



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, April 19, 2011**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**

**7:00pm Regular City Council Meeting**

**URA Board of Directors Meeting  
(following the City Council meeting)**



## **REGULAR CITY COUNCIL MEETING**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CONSENT:**
  - A. Approval of April 5, 2011 City Council Minutes**
  - B. Resolution 2011-035 Appointing Christine McLaughlin to the Library Advisory Board**
  - C. Resolution 2011-036 Reappointing Thaddeus Overturf to the Parks and Recreation Board**
  - D. Resolution 2011-037 Appointing Luther Vanderburg to the Parks and Recreation Board**
  - E. Resolution 2011-038 Authorizing the City Manager to negotiate and amend lease agreements for City owned property**
- 5. PRESENTATIONS**
  - A. Eagle Scout Recognitions**
  - B. Proclamations**
- 6. PUBLIC HEARING**
  - A. Ordinance 2011-004 Amending section 15.04.130 of the Sherwood Municipal Code adopting the 2011 Oregon Plumbing Specialty Code based on the 2009 edition of the Uniform Plumbing Code (Scott McKie, Building Official)**
  - B. Ordinance 2011-005 Adding section 15.04.180 of the Sherwood Municipal Code adopting the 2010 Oregon Solar Installation Specialty Code (Scott McKie, Building Official)**
  - C. Ordinance 2011-006 Amending the Municipal Code section 8.12, Fire Prevention Code and adopting the Tualatin Valley Fire and Rescue's Fire Prevention Code (Scott McKie, Building Official)**
- 7. CITIZEN COMMENTS**

## **AGENDA**

**SHERWOOD CITY COUNCIL  
April 19, 2011**

**7:00 pm Regular City Council Meeting**

**URA Board of Directors Meeting  
(Following the Council Meeting)**

**Sherwood City Hall  
22560 Pine Street  
Sherwood, OR 97140**

## **8. CITY MANAGER & STAFF REPORTS**

## **9. COUNCIL ANNOUNCEMENTS**

## **10. ADJOURN TO URA BOARD MEETING**

### **How to Find Out What's on the Council Schedule:**

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library. The public may make copies of any Council meeting materials, at no charge.

### **To Schedule a Presentation before Council:**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: [citycouncil@ci.sherwood.or.us](mailto:citycouncil@ci.sherwood.or.us).



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**April 5, 2011**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:03pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer and David Luman. Councilor Linda Henderson arrived at 6:15pm.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Finance Director Craig Gibons, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Economic Development Manager Tom Nelson, Community Services Director Kristen Switzer and City Recorder Sylvia Murphy.
4. **TOPIC DISCUSSED:** Transportation Utility Fee. Tom Pessemier briefed the Council with a power point presentation, (see record, Exhibit A). Questions and discussion followed.
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 7:18pm and convened to the regular Council Session. Mayor Mays stated he would not be attending the regular session.

**REGULAR COUNCIL MEETING**

1. **CALL TO ORDER:** Council President Dave Grant called the meeting to order at 7:25pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and David Luman. Mayor Keith Mays was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Community Development Director Tom Pessemier, Finance Director Craig Gibons, Community Services Director Kristen Switzer, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Planning Associate Michelle Miller and City Recorder Sylvia Murphy. City attorney Chris Crean.

Council President Grant addressed the Consent Agenda and asked for a motion.

**5. CONSENT AGENDA**

- A. Approval of March 15, 2011 City Council Minutes
- B. Resolution 2011-028 Appointing John Clifford to the Planning Commission
- C. Resolution 2011-029 Appointing James Copfer to the Planning Commission
- D. Resolution 2011-030 Reappointing Ashley Marshall-O'Dell to the Cultural Arts Commission
- E. Resolution 2011-031 Reappointing Douglas Pederson to the Cultural Arts Commission
- F. Resolution 2011-032 Reappointing Judy Silverforb to the Cultural Arts Commission
- G. Resolution 2011-033 Appointing Kaelie Nielson to the Cultural Arts Commission

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, MAYOR MAYS WAS ABSENT.**

Council President Grant addressed the next agenda item.

## 6. PRESENTATIONS

### A. Eagle Scout Recognitions

Eagle Scout Jacob Brooks came forward and informed the Council of the project he completed to earn his Eagle Scout award. Jacob stated with assistance of his troop he built a shed for the Sherwood High School Track Program, the shed will be used to store track equipment and has space for an office. Jacob stated he along with his troop raised approximately \$1200 to refurbish the interior of the track shed, partitioned off office space for the coaches and computers, added locking cabinets and created a uniform storage system for track suites. Jacob said they had a combined 200 man hours to complete the project over a weekend. Council President Grant congratulated Jacob and presented him with a Certificate of Achievement.

### B. Proclamations

Council President Grant recognized the following proclamations:

**Healthy Kids Day Proclamation** declaring April 16, 2011 as Healthy Kids Day, a proclamation requested by the Sherwood YMCA.

**National Community Development Week Proclamation** declaring April 25<sup>th</sup> - 30<sup>th</sup>, 2011. Council President Grant stated the City of Sherwood has been a recipient of \$2,058,266 in block grants since 1979. Mr. Grant said the Sherwood Senior Center has recently benefited from grant funds from the Community Development Block Grant (CDBG) Program.

**Washington County Child Abuse Prevention Month** A proclamation declaring the month of April 2011 as Child Abuse Prevention month.

Council President Grant addressed the next agenda item.

## 7. NEW BUSINESS

- A. Resolution 2011-034 Authorizing staff to apply for a local government grant from the Oregon Parks and Recreation Department for the construction of a skate park

## DRAFT

Kristen Switzer, Community Services Director came forward and explained the resolution and stated this is the same grant staff sought last year. Kristen reminded the Council last year's grant was not successful and staff has made some adjustments to the plan in hopes to score more points. Kristen stated the overall estimated project costs for Phase 1 is \$210,000 and the City can ask for 60% of this amount, which is \$126,000 and this would require the City to match \$84,000. Kristen stated Council is being asked this evening if they want staff to pursue the grant and asking Council to confirm the matching funds are available should the City receive the grant.

Council President Grant thanked Kristen and asked for Council questions.

Councilor Folsom asked for the current amount of the pledge drive. City Manager Patterson replied just under \$6000.

Councilor Folsom asked if staff had a feel for the amount of Parks SDC's coming in within the next year. Finance Director Craig Gibbons replied we did not have any indication and he is not counting on any coming in.

City Manager Patterson interjected and said he believes a Council commitment needs to be made if they feel that the \$84,000 commitment can be made utilizing contingency funding, ending fund balance. He said SDC's are too speculative and will not come close to that number, fund raising and donations are too speculative and said there is not a lot of horsepower here at this point.

Councilor Folsom asked if the City were to receive the grant, when are we required to use the money. Kristen replied we have one year to complete the project.

Councilor Folsom asked if the City has heard from the YMCA if they have had any success with their grant writing efforts.

Councilor Luman replied and said last month when the Y Board met, the trustees of the Board had earmarked and agreed to consider a \$50,000 grant towards the capital project the Y and the City was considering for the greater build out and an incumbent part of that was the skate park. Councilor Luman commented regarding a discussion of carving out the skate park portion of the project. Mr. Luman stated the Y Board is suppose to consider the \$50,000 grant at their meeting tomorrow night.

Councilor Butterfield stated it took Tigard over ten years of raise the funds for their skate park and said he doesn't know if in these economic times a skate park is where we should be spending our money. Mr. Butterfield stated those that want a skate park in this town should step up and help raise the money even if it takes 6 or 10 years, as long as we don't shelf it and keep working on it, eventually we will get a skate park.

Councilor Luman asked when the grant application was due. Kristen replied this Friday and said they look at firm commitments and we basically need cash in hand and they like pledges. Kristen said they want to know if we can count on money, such as the Y funds, stated in a letter of support and said this can count towards part of our local match.

Council President Grant clarified that the City needs to tell them we are not only committing to our portion of it, but we also need to tell them where we are going to get it. Kristen replied, if possible and said it makes the grant more attractive. Kristen said she spoke with them and

received feedback on our application from last year and the biggest concern of the evaluators was lack of community support, they wanted to see it come from the community and see the kids behind it.

Council discussion followed and comments from City Manager Patterson were received regarding having firm commitments with the grant.

Councilor Henderson asked in regards to staff adjustments made to the plan. Kristen informed the Council you can receive County points for picnicking and staff has added in a family picnic structure and picnic tables and we hope this will also serve a different segment of the population. Kristen said we are also embellishing the rain-garden feature and trying to turn this into a more educational feature rather than just a storm water collection area as well as adding a novice area, this would be a play structure feature that helps kids with balance, this would be for kids roughly 5-8 years old who can practice before going into the skate park.

Councilor Henderson asked what was the state allocation this year. Kristen replied, but said she was uncertain on the dollar amount.

Councilor Henderson asked in regards to funding and where the funds would come from contingency and this year's budget or next year's budget. Finance Director Craig Gibbons commented and said he was also concerned with the ongoing costs to oversee the facility. Discussion followed with the Sherwood Y providing monitoring support and police presence and staff support being more than .5 FTE (full time employee). Kristen informed the Council staff has spoken with the Y and with our insurance and at this time we are not planning on staffing the skate park. Kristen said Anna Lee, HR Manager for the City said the City would be more liable is we staffed it. Kristen said she also spoke with Public Works Director Craig Sheldon and in researching maintenance costs; the City is looking at \$20,000 to \$24,000 a year. Insurance is approximately \$2000-5000 per year and police staff responding to calls is approximately .25 to .5 FTE.

Discussion followed with requiring signing of release forms, the City's liability and use of helmets.

Councilor Butterfield asked Kristen to provide feedback received from the Parks Board. Kristen replied they met last night and they don't have SDC's to commit to the project and if Council wanted to move forward great, but it wasn't something they had money to commit too and they also believed the support was dwindling and they weren't seeing it and even if they had the funds, they were unsure if they would push it forward or keep it high on their priority list due to lack of support.

Councilor Henderson asked in regards to the grant application from last year, what form of community support are the grant evaluators looking for. Kristen replied they want to see cash and effort, in the form of fundraising, IE carwashes, bake sales, art contests and an organized group that is going to rotary for example, seeking funding and different grant opportunities.

Councilor Langer stated he was involved in building a skate park in Arizona and shared his experience with youth involvement throughout the entire project and said hopefully we will get there and at this time it doesn't sound like we are there yet. Mr. Langer stated unfortunately the money is not there and he would support this amenity being added to our community only

when the time was right with support and money. He stated he would not like to see the City add on another amenity with added costs to operate.

Council President Grant stated he came to the meeting in support of it and finds himself being talked out of it. He mentioned the support of the Y funding and said Y monitoring is more valuable to him. He said as far as funding, it's too soon to know if this is talk or actual commitment.

**Council President Grant asked for a motion on Resolution 2011-034. No motion was received, the Resolution died.**

Council discussion followed regarding if a commitment from the Y was received if this would change the opinion of the Council members.

