ORDINANCE NO. 3198

AN ORDINANCE AMENDING CHAPTER 15.04 OF THE ASHLAND MUNICIPAL CODE TO REFLECT UPDATES TO THE STATE BUIDING CODE, AND TO LOCALLY ADOPT CONSTRUCTION STANDARDS FOR WILDFIRE HAZARD MITIGATION SET FORTH IN SECTION R327.4 OF THE OREGON RESIDENTIAL SPECIALTY CODE (ORSC).

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

4 WHEREAS, the City of Ashland has undertaken the duties associated with administration and 10 enforcement of a comprehensive municipal building inspection program consistent with the requirement imposed by the terms of ORS 455.148; and 11 WHEREAS, the State Building Code (as defined in ORS 455.010) is applicable and uniform 12 throughout Oregon, and the City is required as part of its building inspection duties noted above. 13

to adopt the specialty codes comprising the State Building Code as those codes are adopted for 14 15

enforcement by the Building Codes Division of the Oregon Department of Consumer and

Business Services; and 16

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WHEREAS, the Oregon Building Codes Division has, via Administrative Rule, adopted new and/or amended codes and standards which are to be applied by the City as part of its duties noted above; and

WHEREAS, the City of Ashland wishes to continue its enforcement and administration duties in conformance with the State Building Code and must therefore amend its Municipal Code to reflect the changes in building regulations; and

WHEREAS, amendments to Chapter 15.04 of the Ashland Municipal Code are needed in order to correct citations to state codes and rules, to adopt code appendices, and for purposes of clarification:

WHEREAS, On January 24, 2019 the Oregon Residential Specialty Code (ORSC) was amended to include increased construction standards for wildfire hazard mitigation that can be adopted by a local jurisdiction as provided in section R327.4 of the ORSC for application in designated wildfire hazard areas to provide increased fire ignition protection of homes from flying embers and debris caused by wildfires.

1.	WHEREAS, the City of Ashland adopted Ordinance No. 3158 on September 18th, 2018 which
2	expanded the Wildfire Lands overlay boundary to include all properties within the City within a
3	designated Wildfire Hazard Zone as set forth by OAR Chapter 629, Division 044; and
4	WHEREAS, the City of Ashland has determined that the application of wildfire hazard
5	mitigation building standards, within wildfire lands, supports the following City Comprehensive
6	Plan Environmental Resources Goal: "Protect life, property and environmental resources in
7	Ashland's suburban/wildland interface area from the devastating effects of wildfire. Lessen the
8	possibility of wildfire spreading to the Ashland watershed from the urban/wildland interface
9	area", and
10	WHEREAS, the City of Ashland has determined that implementation of this ordinance will
11	assist in preparing the City to be more resilient to climate change impacts, including wildfire, as
12	expressed in the 2017 Climate Energy Action Plan, and
13	WHEREAS, the City Council of the City of Ashland wishes to protect and benefit the health,
14	safety and welfare of existing and future residents of the City by adopting provisions of Oregon
15	Residential Specialty Code Section R327.4 to provide minimum standards for dwellings and
16	their accessory structures, to reduce or eliminate hazards presented by wildfires on all properties
17	within the City.
18	THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:
19	SECTION 1. Chapter 15.04.010 [Code Adoption] of the Ashland Municipal Code is hereby
20	amended as follows:
21	15.04.010 Code Adoption
22	A. The following codes current version of the following building codes are adopted as a part
23	of this chapter and are further referred to in this title as "the specialty codes".
24	 -2010 The Oregon Structural Specialty Code as defined in Oregon Administrative Rule
25	918-460-0010, and including Appendices J, and G, and L.
26	 2009 The Oregon Plumbing Specialty Code as defined in Oregon Administrative Rule
27	918-750-0110.
28	 2010 The Oregon Mechanical Specialty Code as defined in Oregon Administrative Rule
29	918-440-0010

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1	4. 2008 The Oregon Residential Specialty Code as defined in Oregon Administrative Rule
2	918-480-0010, including ORSC R327.4.
3	a) The provisions of Oregon Residential Specialty Code (ORSC)
4	Section R327.4.1 are not herein adopted except that the following
5	section of R327.4.1 shall apply within the City of Ashland:
6	R327.4.1. Qualifying lots of record. Qualifying lots of record
7	shall meet all the following:
8	1. Be located in a wildlife hazard zone as identified by the local
9	municipality using criteria established by the Oregon
0	Department of Forestry. The local municipality is not required
11	to include all areas identified by the Oregon Department of
12	Forestry as wildfire hazard zones. The zone shall be detailed in
13	the local adopting ordinance.
4	b) The City of Ashland Building Official has discretion to waive the
15	requirements of R327,4 for any particular property upon making
6	a written determination that the purposes of R327.4 have been
7	achieved through substantial compliance with its standards.
8	 2008 The Oregon Electrical Specialty Code as defined in Oregon Administrative Rule
9	918-305-0100.
0.5	 2010 The Oregon Energy Efficiency Specialty Code as defined in Oregon
12	Administrative Rules 918-460-0500, through 918-460-0510
22	B. The current Oregon-adopted version of the following code is are adopted as a part of this
3	chapter except those portions of these codes which conflict with or overlap the specialty codes.
4	 2009 International Existing Building Code as published by the International Code
15	Council, a copy of which is on file with the Building Official.
6	2. Appendix G of the 2010 Oregon Structural Specialty Code, except when in conflict
7	with a provision of the Ashland Municipal Code.
8	3. Appendix J of the 2010 Oregon Structural Specialty Code.
9	4. Appendix L of the 2010 Oregon Structural Specialty Code, except when in conflict
0	with a provision of the Ashland Municipal Code.

1	SECTION 2. Effective Date. This ordinance shall be effective beginning October 1, 2021.
2	SECTION 3. Savings. Notwithstanding this amendment, the City ordinances in existence at the
3	time any criminal or civil enforcement actions were commenced, shall remain valid and in full
4	force and effect for purposes of all cases filed or commenced during the times said ordinances(s)
5	or portions thereof were operative. This section simply clarifies the existing situation that
6	nothing in this Ordinance affects the validity of prosecutions commenced and continued under
7	the laws in effect at the time the matters were originally filed.
8	SECTION 4. Severability. The sections, subsections, paragraphs, and clauses of this ordinance
9	are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
10	validity of the remaining sections, subsections, paragraphs, and clauses.
11	SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code
12	and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another
13	word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however
14	that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and
15	the City Recorder is authorized to correct any cross-references and any typographical errors.
16	The foregoing ordinance was first read by title only in accordance with Article X,
17	Section 2(C) of the City Charter on the 18 th day of Minn, 2021,
18	Section 2(C) of the City Charter on the 18 th day of May , 2021, and duly PASSED and ADOPTED this 1 day of 1 wat , 2021,
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20	Whitehold)
21	Melissa Huhtala, City Recorder
22	SIGNED and APPROVED this 51 day of June 2021.
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25	July Charles
26	Ju∦le Akins, Mayor
27	Reviewed as to form:)
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29	Van Jehna
30	David H. Lohman, City Attorney