

Council Business Meeting

January 7, 2020

Agenda Item	First Reading of An Ordinance to Amend the Ashland Fire Prevention Code AMC Chapter 15.28	
From	Ralph Sartain	Division Chief, Fire & Life Safety
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SUMMARY

The Fire & Life Safety Division of Ashland Fire & Rescue wishes to amend the Ashland Municipal Fire Code to adopt the current fire code edition, allow the Ashland Police Department to enforce Fire Code Violations on private property by citing or towing unoccupied vehicles on private property creating a hazard to the community, prohibit On Demand Mobile Fueling Operations and establish a section to enforce nationally recognized standards in the enforcement and inspection of mobile and temporary food cooking operations.

POLICIES, PLANS & GOALS SUPPORTED

- 27.2 Inspections of Businesses and Multi-Family Residences
- 27.3 Target Hazard Fire Inspections
- 27.9 Burn Enforcement and Permits
- 27.11 Plans Review of Fire Protection Systems
- 49.1 Insure that codes and plan checks are consistently reviewed

PREVIOUS COUNCIL ACTION

- Ord. 3156, amended 02-05-2018
- Ord. 3104, 2014 to adopt 2014 Oregon Fire Code
- Ord. 3037 amended 09-07-2010 to adopt 2010 Oregon Fire Code
- Ord.2944 amended 11-06-2007 to adopt 2007 Oregon Fire Code

BACKGROUND AND ADDITIONAL INFORMATION

A review of the current sections contained in AMC Chapter 15.28 showed the need to modify and/or amend language to bring the code up to current standards and requirements for the City. Please see listed changes per section:

- Section 1: Changes code from 2014 to 2019, and changes Appendix numbering to comply with new numbering in Appendix of Fire Code
- Section 2: No Changes
- Section 3: No Changes
- Section 4: Adds new code reference of Recordkeeping in section 108.3 of the 2019 Fire Code
- Section 5: No Changes
- Section 6: Letter E (d), is modified to give the Ashland Police Department the authority to cite an unoccupied vehicle or tow the vehicle if the vehicle is creating a hazard when related to blocking fire suppression systems.

Current letter N is moved to letter O and corresponding letters increased by one letter.

Letter N is changed to prohibit section 5707 On-Demand Mobile Fueling Operations within the City of Ashland.

Letter S – Mobile and Temporary Cooking Operations. Provides a national standard of inspection and maintenance for mobile and temporary cooking operations through NFPA 1 section 50.7 which is not currently available in the 2019 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: No Change
Section 14: No Change

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance No. 3186 and to send the Ordinance to a second reading on January 21, 2020.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve the first reading of Ordinance No. 3186 to amend the Ashland Fire Prevention Code AMC Chapter 15.28 and to send Ordinance No. 3186 to a second reading on January 21, 2020.

REFERENCES & ATTACHMENTS

Attachment 1: Ordinance No. 3186

1 **ORDINANCE BILL NO. 3186**

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 **WHEREAS**, the Fire and Life Safety Division wishes to amend the Ashland Municipal Fire
7 Code to adopt the current fire code edition, allow the Ashland Police Department to enforce Fire
8 Code Violations on private property by citing or towing unoccupied vehicles on private property
9 creating a hazard to the community, and to prohibit On Demand Mobile Fueling Operations.

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

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

12 Except as specifically excluded or modified by this chapter, the City of Ashland adopts the 2019
13 Oregon Fire Code and appendices A through **N and Q and R** ~~D, F, H, I, J, and K through N~~,
14 which will be referred to in the Ashland Municipal Code as the Oregon Fire Code ("OFC"). One
15 (1) copy of the Oregon Fire Code and appendices shall be filed in the office of the City Recorder.
16 (Ord. 3161 § 1, amended, 02/05/2018; Ord. 3104, amended, 2014; Ord. 3037, amended,
17 09/07/2010; Ord. 2944, amended, 11/06/2007; Ord. 2929, amended, 08/18/2006; Ord. 2925,
18 amended, 04/18/2006; Ord. 2921, amended, 01/05/2006)

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

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

23 **SECTION 3. 15.28.030 Definitions**

24 The following definitions govern the construction of this chapter:

- 25 A. "Jurisdiction," as used in the Oregon Fire Code, means the City of Ashland ("Ashland").
- 26 B. "Department of Fire Prevention," as used in the Oregon Fire Code, means "Fire and Life
27 Safety Division."dd
- 28 C. "Fire Code Official," as used in the Oregon Fire Code, means the Division Chief of Fire and
29 Life Safety or designee.
- 30 D. "Apparatus cost" means the standardized cost, including repairs and depreciation, for the use

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

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

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

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

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

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

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

25 K. “Railroad right-of-way” means a right-of-way used for rail transportation.

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

29 **SECTION 4. 15.28.050 Fire Protection System Maintenance**

30 Fire protection systems service providers providing inspections, tests, and maintenance required

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

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

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

9 Exemption: A seasonal permit for contractors can be obtained for use within the City of Ashland
10 to allow for powered equipment use during fire season (i.e., landscape, construction, etc.).