City Manager Patterson interjected and said as part of his City Manager's report, this being information the Council received yesterday, he wanted to make it very clear that as it relates to next year's budget in order for us to balance the budget and maintain a 15% contingency, we have had to take some very serious actions to address structural imbalances in our budget and things will be challenging.

Council President Grant commented regarding it being a challenging year for the budget and for City staff and Council can make good decisions whether it's a yes or no on this and we will have to deliver that message to the community. Mr. Grant stated he feels we can find \$28,000 for a project and asked to receive Council's opinion on this.

Councilor Butterfield replied he would go back to the Parks & Recreation Board and believes they have thoroughly looked at this and feels the community support is not there and the support has dropped off dramatically from when we first started and on top of that we are having fiscal problems.

Councilor Langer stated the \$28,000 is a onetime construction cost and does not address the maintenance costs and employee costs and this doesn't make sense since we are making cuts.

Councilor Luman stated he echoes the comments of Councilor Langer with cost of maintenance fees and employees going up every year and we don't know if the Y can support it. He said he would love to have a skate park here, but doesn't believe we are in a position of knowing enough today and said there's always next year.

Councilor Henderson stated she would also like to see it done and commented regarding using all the Parks SDC's and allocating those funds to build restrooms at Stella Olsen Park and in her opinion this is not in the same category as a skate park and something we've needed for a long time. Councilor Henderson stated she would propose, Council not moving forward on this resolution and her along with Council President Grant identifying their contacts within the community and along with the Y, said, we can narrow down some of the unknowns and help get a group organized and going. Ms. Henderson stated the initial interest was huge with over 100 people attending the skate park open house, she said the interest is there it's just not well organized and believes as leaders and being well organized we need to be a resource to them.

Councilor Luman commented regarding the comments made by Councilor Henderson.

City Manager Patterson commented and said he thinks there was a lot of interest and a lot of people who were excited and said we are going to get a lot of interest when people think they are getting something they don't think they have to work for and said he believes where it becomes challenging is when people recognized there's still hard work to be done. Mr. Patterson said he would like to remain as part of the process and if Council identifies that person or persons he would like to work with them and said he would be very clear and very open as to what the needs are and what the expectations are and help them navigate through some of the challenges. Mr. Patterson stated there may not be a need for the City to seek a grant as there are a lot of generous people in this community.

Council President Grant stated this is Council's direction to staff, to stand down on this. Staff confirmed they understood the Council's direction.

Council President Grant addressed the next agenda item and the City recorder read the public hearing statement.

## **8. PUBLIC HEARING**

### **A. Ordinance 2011-003 Amending multiple sections of the Zoning and Community Development Code including Divisions, II, III, and VI**

Michelle Miller, Planning Associate came forward and presented a power point presentation (see record, Exhibit B) and briefed the Council on the following:

#### **History of the Code Clean Up Project:**

- The Development Code has not been comprehensively updated since the late 1990's
- Kicked off Code Clean Up Project last April
- Phase 1 and 1.5 have been adopted by Ordinance
- Now at Phase II-Includes Division II and Variance Code Updates:
  - Planning Commission forwarded the recommendation to City Council on February 22, 2011
- March 15, 2011, City Council Work Session:
  - Overview of the recommendations
  - Questions arose regarding the proposed Code updates  
To amateur radio tower height and backyard chickens
  - Suggested that those issues be separated out in order to expedite the review of the remaining Code updates that are before you
- April 5, 2011 Public Hearing

#### **Identified Issues – Residential Uses & Variances**

- Some of the Code provisions are confusing
  - Hard to find
  - Silent on issues
  - Conflicts with other provisions within the Development Code
- Current Variance language is not flexible and unpredictable-
  - Minor changes may require a hearing and thus create added cost and uncertainty to developers
- Updates needed to be consistent new requirements
  - Building

- Engineering
- Update to State laws
  
- Getting some feedback on the residential use issues prompted us to take a closer look at the accessory structures and home occupations to evaluate if community standards had changed

### **Developing New Code Language**

- Review of issue papers
- Comparing other jurisdictions provisions
- Listening Sessions
- Review of non-scientific survey information
- Three planning commission work sessions discussing the merits of the new code language
- Updates to Archer and Gazette
- Public Notice posted and published

### **Variance and Adjustments Code Amendments**

Three types of variances:

- Adjustments-up to a 10% change (Type I)
  - Front and Interior Setbacks
  - Landscape areas
- Class B Variance-Up to 20% change (Type II)
  - Individual lots only
  - Front and Interior Setbacks
- Class A Variance-“Catch all” Hearing with Planning Commission (Type IV)
  - Criteria
    - Not detrimental to the code or policies
    - Hardship exits
    - Existing physical systems will not be adversely affected
    - No self imposed hardship
    - No more than three lots
    - Not with a subdivision

### **Making the Code easier for Citizens to Use-Minor Updates**

- Combine residential zone classifications into charts and tables
- Moving chapters and subjects to where it makes sense
- Revising the language to make it easier to understand
- Changing terms of Home Occupations
  - The only substantive change allows an additional employee/volunteer if no parking issues

### **Proposed Updates to Structures**

- Architectural Features likes eaves, cornices and chimneys could extend into the front and rear setback up to 5 feet
- Accessory Structures Changes

### **Accessory Structures-Existing Standards**

- Maximum size is 720 square feet
- Maximum height is 25 feet tall

- If under 200 square feet and detached:
  - 6 feet from house and at least 3 feet from side or rear property lines
- If over 200 square feet for detached:
  - 6 feet from house and 5 feet from side and rear property lines
- When Building Permits Required for Attached Structures
  - All Setbacks apply

#### **Accessory Structures-Proposed Code Updates**

- Definition of Accessory Structure
- Clarified Exceptions
- Allow Smaller structures closer to property line
- Larger structures would need to be further from property lines
- Overall reduction in maximum height and size

Michelle stated staff recommends the Council hold a public hearing to receive testimony.

Council President Grant opened the public hearing to receive testimony.

Brad Brucker 16273 SW Railroad St. Sherwood came forward and stated he believes this is a great idea and said he's been talking to the planning department staff. Mr. Brucker gave an example of an issue and stated many of the lots in the Old Town Over Lay Zone are 5000 square feet, that's the nominal dimension. Mr. Brucker stated they bought a lot in 2004-'05 on the corner of Park & Railroad which currently occupies two businesses. Mr. Brucker said the issue is we thought we were buying a 5000 square foot size lot and when our surveyor went out there he detected a change in the size, it was 28 square feet short of 5000 square feet. The problem with this is we wanted to divide the property and the minimum lot size according to the planning department is 2500 square feet, Mr. Brucker said we suddenly have a problem. Mr. Brucker stated to do a variance we had to have a full scale deal that should have been an across the counter transaction. Mr. Brucker said a lot of the lots in old town are just a bit over, when they are surveyed or a little bit under the 5000 square feet. Mr. Brucker said he feels as an owner and developer and wanting to do what's right for the city and for ourselves, I don't think we should have to pay that kind of money to do a full scale variance and go before a planning commission when we have very knowledgeable staff that can make a reasonable decision and if you can give them some flexibility, and in my case, a 5% flexibility in the code. Mr. Brucker gave an example of having to search the code and in turn confirming with staff that his search was accurate. Mr. Brucker suggested giving an example and said the language is there for certain reasons but for the lay person, it's hard to understand. Mr. Brucker stated he is very much in favor of what is going on as it gives very intelligent people the power and this makes sense.

Council President Grant thanked Mr. Brucker and asked to receive other testimony. With no other comments received he closed the public hearing and asked to receive additional staff comments.

Michelle Miller came forward and offered to answer Council questions.

Councilor Butterfield stated he thinks staff has done a great job and said over the years he has dealt with the City and permitting and planning and there were challenging times and he appreciates what has been done by staff.

Councilor Henderson asked given Mr. Brucker's comments how does the code as it stands today address his issue verses the code that is being proposed for adoption.

Michelle Miller replied his issues were related to partitioning and it would be considered a variance and that would require a potential public hearing if it was under 20%, notice would go out to surrounding property owners and if there was a request for a hearing, one would be held for the planning commission ad said it created a great deal of uncertainty in that regard.

Councilor Henderson asked what was his cost for that. Julia Hajduk came forward and replied if it was a Type IV hearing, it would be approximately \$4000. Michelle Miller further explained the process and Julia replied an administrative variance which is a staff level variance, which is subject to a potential hearing if requested, is \$1102 and a Type III Variance is \$4145. Councilor Henderson replied with no positive guarantee of results. Julia confirmed this was correct.

Julia stated this is not in the current Fee Schedule and if it were a Type I ministerial decision we would most likely recommend in the adoption of the budget and Fee Schedule process that it be similar to other over-the-counter permits, in the \$50 range after analyzing how much staff time it would take.

Councilor Henderson asked in regards to the fee and it corresponding to a decision that was tangible. Tom Pessemier replied his understanding of Mr. Brucker's issues and the new code if adopted by the Council, would fall under a Type A adjustment. Staff explained the Type A and said staff tried to make it reasonable and rational to people. Tom stated he understands Mr. Brucker's comments about providing examples and said examples won't be provided in the code but staff will be putting together applications and more information in the policy guidelines.

Council President Grant commented regarding other issues coming forward and having a help link on the City website.

Councilor Langer thanked staff for all their work and said to the community it's in our best interest to try and make this process easier for situations like Mr. Brucker's and there are other circumstances that will pop up and hopefully through this process we have decreased the amount of those situations.

With no other Council comments, Council President Grant asked for a motion.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2011-003, SECONDED BY COUNCILOR MATT LANGER. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, MAYOR MAYS WAS ABSENT.**

Council President Grant addressed the next agenda item.

## **9. CITIZEN COMMENTS**

No citizen comments were received.

Council President Grant addressed the next agenda item.

## **10. CITY MANAGER REPORT**

City Manager Patterson asked Police Chief Groth to provide Council with an update on Photo Red Light. Chief Groth provided Council with system data from the last five months; November 2010 the system recorded 1843 violations and 885 notices were sent out. Chief Groth stated this was a combination of the warning period ending and citation period beginning; December 2010, 1577 total violations and we were in the full citation mode and we issued 665 citations; January 2011, 1361 total violations with 690 citations issued; February 2011, 1225 total violations with 653 citations issued. Chief stated the trend from February 2011 to November 2010 was a downward trend. March 2011, 1446 total violations with 786 citations issued. Brief Council comments were received regarding the March 2011 increases possibly due to the increase in spring break traffic.

City Manager Patterson reported the Parks Board and SURPAC went through a rigorous process, related to the Cannery Square and the Plaza and he is elated to say he has directed staff to move forward with putting the project out to bid as the Parks Board and SURPAC agreed and made a formal recommendation to the Council to approve all the design elements as originally planned, including the grass.

