



# Council Business Meeting

March 21, 2023

<b>Agenda Item</b>	Ordinance 3218 Public Hearing and First Reading of 2022 Oregon Fire Code	
<b>From</b>	Ralph Sartain	Fire Chief
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<b>Item Type</b>	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Approval <input checked="" type="checkbox"/> Presentation <input type="checkbox"/>	

## **SUMMARY**

The State of Oregon has adopted the 2022 Oregon Fire Code. Because this has happened the City of Ashland must update its municipal code and adopt the 2022 Oregon Fire Code as well to be in compliance with state standards.

## **POLICIES, PLANS & GOALS SUPPORTED**

Analyze City departments/programs to gain efficiencies, reduce costs and improve services.  
Support Innovative Programs that Protect the Community

## **PREVIOUS COUNCIL ACTIONS:**

- Ord. 3186, amended 01-07-2020, to adopt 2019 Oregon Fire Code
- Ord. 3161, amended 02-05-2018, Correct typographical errors, update fee schedule allows APD to enforce provisions of the fire code.
- Ord. 3104, 2014 to adopt 2014 Oregon Fire Code
- Ord. 3037, amended 09-07-2010 to adopt 2010 Oregon Fire Code
- Res. 2009-34, Established Semi-Annual Inspections.
- Ord. 2944 amended 11-06-2007 to adopt 2007 Oregon Fire Code

## **BACKGROUND AND ADDITIONAL INFORMATION**

The current fire code through ORS was adopted in October 2022, replacing the 2019 Oregon Fire Code with the 2022 Oregon Fire Code. Because of this, Ashland needs to adopt the 2022 Oregon Fire Code.

- Section 1: Changes code from 2019 to 2022, and changes Appendix Numbering to Comply with new Numbering in Appendix of Fire Code
- Section 2: No Changes
- Section 3: Changes Division Chief of Fire and Life Safety to Fire Chief. Adds sub section 11. Occupancy Classifications. Meets national standards for definitions of low-risk, moderate risk, high risk occupancies and critical infrastructure. Renumbers subsection 11 to 12. Adds section 13 which establishes scope of fire prevention and code enforcement activities in existing occupancies, new construction and renovation projects. Renumbers subsection 12 to 14.
- Section 4: No Changes
- Section 5: No Changes
- Section 6: Changes Fire Code from 2019 to 2022.
- Section 7: No Change





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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**

There is no financial impact on the City by adopting the code.

## **SUGGESTED NEXT STEPS**

Staff recommends approval of the 1<sup>st</sup> reading of Ordinance No. 3218 and send the ordinance to a 2<sup>nd</sup> reading on April 5, 2023.

## **Actions, Options & Potential Motions:**

I move to approve the 1<sup>st</sup> reading of Ordinance No. 3218 to amend the Ashland Fire Prevention Code AMC Chapter 15.28 and to send Ordinance No. 3218 to a 2<sup>nd</sup> reading on April 5, 2023.

## **REFERENCES & ATTACHMENTS**

Ordinance Bill No. 3218

1 **ORDINANCE BILL NO. 3218**

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 ~~2019~~  
14 2022 Oregon Fire Code and appendices A through N and Q ~~and R through T~~ which will be  
15 referred to in the Ashland Municipal Code as the Oregon Fire Code ("OFC"). One (1) copy of  
16 the Oregon Fire Code and appendices shall be filed in the office of the City Recorder. (Ord. 3161  
17 § 1, amended, 02/05/2018; Ord. 3104, amended, 2014; Ord. 3037, amended, 09/07/2010; Ord.  
18 2944, amended, 11/06/2007; Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006;  
19 Ord. 2921, 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 ~~Division Chief of Fire and~~  
Life Safety 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 **11. Occupancy Classification:**

27  
28 **Low-Risk Occupancy. An occupancy that has a history of low frequency of fires**  
29 **and minimal potential for loss of life or economic loss. Examples of low-risk**  
30 **occupancies could include storage, mercantile, and business.**

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

5  
6 **High-Risk Occupancy. An occupancy that has a history of high frequency of fires,**  
7 **high potential for loss of life or economic loss, or that has a low or moderate history**  
8 **of fires or loss of life but the occupants have a high dependency on the built-in fire**  
9 **protection features or staff to assist in evacuation during a fire or other emergency.**  
10 **Examples of high-risk occupancies could include multiple-family dwellings, high-rise**  
11 **buildings, hotels, dormitories, lodging and rooming, assembly, child care, detention,**  
12 **educational, health care, and industrial.**

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

17 ~~112~~.. “Railroad right-of-way” means a right-of-way used for rail transportation.