11 Working on or within one-eighth (1/8) of a mile of ODF-protected property requires an
12 additional permit issued from ODF.

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

21 **SECTION 6. 15.28.070 City of Ashland Modifications to the Oregon Fire Code 2019 2014**
22 **Edition**

23 Ashland Fire Prevention Code incorporates the Oregon Fire Code 2014 Edition except that the
24 following referenced OFC sections are modified as set forth below:

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

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

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

30 1. Inspections outside of normal business hours: The Fire & Life Safety Division will make

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

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

13 For additional information see City of Ashland Fee Schedule.

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

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

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

19 1. Operational Permits:

- 20 a. Fireworks, public display of
- 21 b. Exhibits and trade shows
- 22 c. Fumigation and thermal insecticidal fogging
- 23 d. Liquid or gas-fueled vehicles or equipment in assembly buildings
- 24 e. Pyrotechnic and special effects material
- 25 f. Temporary membrane structures, tents and canopies over 400 square feet
- 26 g. Activities involving open flames
- 27 h. Haunted Houses
- 28 i. Marijuana processing

29 2. Construction/Use Permits:

- 30 a. Automatic fire-extinguishing systems

- 1 b. Battery Systems
- 2 c. Compressed gases
- 3 d. Fire alarm and detection systems
- 4 e. Fire Pumps
- 5 f. Flammable and Combustible Liquid Storage
- 6 g. Hazardous Materials
- 7 h. Industrial Ovens
- 8 i. LP-gas >125 gallons
- 9 j. Private Fire Hydrants
- 10 k. Spraying or dipping operations
- 11 l. Standpipe systems
- 12 m. Fire Sprinkler Systems
- 13 D. OFC Section 105.6.30, Open Burning, is modified by deleting the current language of this
- 14 OFC provision entirely and adding the following language: See Ashland Municipal Code [10.30](#).
- 15 E. OFC Section 503.4 is modified by the addition of the following language:
- 16 1. The Ashland Police Department shall have the authority to issue fire code citations for the
- 17 following offenses on public and private properties:
- 18 a. Obstruction of marked fire apparatus access roads and fire lanes (Ref. OFC 503.4; 503.2.1)
- 19 b. Failure to maintain existing NO PARKING – FIRE LANE signs/markings (Ref. OFC 503.3;
- 20 D103.6)
- 21 c. Obstruction of fire hydrants and fire protection equipment (Ref. OFC 507.5.4; ORS [811.550](#)
- 22 (16))
- 23 **d. The Ashland Police Department may cite the registered owner of the vehicle if the**
- 24 **unoccupied vehicle is found to be standing in violation or tow the vehicle if in the opinion of**
- 25 **the officer the parked vehicle is creating a hazard to the community.**
- 26 F. *Section 506.1.* Add the following sentence:
- 27 The key box shall be installed and maintained in accordance with the manufacturer’s
- 28 instructions, and shall contain keys to gain necessary access as required by the Fire Code
- 29 Official.
- 30 G. *OFC Section 507.5.1.* Delete and replace with the following:

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

5 Exceptions:

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

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

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

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

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

20 Fire protection system service providers providing inspections, tests, and maintenance required
21 by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections,
22 tests and maintenance in accordance with the referenced standards. Where the manufacturer
23 requires only manufacturer certified technicians to conduct inspection, testing and maintenance
24 service on their engineered fire protection systems, uncertified technicians shall not service the
25 system. Prior to conducting service in the City of Ashland the technicians shall provide a current
26 manufacturer certification in a manner specified by the Fire Code Official.

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

28 Notwithstanding ORS [480.110](#) through ORS [480.165](#) and OAR [837-012-0600](#) through OAR
29 [837-012-0675](#), the sale of retail fireworks as defined in OAR [837-012-0610](#) is prohibited within
30 the City of Ashland.