Mr. Patterson stated yesterday April 4<sup>th</sup> he announced to all City staff and the Council that in order to address structural imbalances in the 2011-12 proposed City Budget, that the City has made the decision to layoff three employees and a decision has been made as a part of the upcoming budget to implement a wage freeze, including step increases and cost of living adjustments for all non-represented employees. Mr. Patterson stated the affected employees were informed of the City's decision and all have been offered to work through the end of June 2011 or they may leave on April 15<sup>th</sup>. Mr. Patterson informed the Council the affected employees will be taken care of with the upmost care and respect and said the City appreciates their service to the City. Mr. Patterson stated the Human Resources staff is working with the affected employees to work through the transition with offering career and transition counseling. Mr. Patterson stated Sherwood will grow commercially and residentially again and this will take us to a new and brighter future and the budget I'm recommending is designed to bridge the gap between now and the time we see the next wave of growth and in spite of the very difficult decision, I'm optimistic that we will see ongoing improvements in our national, state and local economies. Mr. Patterson said the people that work for this organization are proving their loyalty, dedication and commitment and thanked them.

Council President Grant thanked Mr. Patterson and recognized the difficult decisions made and stated the Council's heart goes out to those affected and wishes the best to them.

Councilor Luman commented regarding the exiting options provided to the affected staff and how this shows care and compassion.

Mr. Patterson commented regarding this being a mirror of what was done in 2006 and said it was a collaborative process of the senior management team.

Council President Grant addressed the next agenda item.

## **11. COUNCIL ANNOUNCEMENTS**

Councilor Langer reported BOOTS (Businesses of Old Town) is currently in the process of determining who will be their BOOTS Coordinator.

Councilor Henderson reported the Sherwood McMenamin's hosted a fund raiser this evening for the Sherwood Charter School with 50% of food receipts being donated to the school.

Councilor Henderson stated the week of April 18<sup>th</sup> at the High School PAC auditions for Sound of Music will be held and the Sherwood Foundation for the Arts will be bringing this performance. Ms. Henderson stated any interested volunteers or cast members can sign up by going to Sherwoodarts.org and select Musical.

Ms. Henderson reported Sherwood Foundation for the Arts in partnership with the City has open registration for two weeks for Missoula Children's Theater, with a performance of Robin Hood at the end of July and the Little Mermaid the first week of August.

Ms. Henderson reported this Thursday the Sherwood Cultural Arts Steering Committee will be meeting at 7pm in a work session regarding the Business Plan and the future Cultural Arts Center. The meeting will be held in the community room at Sherwood City Hall. Staff added information regarding a public meeting to be held on the 14<sup>th</sup>, 7pm at this same location to review the Business Plan.

With no other announcements, Council President Grant adjourned the meeting.

**12. ADJOURN:** Council President Grant adjourned at 8:40pm.

Submitted by:

---

Sylvia Murphy, CMC, City Recorder

---

Keith S. Mays, Mayor



**RESOLUTION 2011-035**

**A RESOLUTION APPOINTING CHRISTINE MCLAUGHLIN TO THE LIBRARY ADVISORY BOARD**

**WHEREAS**, there is currently one seat vacant for the Library Advisory Board; and

**WHEREAS**, Christine McLaughlin has applied for the Library Advisory Board; and

**WHEREAS**, the applicant has been endorsed by the interview panel (Council liaison, Board chairman and staff liaison) and by the Mayor;

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.**Christine McLaughlin is appointed to the Library Advisory Board for a four year term as per the Sherwood Municipal Code Chapter 2.12.030, beginning April 2011 and ending April 2015;

**Section 2:** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



**RESOLUTION 2011-036**

**A RESOLUTION REAPPOINTING THADDEUS OVERTURF TO THE PARKS AND RECREATION BOARD**

**WHEREAS**, Thaddeus Overturf was appointed to the Parks and Recreation Board by Resolution 2007-044, and reappointed by Resolution 2009-028 serving two, 2 year terms; and

**WHEREAS**, the Parks and Recreation Board currently has vacancies and Thaddeus Overturf has requested reappointment; and

**WHEREAS**, Council Liaison Bill Butterfield, and the Chair of the Parks Board, with assistance of staff, are recommending Thaddeus Overturf for reappointment; and

**WHEREAS**, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Mayor is authorized to reappoint Thaddeus Overturf to a two year term, expiring March 2013.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



**RESOLUTION 2011-037**

**A RESOLUTION APPOINTING LUTHER VANDERBURG TO THE  
PARKS AND RECREATION BOARD**

**WHEREAS**, the Parks and Recreation Board currently has vacancies; and

**WHEREAS**, Council Liaison, Bill Butterfield and David Scheirman, Chair of the Parks and Recreation Board, with assistance of staff, are recommending Luther Vanderburg for appointment; and

**WHEREAS**, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council for a two year term.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Mayor is authorized to appoint Luther Vanderburg to a two year term, expiring March 2013.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



**RESOLUTION 2011-038**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND AMEND LEASE AGREEMENTS FOR CITY OWNED PROPERTY**

**WHEREAS**, the City owns property that is leased to businesses and organizations in the community; and

**WHEREAS**, economic and other conditions sometime warrant a renegotiation of lease rates or other conditions of the lease;

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager is authorized to negotiate and amend lease agreements for City owned property based on findings that would merit such modifications or negotiations.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

---

Keith S. Mays, Mayor

Attest:

---

Sylvia Murphy, CMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Scott Mckie, Building Official

**SUBJECT: Ordinance 2011-004 updating the Sherwood Municipal code and adopting the 2011 Oregon Plumbing Specialty Code**

**ISSUE:** Adopting the 2011 Oregon Plumbing Specialty Code and amending section 15.04.130 of the Sherwood Municipal Code.

**BACKGROUND:** The State of Oregon has adopted an updated version of the Oregon Plumbing Specialty Code based on the 2009 Uniform Plumbing Code.

**FINDINGS:** This adoption is consistent with statewide code enforcement.

**CONCLUSIONS:** Adoption of this Ordinance will ensure that the City is complying with the State's mandate to enforce the most current adopted Plumbing Code and will promote the peace, health, safety and welfare to the citizens of Sherwood.

**RECOMMENDATION: MOTION TO APPROVE ORDINANCE 2011-004, AN ORDINANCE ADOPTING THE 2011 OREGON PLUMBING SPECIALTY CODE.**

**ATTACHMENTS:** None. Please note, a copy of the Oregon Plumbing Specialty Code is maintained in the City of Sherwood Building Department for public use.



**ORDINANCE 2011-004**

**AN ORDINANCE AMENDING SECTION 15.04.130 OF THE SHERWOOD MUNICIPAL CODE ADOPTING THE 2011 OREGON PLUMBING SPECIALTY CODE BASED ON THE 2009 EDITION OF THE UNIFORM PLUMBING CODE**

**WHEREAS**, pursuant to ORS 447.020 and ORS 455, all plumbing installations in the City of Sherwood must be consistent with the statewide building code, including the Plumbing Specialty Code; and

**WHEREAS**, the State of Oregon adopted the 2011 Oregon Plumbing Specialty Code based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), and

**WHEREAS**, the City of Sherwood administers and enforces a building inspection program including the 2011 Oregon Plumbing Specialty Code, for administration, plan review, permits, and inspections.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** Section 15.04.130 of the Sherwood Municipal Code is hereby amended as follows:

**15.04.130 Plumbing code.**

The City of Sherwood shall use the 2011 Oregon Plumbing Specialty Code for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2011 code is hereby deemed ineffective and without force.

**Section 2.** The 2011 Oregon Plumbing Specialty Code is available at the Building Department at Sherwood City Hall, 22560 SW Pine Street, Sherwood, Oregon.

**Section 3.** Effective Date. This Ordinance shall become effective 30 days from its adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Luman	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____

**TO:** Mayor and City Council

**FROM:** Scott Mckie, Building Official

**SUBJECT: Ordinance 2011-005, updating the Sherwood Municipal code and adopting the 2010 Oregon Solar Installation Specialty Code**

**ISSUE:** Adopting the 2010 Oregon Solar Installation Specialty Code and adding section 15.04.180 of the Sherwood Municipal Code.

**BACKGROUND:** The State of Oregon has adopted the 2010 Oregon Solar Installation Specialty Code. This code was specifically developed for Oregon by the Oregon Building Codes Division. The provisions of this code shall apply to all aspects of the structural requirements for the installation, alteration, replacement and repair of solar Photovoltaic (PV) system. This code is meant to set minimum requirements for the installation of PV components and support systems in keeping with the purpose of Oregon's Structural Specialty Codes. The code should be administered to ensure integrity of structures in order to safeguard public health, and safety and protect life and property from fire and other hazards associated with the installation of PV systems, and to provide for fire fighter safety in the case of an emergency.

**FINDINGS:** This adoption is consistent with statewide code enforcement

**CONCLUSIONS:** Adoption this Ordinance will ensure that the City is complying with the State's mandate to enforce the most current adopted Solar Installation Specialty Code and will promote the peace, health, safety and welfare to the citizens of Sherwood.

**RECOMMENDATION: MOTION TO APPROVE ORDINANCE 2011-005, AN ORDINANCE ADOPTING THE 2010 OREGON SOLAR INSTALLATION SPECIALTY CODE.**

**ATTACHMENTS:** None. Please note, a copy of the Solar Installation Specialty Code is maintained in the City of Sherwood Building Department for public use.



**ORDINANCE 2011-005**

**AN ORDINANCE ADDING SECTION 15.04.180 OF THE SHERWOOD MUNICIPAL CODE ADOPTING THE 2010 OREGON SOLAR INSTALLATION SPECIALTY CODE**

**WHEREAS**, these are the most current codes being used at this time: and

**WHEREAS**, the State of Oregon has adopted the Oregon Solar Installation Specialty Code as published by the Department of Consumer and Business Services Building Codes Division; and

**WHEREAS**, the City of Sherwood administers and enforces a building inspection program and therefore must pursuant to ORS 455.148 & 455.496, must enforce the updated specialty codes including the 2010 Oregon Solar Installation Specialty Code for administration, plan review, permits and inspections,

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** Section 15.04.180 of the Sherwood Municipal Code is hereby added as follows:

**15.04.180 Oregon Solar Installation Specialty Code**

The City of Sherwood shall use the 2010 Oregon Solar Installation Specialty Code for administration, inspection and plan review. Any provisions in this Chapter inconsistent with the terms of the 2010 Code is hereby deemed ineffective and without force.

**Section 2.** The 2010 Oregon Solar Installation Specialty Code is available at the Building Department at Sherwood City Hall, 22560 SW Pine Street, Sherwood, Oregon.

**Section 3.** Effective Date. This Ordinance shall become effective 30 days from its adoption.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

---

Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Luman	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____

**TO:** Mayor and City Council  
**FROM:** Scott Mckie, Building Official

**SUBJECT: AN ORDINANCE 2011-006 OF THE CITY OF SHERWOOD AMENDING MUNICIPAL CODE SECTION 8.12, FIRE PREVENTION CODE AND ADOPTING THE TUALATIN VALLEY FIRE AND RESCUE'S FIRE PREVENTION CODE**

**ISSUE:** TVF&R has proposed the City adopt TVF&R's Fire Code, Ordinance 10-02 including amendments to the 2010 Oregon Fire Code previously adopted by the City.

