutes and, is equal to or more stringent than, the fire code promulgated by the State Fire Marshal

104.3 (Not adopted) Right to entry. *Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the buildings or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.*

104.3.1 Right to entry. **The State Fire Marshal, Deputy State Fire Marshal or assistants to the State Fire Marshal may at all reasonable hours, enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon as authorized by ORS 476.150(1).**

ORS 476.150(1) is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 476.150(1) grants permission to the State Fire Marshal and deputies, at all reasonable hours, to enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon.

104.3.1 2 Warrant. When the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code. (**See ORS 476.155, 476.160, 476.165 and 476.170.**)

ORS 476.155, 476.160, 476.165 and 476.170 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.155 defines when judges are authorized to issue inspection warrants.

ORS 476.160 defines circumstances under which a warrant may be issued.

ORS 476.165 defines established cause to issue a warrant.

ORS 476.170 defines execution of a warrant.

104.6 Official records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations **in accordance with Oregon Revised Statute 192, Public and Private Records; Public Reports and Meetings.**

104.6.3 (Not adopted) Fire records. *The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.*

104.6.3.1 Fire records and reports. Fire records shall be kept by the State Fire Marshal in accordance with ORS 476.090.

Fire reports shall be provided to the State Fire Marshal in accordance with ORS 476.210(2), ORS 476.220 and ORS 476.270.

ORS 476.090, ORS 476.210(2), ORS 476.220 and ORS 476.270 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.090 requires the State Fire Marshal to keep records of all fire occurring within the state and all facts concerning the fires.

ORS 476.210(2) requires the fire chief of every city or rural fire protection district to provide the State Fire Marshal with a report of every fire occurring within the jurisdiction of the fire chief.

ORS 476.220 requires the officer making an investigation of a fire to notify the State Fire Marshal and within one week of the occurrence, shall forward the State Fire Marshal a written statement of all facts as requested by the forms provided by the State Fire Marshal.

ORS 476.270 requires an insurance company to immediately make a report to the State Fire Marshal if the insurance company has reason to believe that a fire loss to its insured was caused by incendiary means.

104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason

makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention. **The State Fire Marshal may make adjustments and variances to this code under ORS 476.035.**

ORS 476.035 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 476.035 gives the State Fire Marshal the power to make adjustments, variances or exceptions to specific requirements of this code on a statewide, regional, jurisdictional or geographical use basis when the State Fire Marshal determines that application of the requirements are impossible, impractical, create unnecessary hardship or create consequences inconsistent with the general purpose of the code.

104.10 (Not adopted) Fire investigations. *The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could relate to trade secrets or processes shall not be made part of the public record except as directed by a court of law.*

104.10.1 Fire investigations. Fire investigations shall be in accordance with ORS 476.030(4) and ORS 476.210(1).

ORS 476.030(4) and 476.210(1) are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.030(4) gives the State Fire Marshal the authority to investigate or cause an investigation to determine the probable cause, origin and circumstances of any fire.

ORS 476.210(1) requires the municipal fire marshal, fire department chief, constables and other officers referred to in ORS 476.060 to investigate the cause, origin and circumstances of each fire occurring in their respective jurisdictions.

104.10.1-2 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

105.1.1 Permits required. Permits required by this code shall be obtained from the fire code official. Permit fees, if any, shall be paid prior to issuance of the permit. **When otherwise required by law, or rule, a permit, license or certification shall also be obtained from the State Fire Marshal.** Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

105.2 Application. ~~Application for a permit required by this code~~ **When a permit is required by Section 105.6 or 105.7 the application** shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

105.6 Required operational permits. **An operational permit as authorized by law or regulation shall be obtained from the State Fire Marshal for the operations set forth in Sections 105.6A through 105.6E. When a governmental subdivision has enacted regulations**

~~the local~~ The fire code official is ~~authorized to~~ **may** issue operational permits for the operations set forth in Sections ~~105.6.1-105.6A~~ through 105.6.46.

105.6A Fireworks, agricultural. An operational Agricultural Fireworks Permit is required to use or explode fireworks to scare or repel birds or animals under ORS 480.122.

105.6B Fireworks, public display of. An operational Public Display of Fireworks Permit is required to hold a display of fireworks under ORS 480.130.

105.6C Fireworks, retail sales. An operational Retail Sales of Fireworks Permit is required to sell fireworks at retail to individual members of the general public as described in ORS 480.127.