18  
19 **13. Scope. Establishes the organization and deployment of fire prevention resources**  
20 **for fire prevention inspection and code enforcement activities in existing**  
21 **occupancies, new construction and renovation inspections.**

22 ~~1214~~. “Transportation route” means a roadway or waterway against which no taxes or  
23 assessments for fire protection are levied by the City. (Ord. 3161 § 2, amended, 02/05/2018; Ord.  
24 3081, amended, 04/02/2013)

25  
26 **SECTION 4. 15.28.050 Fire Protection System Maintenance**

27  
28 Fire protection systems service providers providing inspections, tests, and maintenance required  
29 by OFC 901.6, and the referenced standards shall be qualified and shall provide the inspections,  
30 tests, and maintenance in accordance with the referenced standards and section 108.3. Failure by  
a company or individual service provider to follow the referenced standards is a Class I violation.  
(Ord. 3161 § 3, amended, 02/05/2018; Ord. 3104, amended, 2014)

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

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

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

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

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

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

19 Ashland Fire Prevention Code incorporates the Oregon Fire Code **2019 2022** Edition except that  
20 the following referenced OFC sections are modified as set forth below:

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

22  
23 Fire Investigation Reports for fires that are under investigation will not be released until the  
24 investigation is complete. Exception: The Fire Chief may release incomplete Fire Investigation  
25 Reports if warranted.

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

27 1. Inspections outside of normal business hours: The Wildfire and Community Risk Reduction  
28 Division will make every attempt to conduct inspections during normal business hours (Monday  
29 thru Friday 8 am to 5 pm). If the applicant or business owner’s agent requests an inspection  
30 outside of normal business hours, or if the Fire Code Official determines a permit inspection is  
required and there is no other alternative but to conduct the inspection outside of normal business

1 hours, the Fire Code Official shall inform the applicant or business agent there will be an after-  
2 hours inspection fee of \$150.00. The inspection will not be performed until the required fees  
3 have been paid.

4 For additional information see City of Ashland Fee Schedule.

5  
6 2. Re-Inspection Fees, each Fire & Life Safety inspection is provided with one additional re-  
7 inspection at no additional cost to the business. If a second re-inspection is required, a fee of the  
8 base inspection plus \$100 shall be assessed. If a third re-inspection is required, a fee of the base  
9 inspection plus \$200.00 shall be assessed. If a fourth re-inspection is required, a fee of the base  
plus \$400.00 shall be assessed.

10 For additional information see City of Ashland Fee Schedule.

11  
12 C. OFC Section 105.1.1 is modified by the addition of the following language:

13 A schedule of permit and service fees not more than the actual or average cost of providing  
14 service shall be established by resolution of the City Council and periodically amended by  
15 Council resolution and kept at Ashland Fire & Rescue and in the City Recorder's office.  
16 Required permits include, but may not be limited to, the following list:

17 1. Operational Permits:

18 a. Fireworks, public display of

19  
20 b. Exhibits and trade shows

21 c. Fumigation and thermal insecticidal fogging

22  
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  
27 g. Activities involving open flames

28 h. Haunted Houses

29 i. Marijuana processing

30 2. Construction/Use Permits:

- 1 a. Automatic fire-extinguishing systems
- 2 b. Battery Systems
- 3
- 4 c. Compressed gases
- 5 d. Fire alarm and detection systems
- 6 e. Fire Pumps
- 7
- 8 f. Flammable and Combustible Liquid Storage
- 9 g. Hazardous Materials
- 10 h. Industrial Ovens
- 11
- 12 i. LP-gas >125 gallons
- 13 j. Private Fire Hydrants
- 14
- 15 k. Spraying or dipping operations
- 16 l. Standpipe systems
- 17 m. Fire Sprinkler Systems
- 18
- 19 D. OFC Section 105.6.30, Open Burning, is modified by deleting the current language of this
- 20 OFC provision entirely and adding the following language: See Ashland Municipal Code [10.30](#).
- 21 E. OFC Section 503.4 is modified by the addition of the following language:
- 22
- 23 1. The Ashland Police Department shall have the authority to issue fire code citations for the
- 24 following offenses on public and private properties:
- 25 a. Obstruction of marked fire apparatus access roads and fire lanes (Ref. OFC 503.4; 503.2.1)
- 26 b. Failure to maintain existing NO PARKING – FIRE LANE signs/markings (Ref. OFC 503.3;
- 27 D103.6)
- 28 c. Obstruction of fire hydrants and fire protection equipment (Ref. OFC 507.5.4; ORS [811.550](#)
- 29 (16))
- 30



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

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

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

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

9  
10 Where required. Where a portion of the facility or building hereafter constructed or moved into  
11 or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as  
12 measured by an approved route around the exterior of the facility or building, on-site fire  
13 hydrants and mains shall be provided where required by the Fire Code Official.

14 Exceptions:

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

19  
20 H. OFC Section 307 is modified by deleting the current language of this OFC provision entirely  
21 and adding the following language: Refer to AMC [10.30](#).

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

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

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

30 Fire protection system service providers providing inspections, tests, and maintenance required  
by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections,

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

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

7 Notwithstanding ORS [480.110](#) through ORS [480.165](#) and OAR [837-012-0600](#) through OAR  
8 [837-012-0675](#), the sale of retail fireworks as defined in OAR [837-012-0610](#) is prohibited within  
9 the City of Ashland.