**BACKGROUND:** The City of Sherwood adopted the 2010 Oregon Fire Code via Ordinance 2010-011 on August 3, 2010. Steven Forester, Fire Marshall/Division Chief for TVF&R has proposed amendments to the Oregon Fire Code as adopted by the TVF&R Board in August 2010. Due to the fact that TVF&R is an "exempt status" fire district, Oregon Law ORS 478.924 requires TVF&R Ordinance 10-02 be adopted in every City and County served by TVF&R.

It is the opinion of Mr. Forester that the current language in the Sherwood Municipal Code is adequately covered in the 2010 Oregon Fire Code and recommends repealing Sections 8.12.020 through 8.12.160 of the Sherwood Municipal Code adopted via Ordinance 2000-1084, attached as Attachment A to staff report.

**CONCLUSIONS:** Adoption of this Ordinance will ensure that the City adopts the amendments proposed by TVF&R, the City's service provider.

**RECOMMENDATION:** Motion to approve Ordinance 2011-006, an Ordinance of the City of Sherwood amending the Municipal Code Section 8.12, Fire Prevention Code and adopting the Tualatin Valley Fire and Rescue's Fire Prevention Code.

## Chapter 8.12 FIRE PREVENTION CODE

Sections:

### 8.12.010 Adoption of State Fire Code.

#### ~~8.12.020 Definitions.~~

~~8.12.030 Establishment of limits for storage of flammable or combustible liquids in outside aboveground tank.~~

~~8.12.040 Establishment of limits for storage of explosives and blasting agents.~~

~~8.12.050 Establishment of limits for storage of liquefied petroleum gas.~~

~~8.12.060 Establishment of limits for storage of compressed natural gas.~~

~~8.12.070 Establishment of limits for storage of stationary tanks of flammable cryogenic fluids.~~

~~8.12.080 Establishment of limits for storage of hazardous materials.~~

~~8.12.090 Enforcement of code.~~

~~8.12.100 Amendments made in the Uniform Fire Code.~~

~~8.12.110 Penalties.~~

~~8.12.120 Plan review, submittal of plan for fire code approval.~~

~~8.12.130 Fire code board of appeals.~~

~~8.12.140 Repeal of conflicting ordinances.~~

~~8.12.150 Validity.~~

~~8.12.160 Date of effect.~~

### **8.12.010 Adoption of State Fire Code.**

The 2010 Oregon Fire Code is adopted by the City of Sherwood for purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosives and for purposes of plan review, permits and inspections. Any provision in this chapter inconsistent with the terms of that 2010 Code is to be deemed ineffective and without force.

(Ord. No. 2010-011, § 1, 8-3-2010; Ord. 07-013 § 1; Ord. 06-004 § 1; Ord. 00-1084 § 1 (part))

#### **~~8.12.020 Definitions.~~**

~~Definitions set forth in the Uniform Fire Code and Uniform Fire Code Standards are adopted save and except for the following:~~

~~A. Whenever the terms "administrator," "director" or "chief" are used, they shall be held to mean the fire chief or his or her authorized representative.~~

~~B. Whenever the term "authorized representative" is used, it shall be held to mean the person charged with enforcement of the fire prevention code.~~

~~C. Whenever the term "board of appeals" is used, it shall be held to mean the board of appeals that is provided by the fire prevention code of the district.~~

~~D. Whenever the term "board of directors" is used, it shall be held to mean the elected officials of Tualatin Valley fire and rescue, a rural fire protection district.~~

~~E. Whenever the term "Uniform Building Code" or "building code" is used it shall be held to mean the current edition of the state of Oregon Structural Specialty Code as adopted by the State Building Codes Division.~~

~~F. Whenever the term "building department" is used it shall be held to mean the building department of the city or county of which it is a part thereof.~~

~~G. Whenever the term "building official" is used in the Uniform Building Code, Uniform Mechanical Code and ORS Chapter 455, it shall mean the building official of the city or county which is a part of this district.~~

H. Whenever the term "chief" or "chief of the fire department" is used, it shall be held to mean the fire chief of the district.

I. Whenever the term "chief of police" is used, it shall be held to mean whichever chief of police or sheriff has jurisdiction within the geographical area so affected.

J. Whenever the term "corporate counsel" or "city attorney" or "attorney" is used, it shall be held to mean the attorney for the district.

K. Whenever the term "district" is used, it shall be held to mean Tualatin Valley fire and rescue, a rural fire protection district.

L. Whenever the term "fire prevention bureau" is used, it shall be held to mean the fire marshal's office.

M. Whenever the term "jurisdiction," "city," "county," "state" or "municipality" is used, it shall be held to mean the district or the city or county of which this district is a part.

N. Whenever the term "hazardous vehicle" is used, it shall be held to mean vehicles blocking or obstructing a public or private right of way or fire hydrants, or vehicles with leaking fuel tanks or other hazardous materials, or vehicles located in violation of the fire prevention code.

O. Whenever the term "primary tank" is used, it shall be held to mean a listed atmospheric tank used to store liquid. See definition for "primary containment."

P. Whenever the term "protected aboveground tank" is used, it shall be held to mean a listed tank system consisting of a primary tank provided with protection from physical damage, and fire resistive protection from a high intensity liquid pool fire exposure. The tank system may provide these protection elements as a unit or may be an assembly of components, or a combination thereof.

Q. Whenever the term "Uniform Mechanical Code" or "mechanical code" is used, it shall be held to mean the current edition of the state of Oregon Mechanical Specialty Code, as adopted by the State Building Codes Division.

R. Whenever the term "room" is used, it shall be held to mean a space or area bounded by any obstructions to exit passage which at any time encloses more than eighty (80) percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than three feet in clear width and less than six feet eight inches high shall not be considered.  
(Ord. 00-1084 § 1 (part))

**8.12.030 Establishment of limits for storage of flammable or combustible liquids in outside aboveground tank.**

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code relating to the storage of Class I and II flammable liquids or combustible liquids in outside aboveground tanks, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built in fire protection or fire extinguishing facilities or topographical conditions and the district's firefighting capabilities may permit the installation of aboveground storage tanks in approved locations.

(Ord. 00-1084 § 1 (part))

**8.12.040 Establishment of limits for storage of explosives and blasting agents.**

The limits referred to in Section 7701.7.2 of the Uniform Fire Code, relating to the storage of explosive materials, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the

storage of explosives and blasting agents on farms, gravel pits, rock quarries and other isolated areas.  
(Ord. 00-1084 § 1 (part))

**8.12.050 Establishment of limits for storage of liquefied petroleum gas.**

The limits referred to in Section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built in fire protection or firefighting facilities or topographical conditions, and the district's firefighting capabilities, may permit the installation of liquefied petroleum gas containers in approved locations, and then only when approval has been obtained pursuant to Section 8202 of the Uniform Fire Code.

(Ord. 00-1084 § 1 (part))

**8.12.060 Establishment of limits for storage of compressed natural gas.**

The limits referred to in Section 5204.5.2 of the Uniform Fire Code in which the storage of compressed natural gas storage is prohibited, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of compressed natural gas in approved locations pursuant to Section 5204.

(Ord. 00-1084 § 1 (part))

**8.12.070 Establishment of limits for storage of stationary tanks of flammable cryogenic fluids.**

The limits referred to in Section 3-1.5 of the Uniform Fire Code Standard 80-3, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of flammable cryogenic fluids in stationary containers in approved locations.

(Ord. 00-1084 § 1 (part))

**8.12.080 Establishment of limits for storage of hazardous materials.**

The limits referred to in Section 8001.1.1 of the Uniform Fire Code, in which the storage of hazardous materials is prohibited, are established as the limits of the district.

EXCEPTION: The chief, after consideration of built in fire protection or fire extinguishing facilities or topographical conditions, and the district's firefighting capabilities, may permit the storage of hazardous materials pursuant to the provisions of Article 80.

(Ord. 00-1084 § 1 (part))

**8.12.090 Enforcement of code.**

Notwithstanding provisions in the Uniform Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g., Sections 103.3.1.1 and 1001.5.2, or provisions providing for enforcement of the code, such inspections, testing and enforcement of the code shall be discretionary by the chief and other individuals charged by the chief with such activities. The district recognizes that it has limited financial resources with which to provide fire, rescue and other services and functions and is forced to

make public policy decisions as to allocation of district resources. Although the district places a high priority on prevention, inspection and maintenance of fire systems, as a policy matter the board has determined that it does not have the financial capabilities to require or enforce these activities. Accordingly, although the fire chief and other individuals charged by the chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the fire chief. It is the intention of the district to make clear that the district does not have a mandatory duty to perform the inspections and testing, or to take enforcement actions, as set forth in the code. Such actions are discretionary.

(Ord. 00-1084 § 1 (part))

#### **8.12.100 Amendments made in the Uniform Fire Code.**

The 1997 Edition of the Uniform Fire Code is amended and changed in the following respects:

1. Section 101.8.1 is amended by adopting the appendices listed below:

The provisions of the following appendices are adopted as part of this code. I C, I D, I E, I F, I G, II A, II B, II C, II D, II I, II J, III A, III C, III F, IV A, V A, V B, VI A, and VI F.

2. Section 103.2.1.1 is amended by deleting the word "and" at the end of number 7, adding a comma to the end of number 8, and adding the following:

9. The adequacy of means of approach to buildings and structures by mobile fire apparatus and firefighting personnel,

10. Providing firefighting water supplies and fire detection and suppression apparatus adequate for the protection of buildings and structures,

11. Issuance of permits before burning trash or waste material, and

12. Inspection of premises by officers designated by the Chief and requiring removal of fire and life safety hazards found on premises at such inspections.

3. Section 103.3.1.1 is amended by replacing the word "shall" with "may" in the first sentence.

4. Section 103.4.4 is amended by replacing the word "misdemeanor" with "violation of the Fire Code (see ORS 478.930 and 478.990)."

5. Section 103.4.5 is amended by deleting the last sentence of that section, as follows:

See the procedure specified in Chapters 4 through 9 of the *Uniform Code for the Abatement of Dangerous Buildings*.—

6. Section 105.8 is amended by deleting all permits, except the following:

e.2 Carnivals and fairs

e.1 Explosives or blasting agents

f.3 is amended as follows: Delete entire section except the following:

6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of flammable or combustible liquid tank.

h.4 Haunted Houses

i.1 Liquefied petroleum gases

p.3 Pyrotechnical special effects material

t.1 Tents, canopies and temporary membrane structures.