105.6D Fireworks, wholesale. An operational Wholesale Fireworks Permit is required to sell fireworks to agricultural, public display and retail sales permit holders under ORS 480.130. It does not authorize the sale of fireworks to the general public.

105.6E Institutions. A temporary operational permit may be issued in lieu of inspection approval by the State Fire Marshal or governmental subdivision having authority in an area exempted for licensed institutions inspected under ORS 479.215.

105.7 Required construction permits. The fire code official is **as** authorized ~~to~~ **by law or regulation may** issue construction permits for work as set forth in Sections 105.7.1 through 105.7.12.

106.1 (Not adopted) Inspection authority. *The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.*

106.1.1 Inspection authority. The State Fire Marshal, Deputy State Fire Marshal or assistants to the State Fire Marshal may, at all reasonable hours, enter into all buildings and upon all premises, except for private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon as authorized by ORS 476.150(1).

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ORS 476.150(1) grants permission to the State Fire Marshal and deputies, at all reasonable hours, to enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon.

106.1.2 Interference. No person shall interfere with or prevent an inspection by officers as authorized by ORS 476.150(2). When any person interferes with or prevents the State Fire Marshal, deputies or assistants to the State Fire Marshal from making an inspection, the officer shall apply to the district attorney of the county wherein the inspection was made or attempted to be made, for a warrant for the arrest of the offending person, and it shall be the duty of such district attorney forthwith to prosecute such offending person as authorized by ORS 476.150(3).

108.1 (Not adopted) Board of appeals established. *In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.*

108.1.1 Appeals. The State Fire Marshal may convene a regional appeals advisory board to make recommendations concerning appeals. For appeals procedure, see ORS 479.180.

ORS 479.180 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.180 defines the procedure for appeal from orders to comply with fire prevention statutes.

108.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosion, hazardous conditions or fire protection systems and are not employees of the jurisdiction. **At least one member shall be a qualified architect who has practiced the profession for at least two years.**

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and , when compliance is not immediate, specifying a time for reinspection. **Orders and notices shall be in accordance with ORS 479.170.**

ORS 479.170 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.170 provides the State Fire Marshal and Deputy State Fire Marshal authority to order the repair or removal of hazards and the ability to close the building or premises if compliance is not made in accordance with the order.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice pertains. **Notices shall be in accordance with ORS 479.170.**

ORS 479.170 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.170 provides the State Fire Marshal and Deputy State Fire Marshal authority to order the repair or removal of hazards and the ability to close the building or premises if compliance is not made in accordance with the order.

109.2.3 (Not adopted) Prosecution of violations. *If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.*

109.3 (Not adopted) Violation penalties. *Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than {AMOUNT} dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.*

109.3.1 Violation penalties. Any owner or occupant of any building or premises who fails to comply with an order to correct any fire safety deficiency or violation of this code not appealed from, shall be punished by a fine as provided by ORS 479.990.

Exception: Where other penalties for specific violations are provided for by law, they shall prevail. See ORS 476.990 and ORS 480.990.

ORS 476.990, 479.990 and 480.990 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 479.990 define the penalties for failure, neglect or refusal to comply with the provisions of this code.

ORS 476.990 and 480.990 define additional penalties for failure to comply with specific Oregon Revised Statutes.

109.3.1-2 Abatement of violations. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe. Actions to correct hazards and other deficiencies shall be according to ORS 479.160, 479.170 and 479.195. See the procedures specified in OAR 837-041-0050.

ORS 479.160, 479.170, 479.195 and OAR 837-041-0050 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 479.160 defines the provisions for granting a permit for continued use or occupancy of existing nonconforming buildings.

ORS 479.170 provides authority to the State Fire Marshal or deputies to order repair or removal of materials from buildings or premises.

ORS 479.195 provides authority to the State Fire Marshal or deputies to close buildings when the occupant load is exceeded.

OAR 837-041-0050 defines the rules for the abatement, repair or discontinuance of use or occupancy of unsafe buildings and specifies the parameters that are used to determine the degree of fire and life hazard.

111.1 (Not adopted) Order. *Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.*

111.1.1 Order. Stop orders shall be administered through the provisions of ORS 479.170.

ORS 479.170 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.170 provides the State Fire Marshal and Deputy State Fire Marshal authority to order the repair or removal of hazards and the ability to close the building or premises if compliance is not made in accordance with the order.

111.2 (Not adopted) Issuance. *A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.*

111.3 (Not adopted) Emergencies. *Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.*

111.4 (Not adopted) Failure to comply. *Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.*