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

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

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

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

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

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

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

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

28 The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of  
29 flammable or combustible Class I and II liquids in above-ground tanks outside of buildings is  
30

1 restricted are established as follows: All City of Ashland residential and historical district areas  
2 as defined in the Comprehensive Plan. All installation and removal of above ground storage units  
3 requires an operational permit from Ashland Fire & Rescue. New above-ground bulk storage  
4 plants for flammable or combustible liquids are prohibited within this jurisdiction.

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

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

8  
9 The limits referred to in Section 6104.2 of the Oregon Fire Code, in which storage of liquefied  
10 petroleum gas is restricted, are established as follows: All City of Ashland residential and  
11 historical district areas as defined in the Comprehensive Plan are limited to the aggregate  
12 capacity of any one installation shall not exceed a water capacity of 500 gallons.

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

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

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

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

30 Where required. (Buildings or portions of buildings or facilities exceeding 24 feet in height  
above the lowest level of fire department vehicle access shall be provided with approved fire  
apparatus access roads capable of accommodating fire department aerial apparatus.) Where the

1 vertical distance between the grade plane and the highest roof surface exceeds 24 feet approved  
2 aerial fire access roads shall be provided. For the purposes of this section, the highest roof  
3 surface shall be determined by measurement to the eave of a pitched roof, the intersection of the  
4 roof to the exterior wall, or the top of parapet walls, whichever is greater. Overhead utility and  
5 power lines shall not be located within the aerial fire apparatus access roadway or between the  
6 aerial fire access road and the building.

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

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

16 S. Mobile and Temporary Cooking Operations

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

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

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

29 **SECTION 8. 15.28.100 Penalties**

30 A. Any person violating or causing violation of any of the provisions of this chapter has  
committed a Class I violation and, upon conviction thereof, is punishable as prescribed in AMC

1 [1.08.020](#). Such person, firm or corporation is guilty of a separate violation for each and every  
2 day during which any violation of this chapter is committed or continued by such person, firm or  
3 corporation. This violation can be retroactively applied to the first day the occupant or owner  
4 was made aware of the violation by the Fire Code Official.

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

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

13 **SECTION 9. 15.28.110 Severability**

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

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

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

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

27  
28 In extinguishing a fire pursuant to Section [15.28.120](#), the Fire Chief or representative may  
29 employ the same means and resources used by them to extinguish similar fires within the City.  
30 (Ord. 2929, amended, 08/18/2006; Ord. 2925, amended, 04/18/2006; Ord. 2921, amended,  
01/05/2006)

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

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

5 **SECTION 13. 15.28.160 Inspection / Fees**

6  
7 The schedule for fire code compliance inspections shall be established by resolution of the City  
8 Council. (Ord. 3161 § 8, amended, 02/05/2018; Ord. 2929, amended, 08/18/2006; Ord. 2921,  
9 amended, 01/05/2006; Ord. 2906, added, 04/06/2004)

10 **SECTION 14. 15.28.170 Cost Recovery Fees**

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

12  
13 1. Any person receiving direct fire and rescue services from AF&R as a result of a motor  
14 vehicle collision, a hazardous materials incident, a victim rescue or an occurrence on a  
15 railroad right-of-way or transportation route that requires AF&R service, shall be liable to  
16 the City for the direct and indirect costs incurred by the City in responding to the incident.

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

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

26 B. *Exemptions from Charges.*

27 1. Except as provided in this section, a person liable for a charge imposed under Section  
28 [15.28.170](#) shall be excused from paying the charge if the person presents satisfactory proof  
29 to the City that, at the time of the incident giving rise to the charge, the person was a resident  
30 of the City, owned real property within the City, or was the holder of a valid license from the  
City issued under Chapter [6.04](#).

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

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

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

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

6           d. Fire extinguishment efforts by AF&R on property outside the City of Ashland.  
7

8  
9           C. *Interest on Charge.* Any charge imposed under this section shall be due to the City upon  
10 demand or billing by the City. Any person who fails to pay such charge within ninety (90) days  
11 of receipt of a bill from the City shall also pay interest on the charge from the date of the billing  
12 at the rate of 12 percent (12%) per year; interest for a fraction of a year shall be prorated.

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

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

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

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

25           a. The person did not receive fire or rescue services;

26           b. The person is exempt from the payment of the charge; or

27           c. The charges were improperly computed and billed.  
28

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

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

8  
9 The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C)  
10 of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2023, and duly PASSED and ADOPTED  
11 this \_\_\_\_ day of \_\_\_\_\_, 2023.

12  
13 \_\_\_\_\_  
14 Melissa Huhtala, City Recorder

15  
16 SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

17  
18 \_\_\_\_\_  
19 Tonya Graham, Mayor

20 Reviewed as to form:

21  
22 \_\_\_\_\_  
23 Doug McGeary, City Attorney