7. Section 901.4.5.1 is added as follows:

901.4.5.1 No Parking Signs:

1. Signs shall read "NO PARKING—FIRE LANE—TOW AWAY ZONE, ORS. 98.810 to 98.812."

~~2.—Vertical no parking signs shall be mounted with a clear space above ground level of 7 feet high.~~

~~3.—Vertical or no parking signs shall be 12 inches wide by 18 inches high. Signs shall have red or black letters and border on a white background.~~

~~8.—Section 901.4.5.2 is added as follows:~~

~~901.4.5.2 Curb and Surface Marking. Fire access roads and curbs shall be painted red or yellow and be posted "No Parking Fire Lane" at each 25 feet. Lettering shall be white on the red background or black on yellow background and shall have a stroke of 1 inch wide by 6 inches high. Roadway driving surfaces, at the discretion of the chief, shall be painted with 6 inch diagonal striping. The color of striping shall be red or yellow against a high contrast background.~~

~~9.—Section 902.2.1 is amended by adding the following:~~

~~Twenty five or more dwelling units shall have not less than two or more approved fire apparatus access roadways.~~

~~Exception: 1. When Group R, Division 1 Occupancies are provided with automatic sprinkler protection in accordance with UBC Standards 9-1 or 9-3 a single access may be provided when approved by the chief. All other provisions for fire apparatus access roadways shall be complied with as specified herein.~~

~~2. When Group R, Division 3 Occupancies are provided with automatic sprinkler protection in accordance with National Fire Protection Association Standards 13D, 1996 Edition, a single access may be provided when approved by the chief.~~

~~10.—Section 902.2.2.5 is amended to read as follows:~~

~~902.2.2.5 Bridges. Private bridges on required fire apparatus access roadways shall be designed and constructed in accordance with the State of Oregon Department of Transportation and American Association of State Highway and Transportation Officials Standards. Design load shall conform with HS-25 or greater. The design and specifications for bridges shall be prepared by a State of Oregon registered professional engineer. A building permit shall be obtained for the construction of the bridge when required by the building official. The design engineer shall prepare a special inspection and structural observation program for approval by the building official when a permit is required or approval by the fire chief when a permit is not required. The design engineer shall give, in writing, final approval of the bridge to the fire department after construction is completed. Maintenance of the bridge shall be the responsibility of the party(ies) that use the bridge for access to their property(ies). The fire district may at any time, for due cause, ask that a registered engineer inspect the bridge for structural stability and soundness at the expense of the property owner(s) the bridge serves.~~

~~11.—Section 902.2.4.1 is amended by adding the following to the end of the section:~~

~~The chief may order any vehicle to be removed which is in violation of the Uniform Fire Code and/or is an obstruction to suppression of fire. If the vehicle is left unattended, the chief may cause the vehicle to be towed with all expenses incurred by the owner.~~

~~12.—Sections 902.4.1 through 902.4.4 are added as follows:~~

~~902.4.1. Required Key Boxes. Key boxes shall be installed on buildings and structures if:~~

- ~~1. an elevator is installed;~~
- ~~2. if equipped with an automatic fire extinguishing system;~~
- ~~3. if equipped with a fire alarm system; or,~~
- ~~4. if, access is restricted due to security arrangements.~~

~~Exception: Buildings and structures open and supervised twenty four hours a day, seven days a week or constantly attended.~~

~~902.4.2 Key Box Mounting Location. Key boxes shall be installed within twenty feet of the main entrance (address entrance):~~

~~The bottom of the key box shall not be less than eight feet nor more than ten feet above the walking surface unless approved by the Chief or authorized representative.~~

~~Exceptions: 1. In multi-tenant buildings (each with their own outside entrance) the key box shall be located at the door that will best and most easily gain access to automatic sprinkler system controls, alarm system controls, etc.~~

~~2. For other configurations, the Fire Marshal's Office shall be contacted for installation instructions.~~

~~902.4.3 Key Box Contents. Key boxes shall contain the following:~~

~~1. building or structure keys;~~

~~2. gate key;~~

~~3. elevator recall key;~~

~~4. elevator door key;~~

~~5. alarm systems keys and operation instructions;~~

~~6. automatic fire extinguishing system control valve keys.~~

~~and may contain the following:~~

~~1. emergency personnel contact numbers;~~

~~2. hazardous materials safety data sheets~~

~~902.4.3.1 Labeling. All keys shall be labeled as to their use, i.e., main entrance, alarm control panel, sprinkler room door, etc.~~

~~902.4.4. Key Box Size. The size of the key box shall be sufficient to contain all necessary keys and/or equipment.~~

~~13. Section 903.2 is amended by replacing the prescribed distance of 150 feet with a distance of 250 feet.~~

~~14. Sections 903.3 through 903.3.2 are amended and added as follows:~~

~~903.3 Required Fire Flow: No building shall be constructed, altered, enlarged, moved, or repaired in a manner that by reason of size, type of construction, number of stories, occupancy, or any combination thereof creates a need for a fire flow in excess of 3,000 gallons per minute at 20 pounds per square inch residual pressure, or exceeds the available fire flow at the site of the structure. The requirements for determining fire flow for all buildings are as set forth in the Uniform Fire Code, Appendix III A, in areas with municipally developed water supplies; For rural areas where no municipally developed water supply is available, see the National Fire Protection Association (NFPA) Standards 1231, 1993 Edition, *Standard on Water Supplies for Suburban and Rural Firefighting*, where is hereby adopted and by this reference becomes a part of this ordinance.~~

~~EXCEPTION: Fire flow requirements in excess of 3,000 gallons per minute may be allowed if, in the opinion of the chief, all reasonable methods of reducing the fire flow have been included within the development and no unusual hazard to life and property exists.~~

~~Existing buildings that require a fire flow in excess of 3,000 gallons per minute are not required to comply with the fire flow requirements of this section. However, changes in occupancies or the character of occupancies, alterations, additions or repairs shall not further increase the required fire flow for buildings.~~

~~903.3.1 Rural Water Supply: Outside of the boundaries of a municipal type water supply, the water supply for firefighting shall be provided in accordance with NFPA 1231.~~

~~Commercial occupancies shall be equipped with a smoke alarm system installed in accordance with UFC Standard 10-2 and supervised by an approved remote central station.~~

~~Note: Credit for installation of alarm systems as specified in Appendix II-A is not applicable to this section.~~

~~EXCEPTIONS: 1. In other than the occupancies listed in ORS 479.010(I) (i), where in the opinion of the chief the loss of a structure would not incur substantial impact on the community financially, commercial occupancies shall be equipped with a smoke detection system installed throughout complying with Uniform Fire Code Standards 10-2 and 10-3 that is monitored by a remote central station which has been approved by the chief.~~

~~2. When there are not more than one each, Group R, Division 3 and Group U occupancies or agricultural building, as defined by ORS 455.315, on a single parcel of not less than one acre, the requirements of this section may be modified provided, the Group R, Division 3 occupancy does not require a fire flow in excess of 1500 gpm (based on NFPA Standard 1231) and in the opinion of the chief, firefighting or rescue operations would not be impaired.~~

~~3. When smoke detection would produce adverse or false alarms, upon judgment of the chief, fixed temperature or rate of rise heat detection may be substituted.~~

~~903.3.2 Municipal or Public Water Supply: An approved water supply for areas inside water districts or municipally developed water supplies (private or public) capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings are moved or portions of buildings are hereafter constructed.~~

~~EXCEPTION: Exceptions #1 and #2 of Section 903.3.1 may be applied to Section 903.3.2.~~

~~15. Sections 903.4.2.1 through 903.4.2.5 are added as follows:~~

~~903.4.2.1 Commercial Buildings. Fire hydrants shall be located so that no portion of the exterior of a commercial building is more than 250 feet from a fire hydrant as measured in an approved manner around the outside of the structure and along the approved route of travel accessible to fire apparatus. The minimum number of hydrants shall be determined by dividing the required fire flow by 1500 gallons per minute prior to giving credit for fire protection systems in Appendix III-A. When the above calculation results in a fraction of a hydrant equal to or greater than .5 the next larger whole number of hydrants shall be used. The minimum number of hydrants for a structure shall not be less than 2.~~

~~EXCEPTIONS: (1) When such buildings are protected throughout with an approved automatic fire extinguishing system, the chief may allow variations up to a maximum of 500 feet, provided adequate protection is maintained.~~

~~(2) Temporary and portable structures used at construction sites when both the following conditions are provided:~~

~~A. When the structures are not less than 40 feet from the primary structure(s) under construction or buildings on adjacent properties.~~

~~B. When the combined areas of the temporary portable structures are not greater than 2,500 square feet in size. Areas of structures may be considered as separate when there is 40 feet or more between each group of buildings. The square footage of cargo containers shall also be included in the area.~~

~~903.4.2.1.1 following shall be considered when evaluating the numbers of fire hydrants for a structure.~~

~~1. Existing hydrants in the area may be used to meet the required number of hydrants; however, hydrants that are over 500 feet away from the nearest point of the subject building shall not be considered to contribute to the required number of hydrants.~~

~~2. Hydrants that are separate from the subject building by railroad tracks shall not contribute to the required number of hydrants.~~

~~3. Hydrants that are separated by divided highway, freeway or heavily traveled collector streets shall not contribute to the required number of hydrants.~~

~~4. Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the chief.~~

~~5. Private hydrants or public hydrants that are on adjacent private property shall not contribute to the required number of hydrants for the subject property.~~

~~Exception: The use of hydrants located on other private property may be considered if their locations and access are encumbered in a legal document (such as a deed restriction) by the owners of the involved parcels of property. The encumbrance may be lifted only after approval of the chief on behalf of the fire department and any other governmental agencies that may require approval.~~

~~6. When evaluating the placement of hydrants at apartment or industrial complexes the first hydrant(s) to be placed shall be at the primary access and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the above requirements for spacing and minimum numbers of hydrants.~~

~~903.4.2.2 Non-Commercial Building. Unless otherwise approved by the chief, fire hydrants shall be placed at each intersection. Intermediate hydrants are required when the distance to any part of a non-commercial building exceeds 500 feet as measured in an approved manner around the outside of the structure and along a route of travel accessible to fire apparatus.~~

~~Note: For the purpose of Section 903, a "commercial building" means a building used for other than Group R Division 3 (when built as one or two family dwellings), Group U, or agricultural occupancies as defined in the Building Code.~~

~~903.4.2.3 Fire Department Connection Pressurized Hydrants. Fire hydrants on private water mains that are required to be pressurized by a fire department connection shall not be considered to contribute to the requirements of Section 903.4.2.2 unless approved by the chief.~~

~~903.4.2.4 Fire Hydrant Distance from Driving Surface. Fire hydrants shall be placed not more than 15 feet from an approved access roadway unless specifically approved by the chief.~~

~~903.4.2.5 Fire Department Connections. Fire department connection(s) shall not be attached to the protected structure unless approved by the chief. Each building shall be provided with its own fire department connection unless approved by the Chief. Fire department connection(s) shall be located within 70 feet (21 336 mm) of a fire hydrant.~~

~~Exception: Fire department connections (fdc) may be placed on buildings classified as Group R, Division 1 Occupancies, not more than 4 stories in height, and used exclusively for dwellings with or without attached private garages for the storage of pleasure automobiles, provided all of the following conditions are fulfilled:~~

~~1. There shall not be more than 70 feet from the driving surface of an approved access roadway to the fdc. This measurement shall be made along an unobstructed, 3-foot wide, approved access walkway. Oregon Structural Specialty Code, Chapter 10 shall be used to determine the provisions of an approved access walkway.~~

~~2. A fire hydrant shall be located not more than 500 feet from the fdc. The measurement shall include the 70 feet in item 1.~~

~~3. The fire hydrant shall be placed on the same side of the access roadway as the fdc unless there is at least one additional approach to the building by an approved access roadway.~~

4. Fire department connections shall be located on buildings so that they are at an easily accessible location and no closer than 3 feet to a building opening.