- 1 1. The sale and/or use of retail fireworks as defined in OAR [837-012-0610](#) is prohibited at all
2 times;
- 3 2. The sale and/or use of sparklers as defined in ORS [480.110](#) is prohibited at all times;
- 4 3. The storage of retail fireworks within the City of Ashland is prohibited at all times; and
- 5 4. The advertising of retail fireworks or sparklers is prohibited within the City of Ashland in
6 accordance with ORS [480.152](#) and OAR [837-012-0665](#).
- 7 5. As a limited exception from the prohibitions in provisions 1 through 4 above, the use of
8 fireworks for public display is allowed in conformance with NFPA 1123 Code for Fireworks
9 Display, current edition, with a valid Ashland Fire & Rescue Fireworks Permit.
- 10 L. OFC Section 5601, Storage of Explosives – Prohibited, is modified by the addition of the
11 following language:
12 The scope referred to in Chapter 5601 of the Oregon Fire Code which references the Oregon
13 Revised Statutes and Oregon Administrative Rules related to explosives is amended as follows.
14 The sale, manufacture, possession, transfer and storage of explosives as defined by ORS
15 [480.200\(3\)](#) are prohibited in all areas within the City of Ashland except as specifically permitted
16 in writing by the Fire Code Official.
- 17 M. OFC Section 5704, Above-Ground Storage of Flammable or Combustible Liquids, is
18 modified by the addition of the following language:
19 The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of
20 flammable or combustible Class I and II liquids in above-ground tanks outside of buildings is
21 restricted are established as follows: All City of Ashland residential and historical district areas
22 as defined in the Comprehensive Plan. All installation and removal of above ground storage units
23 requires an operational permit from Ashland Fire & Rescue. New above-ground bulk storage
24 plants for flammable or combustible liquids are prohibited within this jurisdiction.
- 25 **N. The City of Ashland is prohibiting section 5707 On-Demand Mobile Fueling Operations**
26 **within the City Limits.**
- 27 N. **O.** OFC Section 6104, Storage of Liquefied Petroleum Gases – Restricted:
28 The limits referred to in Section 6104.2 of the Oregon Fire Code, in which storage of liquefied
29 petroleum gas is restricted, are established as follows: All City of Ashland residential and
30 historical district areas as defined in the Comprehensive Plan are limited to the aggregate

1 capacity of anyone installation shall not exceed a water capacity of 500 gallons.

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

6 **Ø. P.** OFC Appendix A101.11 is modified by the addition of the following language:

7 A decision by the Ashland Fire Code Official may be appealed to a Board of Appeals established
8 pursuant to Oregon Fire Code Section 108 of the Oregon Fire Code. An appellant aggrieved by
9 the decision of the Board of Appeals may appeal to the Oregon State Fire Marshal as provided in
10 ORS 479.180 if the subject of the appeal concerns a matter governed exclusively by the Oregon
11 Fire Code and the appeal is filed within 10 days of the Board's final order. If an appeal from the
12 decision of the Board of Appeals, however, concerns a matter reserved by this Ashland Fire
13 Prevention Code (Ashland Municipal Code Chapter 15.28) for local decision-making, such an
14 appeal must be submitted in writing to the Ashland City Council within 10 days of the Board's
15 final order. A decision by the City Council shall be the final decision of the City and may not be
16 appealed to the State Fire Marshal.

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

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

28 **Ø.R.** OFC Appendix D105.2 is modified by deleting the current language of this OFC provision
29 entirely and adding the following language:

1 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the
2 immediate vicinity of any building or portion of building more than 24 feet in height. (Ord. 3161
3 § 5, amended, 02/05/2018; Ord. 3104, amended, 2014; Ord. 3059, amended, 04/17/2012; Ord.
4 3037, amended, 09/07/2010; Ord. 3006, amended, 03/02/2010; Ord. 2944, amended, 11/06/2007;
5 Ord. 2932, amended, 10/18/2006; Ord. 2929, amended, 08/18/2006; Ord. 2925, amended,
6 04/18/2006; Ord. 2921, amended, 01/05/2006; Ord. 2876, amended, 09/04/2001; Ord. 2871,
7 amended, 08/07/2001)

8 **S. Mobile and Temporary Cooking Operations**

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

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

13 The Building Official, the Fire Chief and the Fire Marshal shall act as a committee to determine
14 and specify, after giving affected persons an opportunity to be heard, any new materials,
15 processes or occupancies for which permits are required in addition to those now enumerated in
16 the Oregon Fire Code. The Building Official, in accordance with Section 104.9 of the Oregon
17 Structural Specialty Code, shall record and enter in the files of the Building Department any
18 action granting approval of new or alternate materials. (Ord. 3161 § 6, amended, 02/05/2018;
19 Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
20 01/05/2006)

21 **SECTION 8. 15.28.100 Penalties**

22 A. Any person violating or causing violation of any of the provisions of this chapter has
23 committed a Class I violation and, upon conviction thereof, is punishable as prescribed in AMC
24 [1.08.020](#). Such person, firm or corporation is guilty of a separate violation for each and every
25 day during which any violation of this chapter is committed or continued by such person, firm or
26 corporation. This violation can be retroactively applied to the first day the occupant or owner
27 was made aware of the violation by the Fire Code Official.