5. There shall be a fire alarm signaling device in the form of a horn/strobe located not less than 8 feet above grade directly over the fde(s).

16. Section 1006.1 is amended by adding the following exception:

~~EXCEPTION: Oregon Mechanical Code Interpretive Rule 92-13 provides when equipment is limited to a maximum of two domestic ranges in locations such as churches, lodge halls, employee kitchens and similar occupancies where cooking practices are limited to infrequent cooking of meals and/or reheating of limited quantities of foodstuffs which as performed does not create grease-laden vapor, a Class II ventilating hood may be installed in accordance with the Mechanical Code.~~

~~NOTE: The use of this exception may be revoked by the chief or building official for due cause requiring the installation of a Type I hood.~~

17. Section 1006.2.7 is amended as follows:

~~1006.2.7 Portable fire extinguishers. An approved portable fire extinguisher having a minimum rating of 40-B shall be installed within 30 feet (9144 mm) of commercial food heat processing equipment, as measured along an unobstructed path of travel, in accordance with UFC Standard 10-1.~~

18. Section 1007.2.1.1.1 is added follows:

~~1007.2.1.1.1 Non-required fire alarm systems (NFAS). Non-required fire alarm systems may be installed as follows:~~

~~1. Applicants shall be required to obtain a building permit for a NFAS, which will require a plan review and approval.~~

~~2. The NFAS shall be installed in accordance with UFC Standard 10-2 and any manufacturers specifications throughout the room or area.~~

~~3. There shall be a single fire alarm panel serving an NFAS. The fire alarm panel shall be capable of serving a complete fire alarm system installed in accordance with UFC Standard 10-2.~~

~~4. If a required fire alarm system (RFAS) is installed, a NFAS system, when installed, must be connected to the RFAS for notification purposes. The connection shall be compatible and compliant with all applicable and recognized standards.~~

~~5. Property/building owners shall assure that the NFAS is maintained and operates with the RFAS, if present, as one system to all applicable and recognized standards.~~

~~6. If at any time the NFAS is not installed to recognized standards, fails testing, or is not maintained, it will be deemed non-compliant and in violation of the Fire Code. If the NFAS is not installed to recognized standards, fails testing, or is not maintained as part of the RFAS, both will be deemed non-compliant and in violation of the Fire Code.~~

~~7. Removal of an existing NFAS requires prior approval from the Fire Marshal. Disconnecting an NFAS is prohibited.~~

19. Section 1007.2.7.1.2 is amended to read as follows:

~~1007.2.7.1.2 Patient room smoke detectors. Approved smoke detectors shall be installed in patient sleeping rooms of hospital and nursing homes and shall be intertied with the building fire alarm system. Actuation of such detectors shall cause a visual display on the corridor side of the room in which the detector is located, cause an audible and visual alarm at the respective nurses' station and shall initiate a signal to an approved remote central station. When smoke detectors and related devices are combined with a nursing call system, the nursing call system shall be listed for the intended combined use.~~

20.—Section 1007.3.3.3.1 is amended by adding an exception as follows:

**EXCEPTION:** Single station detectors in dwelling units, rooms used for sleeping purposes in hotel and lodging houses.

21.—Section 1007.3.3.7 is amended to read as follows:

~~1007.3.3.7 Annunciation. Fire alarm systems shall be divided into alarm zones when required by the chief. When two or more alarm zones are required, fire protection signaling systems shall be divided into zones to assist in determining the fire location. The annunciation of all zones and device identification shall be on electrically supervised initiating circuits to the main fire alarm control panel. Alarm, supervisory and trouble signals shall be annunciated in the main control panel and in any required remote annunciator panels by means of an audible signal and a visual display. Such annunciation shall indicate the building, floor, zone or other designated area from which the alarm or trouble signal originated. For the purpose of annunciation, zoning shall be in accordance with the following:~~

~~1. When the fire protective signaling system serves more than one building, each building shall be considered as a separate zone.~~

~~2. Each floor of a building shall be considered as a separate zone.~~

~~3. Each section of floor of a building that is separated by area separation walls or by horizontal exits shall be considered as a separate zone.~~

~~4. Annunciation shall be further divided into zones where deemed necessary by the authority having jurisdiction.~~

~~5. Identification of the type of alarm, initiating devices such as manual, automatic, sprinkler water flow, sprinkler supervisory switches, etc., shall be separately indicated on electrically supervised initiating circuits to the main fire alarm control unit.~~

22.—Section 1107.1 is amended by adding the following subsections:

1. The use of portable electric heaters and fuel-fired space heaters in Groups I and SR Occupancies is prohibited.

2. All portable electric heating devices shall have a high temperature limiting device and tip-over switch. Use of unvented fuel-fired space heaters shall be approved by the Chief.

23.—Article 11 is amended by adding Section 1114, Collection and Storage of Combustible Recyclable Materials, to read the same as the State Fire Marshal's amendment to the Uniform Fire Code. (see attachment #1 to the ordinance codified in this chapter).

24.—Section 1303.1.1 is added as follows:

1303.1.1 Area of rescue assistance. When the Exceptions to Section 1107.1 of the Oregon Structural Specialty Code are utilized in order to omit an area of rescue assistance, the District's operational guidelines 300I shall serve as the approved written fire and life safety plan.

25.—Article 13 is amended by adding "When required by the Chief," to the beginning of Section 1303.3.1. (The remainder of Section 1303.3.1 remains the same.)

26.—Section 2402.3 is amended by adding an exception as follows:

**EXCEPTION:** In lieu of an issued identification card, the employer shall make available to the inspector the training and/or certification file on each qualified fuel operator. This file shall contain all information pertinent to the individual's certification to operate aircraft refueler units.

27.—Section 2402.8.2 is amended by adding an exception as follows:

**EXCEPTION:** When the fueling equipment is bonded to the aircraft by use of a cable providing a conductive path to equalize potential between the two, a separate wire to ground will not be required.

28.—Section 2402.8.3 is amended by adding an exception (2) as follows:

2. For overwing fueling, the person stationed at the fuel pumping equipment shall not be required when: the person at the dispensing device is within 75 feet (22.8 M) of the emergency shutoff device, and is not on the wing of the aircraft during fuel transfer, and the dispensing line does not exceed 50 feet (15.24M) in length.

29. Section 2902.5.1 is amended by adding the following sentence to the end of the paragraph: and electrical and fuel burning equipment shall comply with Sections 5202.6, 5202.7.2 and 7904.4.

30. Section 4501.2.1 is amended by adding the following:

4503.2.1 General; For definitions of SPRAY BOOTH, SPRAYING AREA and SPRAYING ROOM, see Article 2

4501.2.2 Limited application. For the purpose of Article 45, certain terms are defined as follows: MANUFACTURING AREA is any location used in the fabrication or assembly of materials utilizing polymerization.

OVERCHOP is the residue that accumulates from the normal chopper gun operation during the manufacturing process.

THERMOSETTING PLASTIC is a plastic that, after having been cured by heat or other means, is substantially infusible and insoluble.

31. Section 4502.3.3. is amended to read as follows:

4502.3.3 Filter disposal. Discarded filter pads shall be immediately placed in a non-combustible container with a tightfitting lid and disposed of in accordance with hazardous materials waste regulations.

32. Sections 4506 and 4506.1 are amended as follows:

Section 4506—ORGANIC PEROXIDES AND DUAL COMPONENT COATINGS AND THERMOSETTING PLASTICS.

4506.1 General. Areas containing manufacturing operations producing thermosetting plastics using hazardous materials similar to those listed in Table 4506 a shall be in accordance with this article. Such operations include, but are not limited to, hand lay, spray up, resin, transfer molding, bag molding, filament winding, centrifugal casting, continuous laminating and casting.

33. Section 4506.1.4 is amended by adding the following to the end of the paragraph:

Catalyzed resins and overchop residues shall conform to the following:

1. Catalyzed resins. Excess catalyzed resin shall be disposed of in open topped noncombustible containers provided with noncombustible bar screens, large mesh wire screens or other means to support individual containers through which surplus catalyzed resin can be poured and upon which other containers can be placed. The containers for disposed resin shall contain water at least 2 inches (51 mm) deep into which the excess resin shall be poured and allowed to cure.

2. Overchop. Paper polyethylene film or similar materials shall be used to cover exposed surfaces of the walls and floor in areas where chopper guns are used to allow build up of overchop to be readily removed. When the accumulation depth of over chop has reached an average thickness of 2 inches (51 mm) in the manufacturing area, it shall be disposed of after a minimum of four hours curing.

34. Article 45 is amended by adding Table 4506 2 as follows:

TABLE 4506 2 CLASSIFICATION OF  
TYPICAL HAZARDOUS MATERIALS USED IN  
THERMOSETTING PLASTIC  
MANUFACTURING OPERATIONS  
REGULATED BY ARTICLE 45.

Formatted: Left



~~5202.3.1 General. Class I, II and III A liquids shall be stored in closed containers, in tanks located underground, in special enclosures in accordance with Section 5202.3.6 or, when approved, in protected aboveground tanks in accordance with Section 5202.3.7. See also Appendix II K.~~

~~For locations where aboveground tanks are prohibited, see Section 7902.2.2.1.~~

~~40. Section 5202.3.7 through Table 5202.3.7 A are amended to read as follows (renumber remaining sections):~~

~~5202.3.7 Protected aboveground tanks. When approved, the storage and dispensing of motor fuels into the fuel tanks of motor vehicles from protected aboveground tanks located outside buildings are allowed in accordance with this section and Section 7902.1.9.~~

~~5202.3.7.1 Size. Primary tanks of protected aboveground tanks shall not exceed a 12,000 gallon (45 425 L) individual or 48,000 gallon (181 700 L) aggregate capacity. Tank installations having the maximum allowable aggregate capacity shall be separated from other installations of protected aboveground tanks by not less than 100 feet (30 480 mm).~~

~~5202.3.7.2. Separation distances. Dispensing devices are allowed to be installed on top of or immediately adjacent to protected aboveground tanks.~~

~~5202.3.7.4. Signs. Warning signs and identification signs shall be installed to clearly identify the hazards. The design of such signs shall be in accordance with Sections 5201.8 and 7901.9.~~

~~Conspicuous signs prohibiting simultaneous tank filling and fuel dispensing shall be posted.~~

~~TABLE 5202.3.7 A — MINIMUM SEPARATION~~

~~REQUIREMENTS FOR PROTECTED~~

~~ABOVEGROUND TANKS~~

~~TABLE INSET:~~

<del>INDIVIDUAL TANK CAPACITY gallons (liters)</del>	<del>MINIMUM DISTANCE FROM PROPERTY LINE THAT IS OR CAN BE BUILT UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY feet (mm)</del>	<del>MINIMUM DISTANCE FROM THE NEAREST SIDE OF ANY PUBLIC WAY OR FROM THE NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY feet (mm)</del>	<del>MINIMUM DISTANCE BETWEEN TANKS feet (mm)</del>
<del>Less than or equal to 6,000 (22 712)</del>	<del>15 (4572)</del>	<del>5 (1524)</del>	<del>3 (914)</del>
<del>Greater than 6,000 (22 712)</del>	<del>25 (7620)</del>	<del>15 (4572)</del>	<del>3 (914)</del>

~~41. Section 5202.4.1 is amended by adding the following sentence to the end of the paragraph, "or, when approved, such tanks are protected aboveground tanks meeting the requirements of Section 5202.3.7. See also Appendix II K."~~

~~42. Sections 5202.11.6.1 through 5202.11. 6.1.2 are amended to read as follows:~~

~~5202.11.6.1 Standpipes. Piers, wharves and floats at marine motor vehicle fuel dispensing stations with any portion in excess of 250 feet (76 200 mm) from fire apparatus shall be equipped with an approved wet standpipe system installed in accordance with Article 10.~~

~~EXCEPTION; Waterlines shall normally be dry where subject to freezing temperatures.~~

Formatted: Left

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Space Before: 0 pt, After: 0 pt

Hose stations shall be spaced to provide to any portion of docks, piers, wharves or floating craft. Hose stations shall be labeled FIRE HOSE EMERGENCY USE ONLY. Tests and valving shall be approved by the chief.

5202.11.6.1.1 Access and water supply. Piers and wharves shall be provided with fire apparatus access roads and water supply systems. Access roads shall be maintained in accordance with Section 902.2. Water supply systems shall be in the form of on-site fire hydrants or as required by the chief.

5202.11.6.1.2 Sprinkler system. Piers and wharves shall be installed with an automatic sprinkler system when required by the Building Code.

43.—Section 5204.9.2 is added as follows:

5204.9.2. Emergency breakaway devices. Dispenser hose for compressed natural gas dispensing system for containers or vehicle resales shall be equipped with a listed emergency breakaway device designed to retain liquid and vapor on both sides of a breakaway point. Such devices shall be installed and maintained in accordance with the manufacturer's instructions.

44.—Section 7503.3.2.1 is amended as follows:

7503.3.2.1 Transfilling of liquid oxygen containers user for respiration. In buildings where transfilling of containers are used for respiration, all containers involved with the transfilling are limited to a maximum of 72 pounds. Transferring shall be on bare concrete floors with no combustible seams. The room shall be separated from the exitways and have ventilation to handle the off gassing of the containers. Refer to article 90 section e.1.3.

45.—Section 7701.2.1 is amended to read as follows:

7701.2.1 General. For definitions of BLASTING AGENT; BULLET RESISTANT; EXPLOSIVE; GUNPOWDER; INHABITED BUILDING; SPECIAL INDUSTRIAL EXPLOSIVE DEVICE; SPECIAL INDUSTRIAL HIGH EXPLOSIVE MATERIAL; and TEST BLASTING CAP NO. 8, see Article 2.

46.—Sections 7701.3.3 through 7701.3.5 are amended as follows:

7701.3.3 Standards. NFPA 495, 1996 Edition, Code for Explosive Materials, excluding Chapter 2, is hereby adopted and made part of this code.

7701.3.4 Possession of explosives. These rules shall apply to all persons possessing and/or purchasing explosives as defined in Section (1) or ORS 480.200.

ORS 480.200 is not a part of this code but is reproduced or paraphrased here for the reader's convenience:

ORS 480.200 (1) provides the definition for the term "explosive".

7701.3.5 Application and issuance of certificate fees (Effective October 14, 1983). Any person desiring a certificate of possession of explosives, as prescribed by ORS 480.230, shall apply on the forms provided by the Office of State Fire Marshal. The applicant shall obtain the signature of the respective chief or designated assistant in whose jurisdiction the explosives will be purchased, stored, or used, indicating that the chief has been notified of their intent to purchase, store, or use explosives in the chief's jurisdiction. Upon receiving the signature from the chief, the applicant shall forward the completed form to the Office of State Fire Marshal, accompanied by a nonrefundable \$15.00 fee for a three-year certificate or \$7.00 fee for a 90-day certificate. Upon receipt and verification of the completed application form, bearing the signature of the chief, and the appropriate application fee, the State Fire Marshal shall proceed with the investigation prescribed in ORS 480.235. Based on the findings of the investigation, the State Fire Marshal shall either issue or deny the certificate of possession of explosives. Upon issuance of the certificate of possession of explosives, the State Fire Marshal shall forward notification of

~~the certificate's issuance to the chief who signed the application and the appropriate county sheriff. Upon denial of the application, based on the findings of the investigation, the State Fire Marshal shall notify the applicant in writing per ORS 480.275. The certificate shall be in effect from the date of issue for the time periods specified in ORS 480.235(3).~~

~~ORS 480.225, 480.230, 480.235 and 480.275 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:~~

~~ORS 480.224 and 480.230 define eligibility and requirements for an individual applying for a certificate of possession and the fees required.~~

~~ORS 480.235 defines the waiting period for issuance of certificates; investigation of applicants; terms; assignment or transfer prohibited; and records required.~~

~~ORS 480.275 defines the rights of the applicant in the event of a denial, including: hearings; notice; representation by counsel; decision; and judicial review.~~

~~47.—Sections 7701.4 through 7704.8.3. are specifically deleted from the provisions of this chapter.~~

~~48.—Section 7801.1 is amended by adding "and ORS 480.110 through 480.165" to the end of the paragraph and the following:~~

~~ORS 480.110 through 480.165 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.~~

~~ORS 480.110 through 480.165 define the regulations for the following: 480.110 Definitions for Oregon fireworks laws; 480.120 Prohibited used for fireworks; 480.122 Use for repelling birds; 480.124 Use for controlling predatory animals; 480.127 Sales permits for certain items; 480.130 Permits required for sale or public display of fireworks; 480.140 Requirements for fireworks displays to be under supervision of police and fire department chiefs; 480.150 Permits for fireworks sales or displays; 480.152 Publication of advertisement for sale of unlawful fireworks; 480.154 Requirements for records; 480.156 Selling of fireworks to out-of-state residents; 480.158 Liability of parents for the costs incurred in suppressing fires caused by use of fireworks by minors; 480.160 The effect of local regulations on state law; 480.165 Civil penalty for fireworks law violations.~~

~~49.—Section 7801.3.1 is amended by deleting the title (Fireworks) and replacing with "Pyrotechnic special effects material", and adding the following:~~

~~OAR 837-12-500 through 837-12-570 are not a part of this code but are reproduced or paraphrased for the reader's convenience.~~

~~OAT 837-12-570 through 837-12-570 define the laws and regulations for wholesale sales and storage of pyrotechnics in Oregon.~~

~~OAR 837-12-600 through 837-12-675 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:~~

~~OAR 837-12-600 through 837-12-675 define the laws and regulations for retail sales and storage of pyrotechnics (allowed fireworks) in Oregon.~~

~~OAR 837-12-700 through 837-12-970 and OAR 837-12-021 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:~~

~~OAR 837-12-700 through 837-12-970 and OAR 837-12-021 define the laws and regulations for public displays of fireworks including special effects.~~

~~OAR 837-12-305 through 837-12-330 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:~~

~~OAR 837-12-305 through 837-12-330 define the laws and regulations for agricultural uses of fireworks in Oregon.~~

~~OAR 837-12-1000 through 837-12-1160 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:~~

~~OAR 837-12-1000 through 837-12-1160 define the laws and regulations for civil penalties for violation of Oregon's fireworks statutes and administrative rules as referenced in Article 78.~~

~~50. Add a new Section 7802.1.1 as follows:~~

~~7802.1.1 Temporary storage. Temporary storage of fireworks shall be in accordance with Section 307 of the Building Code.~~

~~51. Sections 7802.4 through 7802.4.9.8.10 are specifically deleted from the provisions of this chapter.~~

~~52. Section 7901.3.2 is amended to read as follows:~~

~~7901.3.2 Plans. Plans shall be submitted with each application for a permit to store more than 250 gallons (946 L) of flammable or combustible liquids outside of buildings in drums or tanks. The plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, accessways, fire protection facilities, and provisions for spill control and secondary containment. For additional plan requirements, see also Section 5201.3.2(1).~~

~~53. Add a new Section 7901.13 as follows:~~

~~7901.13 Maintenance of Protected Aboveground Tanks. Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings.~~

~~Damage to protected aboveground tanks shall be repaired using materials having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.~~

~~54. Section 7902.1.8.2.1 is amended by adding a last sentence to read as follows:~~

~~Protected aboveground tanks shall be listed and shall meet the requirements specified in UFC Standard 79-7 and shall be labeled accordingly.~~

~~55. Sections 7902.1.9 through 7902.1.9.12 are added as following (renumber remaining sections):~~

~~7902.1.9 Additional requirements for protected aboveground tanks.~~

~~7902.1.9.1 General. The installation of protected aboveground tanks shall be in accordance with Section 7902.1.9.~~

~~7902.1.9.2 Tank Construction. The construction of a protected aboveground tank and its primary tank shall be in accordance with Section 7901.1.8.2.1.~~

~~7902.1.9.3 Normal and emergency venting. Normal and emergency venting for protected aboveground tanks shall be provided in accordance with Sections 7902.1.11 and 7902.2.6. The vent capacity reduction factor as provided for in Section 7902.2.6.3.4 shall not be allowed.~~

~~7902.1.9.4 Flame arresters. Approved flame arresters or pressure vacuum breather valves shall be installed in normal vents.~~

~~7902.1.9.5 Projectile protection. When projectile protection is required by the chief, the protected aboveground tank shall comply with the requirements for bullet resistance as specified in Section 7702.3.4.3. See also UFC Standard 79-7, Section 79.702.7.3.~~

~~7902.1.9.6. Secondary containment. Protected aboveground tanks shall be provided with secondary containment, drainage control or diking in accordance with Section 7901.8 or 7902.2.8.~~

~~7902.1.9.7 Vehicle impact protection. When subject to vehicular impact, protected aboveground tanks shall be provided with impact protection in accordance with this section. Protected aboveground tanks with piping connected to remote dispensers shall be protected by guard posts~~

~~or other approved barriers. Protected aboveground tanks without piping connected to remote dispensers shall comply with the impact protection requirements of Section 79.702.7.2 of UFC Standard 79-7 or shall be protected by guard posts or other approved barriers. Where guard posts or other approved barriers are provided, they shall be independent of each protected aboveground tank.~~

~~Where subject to vehicular impact, piping and electrical conduit connected to protected aboveground tanks shall be provided with impact protection.~~

~~Impact protection provided by guard posts shall be in accordance with Section 8001.11.3.~~

~~7902.1.9.8 Overfill protection. Protected aboveground tanks shall not be filled in excess of 90 percent of their capacity. An overfill prevention system shall be provided for each tank. During tank filling operation, the system shall:~~