28 B. For any violations of this chapter deemed to be life-threatening, a citation can be issued for
29 each and every occurrence, including multiple occurrences in one (1) day. Life-threatening
30 hazards include but are not limited to overcrowding, locking or obstructing doors designated to

1 remain unlocked, and shutting off or removing designated fire protection equipment.

2 C. The application of the above penalty shall not be held to prevent the enforced removal of
3 prohibited conditions. (Ord. 3161 § 7, amended, 02/05/2018; Ord. 3059, amended, 04/17/2012;
4 Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
5 01/05/2006)

6 **SECTION 9. 15.28.110 Severability**

7 Should any section, paragraph, sentence or word of this ordinance or of the Code hereby adopted
8 be declared for any reason to be invalid, it is the intent of the City of Ashland that it would have
9 passed all other portions of this ordinance independent of the elimination here from of any such
10 portion as may be declared invalid. (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended,
11 04/18/2006; Ord. 2921, amended, 01/05/2006)

12 **SECTION 10. 15.28.130 Firefighting Outside City - Authorized**

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

19 **SECTION 11. Firefighting Outside City – Resources**

20 In extinguishing a fire pursuant to Section [15.28.120](#), the Fire Chief or representative may
21 employ the same means and resources used by them to extinguish similar fires within the City.
22 (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,
23 01/05/2006)

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

25 For application in this City, Oregon Fire Code plan review fees shall be established by resolution
26 of the City council. (Ord. 2929, amended, 08/18/2006; Ord. 2921, amended, 01/05/2006; Ord.
27 2906, added, 04/06/2004)

28 **SECTION 13. 15.28.160 Code Compliance Inspection – Fees**

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

1 **SECTION 14.15.28.170 Cost Recovery Fees**

2 A. *Fire and Rescue Service Charges Imposed.*

3 1. Any person receiving direct fire and rescue services from AF&R as a result of a motor
4 vehicle collision, a hazardous materials incident, a victim rescue or an occurrence on a
5 railroad right-of-way or transportation route that requires AF&R service, shall be liable to
6 the City for the direct and indirect costs incurred by the City in responding to the incident.

7 2. Whenever a fire is extinguished or attempted to be extinguished by AF&R outside the
8 City of Ashland, the owner of the property involved in such fire shall be liable to the City for
9 the direct and indirect costs of fire and rescue services incurred by the City in responding to
10 the incident.

11 3. When more than one person receives direct fire and rescue services from AF&R in a
12 single incident, the general costs incurred may be apportioned pro rata among the recipients
13 of the services not otherwise exempt from payment or among the parties involved in the
14 incident, or through any other apportionment which reasonably allocates the costs of the
15 benefits received.

16 B. *Exemptions from Charges.*

17 1. Except as provided in this section, a person liable for a charge imposed under Section
18 [15.28.170](#) shall be excused from paying the charge if the person presents satisfactory proof
19 to the City that, at the time of the incident giving rise to the charge, the person was a resident
20 of the City, owned real property within the City, or was the holder of a valid license from the
21 City issued under Chapter [6.04](#).

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

- 23 a. Drivers of vehicles under the influence of alcohol or drugs;
- 24 b. Persons who commit acts of gross negligence or are otherwise in violation of local
25 law or state statute;
- 26 c. Persons causing incidents that require hazardous materials clean-up; or
- 27 d. Fire extinguishment efforts by AF&R on property outside the City of Ashland.

28 C. *Interest on Charge.* Any charge imposed under this section shall be due to the City upon
29 demand or billing by the City. Any person who fails to pay such charge within ninety (90) days
30 of receipt of a bill from the City shall also pay interest on the charge from the date of the billing

1 at the rate of 12 percent (12%) per year; interest for a fraction of a year shall be prorated.

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

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

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

13 2. It shall be a defense in any proceeding that:

- 14 a. The person did not receive fire or rescue services;
- 15 b. The person is exempt from the payment of the charge; or
- 16 c. The charges were improperly computed and billed.

17 3. Failure to pay a fire and rescue service charge when due shall also subject the obligee to
18 the general penalties for violation of City ordinances and any other remedy provided by
19 municipal or State law.

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

1 The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C)
2 of the City Charter on the ____ day of _____, 2020, and duly PASSED and ADOPTED
3 this ____ day of _____, 2020.

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5
6

7 Melissa Huhtala, City Recorder

8

9 SIGNED and APPROVED this ____ day of _____, 2020.

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13

John Stromberg, Mayor

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Reviewed as to form:

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David H. Lohman, City Attorney

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