- ~~1. Provide an independent means of notifying the person filling the tank that the fluid level has reached 85 percent of tank capacity by providing an audible or visual alarm signal, providing a tank level gage marked at 85 percent of tank capacity, or other approved means, and~~
- ~~2. Automatically shut off the flow of fuel to the tank when the quantity of liquid in the tank reaches 90 percent of tank capacity. For rigid hose fuel delivery systems, an approved means shall be provided to empty the fill hose into the tank after the automatic shutoff device is activated.~~

~~A permanent sign shall be provided at the fill point for the tank documenting the filling procedure and the tank calibration chart. The filling procedure shall require the person filling the tank to determine the gallonage required to fill it to 90 percent of capacity before commencing the fill operation.~~

~~7902.1.9.9 Fill pipe connections. The fill pipe shall be provided with a means for making a direct connection to the tank vehicle's fuel delivery hose so that the delivery of fuel is not exposed to the open air during the filling operation. When any portion of the fill pipe exterior to the tank extends below the level of the top of the tank, a check valve shall be installed in the fill pipe not more than 12 inches (304.8 mm) from the fill hose connection. See Section 7901.11.4 for tank valves.~~

~~7902.1.9.10 Spill containers. A spill container having a capacity of not less than 5 gallons (18.9 L) shall be provided for each fill connection. For tanks with a top fill connection, spill containers shall be noncombustible and shall be fixed to the tank and equipped with a manual drain valve which drains into the primary tank. For tanks with a remote fill connection, a portable soil container shall be provided.~~

~~7902.1.9.11 Tank openings. Tank openings in protected aboveground tanks shall be through the top only.~~

~~7902.1.9.12 Antisiphon device. Approved antisiphon devices shall be installed in each external pipe connected to the protected aboveground tank when the pipe extends below the level of the top of the tank.~~

~~56.—Sections 7902.2 through 7902.2.1 are amended to read as follows:~~

~~7902.2 Stationary Aboveground Tanks and Protected Aboveground Tanks Located Outside of Buildings:~~

~~7902.2.1 General. Stationary aboveground tanks located outside of buildings shall be in accordance with Sections 7902.1 and 7902.2. For the purpose of Section 7902.2, when the term tank is used, it shall include protected aboveground tanks.~~

~~57.—Section 7902.2.6.1 is amended to read as follows:~~

~~7902.2.6.1 General. Stationary tanks shall be provided with adequate additional venting that will relieve excessive internal pressure caused by exposure to fires. Such venting shall also be provided for each compartment of a compartmented tank, the interstitial space of a secondary containment type tank, and the enclosed space of a close top dike tank construction. Enclosed spaces, such as those intended for insulation, membranes, or weather shields, which can contain liquid because of a leak from the primary vessel, shall also comply with the venting requirements.~~

~~58.—Section 7902.2.6.3.4 is amended as follows:~~

~~7902.2.6.3.4 Reductions in required venting for stable liquids. For tanks, other than protected aboveground tanks, containing...(balance to remain unchanged)~~

~~59.—Section 7902.2.8.1 is amended as follows:~~

~~7902.2.8.1 General. For aboveground tanks other than protected aboveground tanks, the area surrounding a tank or...(balance to remain unchanged)~~

~~60.—Section 7902.2.8.2 is added as follows:~~

~~7902.2.8.2 Protected aboveground tanks. Protected aboveground tanks shall be provided with secondary containment, drainage control or diking in accordance with Section 7901.8 or 7902.8 or with secondary containment that is a component of the listed protected aboveground tank. The method of monitoring and the capacity of the secondary containment shall be in accordance with Section 7901.8. Enclosed secondary containment shall be provided with emergency venting.~~

~~61.—Table 7902.2 A is amended by adding an additional row to the end of the table as follows:~~

~~TABLE INSET:~~

<del>Protected aboveground tank</del>	<del>See Section 7902.1.9</del>	<del>½ times Table 7902.2 F</del>	<del>½ times Table 7902.2 F</del>
---------------------------------------	---------------------------------	-----------------------------------	-----------------------------------

Formatted: Space Before: 0 pt, After: 0 pt

~~62.—Section 7903.3.3 is amended to read as follows:~~

~~...are stored in protected aboveground tanks in accordance with Section 7902.1.9.~~

~~63.—Section 8201 is amended by adding a paragraph to read:~~

~~Refer to ORS 480.410 through 480.460 and OAR 837-30-100 through 837-39-280 for administrative provisions pertaining to liquified petroleum gas licensing and notification of LP-gas installations.~~

~~64.—Section 8202 is amended as follows:~~

~~8202.1 Permits and Plans. The Chief shall be notified prior to the installation of containers or receptacles approved for liquified petroleum gas, including installations at private homes and apartments.~~

~~EXCEPTION: The replacement of empty containers or receptacles with other containers constructed in accordance with the Interstate Commerce Commission specifications.~~

~~8202.2 Fees. All fees due and payable shall accompany the notification. The Chief shall collect from the installer an installation inspection fee to cover the cost of initial inspection by the Chief after installation. The installation inspection fee shall be set by ordinance.~~

~~8202.3 Plans. Where a single container is over 2,000 gallons (7571L) water capacity or the aggregate capacity of containers is over 4,000 gallon (15142L) water capacity, the installer shall submit plans for such installation prior to setting any tank(s).~~

~~65.—Article 82 is amended by adding a new Section 8215 as follows:~~

~~Section 8215—Utility Plants.~~

~~8215.1 General. No person shall maintain or operate a liquified petroleum gas utility plant without first obtaining a permit from the Chief.~~

66.—Article 82 is amended by adding a new Section 8216 as follows:

Section 8216—Licenses:

8216.1 General. No person shall engage in or work at the business of installing, altering, extending or repairing liquefied petroleum gas equipment or appliances unless the person has received a gas installation license from the State Fire Marshal in accordance with ORS 480.410 to 480.460, as now enacted.

67.—Table 8204 A, Footnote 5 is amended as follows:

5—The following shall apply to aboveground containers installed alongside buildings "and property lines";

68.—Sections 8704.5.1 through 8704.5.1.3 are added as follows:

8704.5.1 Combustible Trash Chutes

8704.5.1.1 Combustible trash chutes shall not be used on non-sprinkled buildings.

Exception: Non-sprinkled Type I or Type II structures under initial construction prior to the installation of combustible interior finish or on preexisting non-combustible exterior buildings not exceeding four stories in height (48 feet) (14.6 m) with an approved safety plan.

8704.5.1.2 Combustible trash chutes when used on sprinkled buildings shall have an approved safety plan when the exterior is combustible or the building exceeds two stories (28 feet) (8.5 m) in height.

8704.5.1.3 An approved safety plan shall address the following:

1. A continuous fire watch (working hours only) stationed at the dropbox(es) with a continuous means of water application and a means of communication (radio or cell phone);
2. Water application shall be provided at each chute access opening or an approved barrier for each non-exposed building opening and all exposed combustible exterior surfaces shall be provided. The approved barrier shall extend 3 feet (1 m) to each side of the chute.
3. Where water is required at the chute access, a trained person shall be continuously assigned and an approved means of communication or alarm shall be provided.
4. Signage shall be placed at each chute access to the address: NO SMOKING, NO OPEN FLAME, NO WELDING OR CUTTING WITHIN 20 FEET (7M);
5. At the end of the day the chute shall be disconnected or removed to a distance of 12 feet (3.7 m) away from the drop box.

69.—Section 9002 is amended as follows:

79-7; 7902.1.8.2.1, 7902.1.8.2.7, 7902.1.9.5, 7902.1.9.7 and 7903.3.3

Testing Requirements for Protected Aboveground Tanks

70.—Section 9003 is amended by adding the following standard:

e.1.3. P 2-6 1995 Transfilling of Liquid Oxygen used for Respiration

71.—Section 9003 is amended by adding the following standard:

u.1.17. UL 2085 Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids

72.—Appendices I-D, I-E, I-G, II-K, and V-B are added to the ordinance codified in this chapter as written and adopted by the State Fire Marshal's Office. (See attachments #2, #3, #4, #5, #6 and #7 to the ordinance codified in this chapter.)

73.—Appendix III-A is amended as follows:

Section 4 is amended:

4.2 Area Separation. Each portion of a building separated by one or more area separation wall(s); in accordance with the Uniform Building Code, Section 504.6 may be considered as a separate fire area(s) for the purpose of determining the required fire flow.

Section 5 is amended:

5.2 Buildings other than One and Two Family Dwellings. The required building fire flow and duration shall be determined by the size and construction type of the structure under consideration:

5.2.1 Occupancy Hazards

5.2.1.1 Single Occupancy Hazards. Where only a single occupancy hazard is housed in a building the minimum required building fire flow shall be multiplied by the hazard factor in Table A-III-A-2 to determine the required fire flow.

5.2.1.2 Multiple Occupancy Hazards. Where more than one hazard is housed in a building the minimum required building fire flow shall be proportioned by percentage of the floor area used for each occupancy hazard. The proportioned building fire flow shall be multiplied by the hazard factor, relating to that portion of the building in table A-III-A-2 and totaled to determine the required fire flow.

Table A-III-A-2

TABLE INSET:

<del>Light Hazard Occupancies</del>	<del>1.0</del>
<del>Ordinary Hazard (Group 1)</del>	<del>1.2</del>
<del>Ordinary Hazard (Group 2)</del>	<del>1.3</del>
<del>Extra Hazard (Group 1)</del>	<del>1.4</del>
<del>Extra Hazard (Group 2)</del>	<del>1.5</del>

Note: For examples for Occupancy Hazard Classifications see UBC Volume 3, Standard 9-1, Appendix Section A-1-4-7.

5.2.2 The product of the multiplication in either Section 5.2.1.1 or Section 5.2.1.2 provides the total required fire flow.

5.2.3 The total required fire flow may be reduced by one of the following options, but in no case shall be less than 1500 GPM @ 20 psi residual.

1. Reduced by 75 percent where a complete approved automatic fire extinguishing system meeting the requirements of the Uniform Building Code, Chapter 9, is installed throughout the building and the system is fully and electrically supervised in accordance with the Uniform Fire Code Standard 10-2 and is monitored by an approved underwriters laboratory listed remote central station.
2. Reduced by 50 percent where a complete automatic fire extinguishing system meeting the requirements of the Uniform Building Code, Chapter 9 is installed throughout the building.
3. Reduced by 25 percent where an approved complete smoke sensing fire detection and manual fire alarm system is installed throughout the building and electrically interconnected one with the other and electrically intertied to an approved central receiving station. The smoke detection system shall meet the requirements of the Uniform Fire Code Standards 10-2 and 10-3, and manual fire alarm pull stations and systems shall meet the requirements of Uniform Fire Code Standard 10-2. The remote central station shall be Underwriters Laboratory listed and approved by the Chief. The smoke detection option may be revoked by the Chief when excessive false alarms may occur or when other potential conditions may cause malfunctioning of the system.

74. Appendix III-F is added and included as Attachment #8 to the ordinance codified in this chapter.  
(Ord. 00-1084 § 1 (part))

Formatted: Left

Formatted: Space Before: 0 pt, After: 0 pt

**~~8.12.110 Penalties.~~**

~~Any person who violates any of the provisions of these regulations adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a violation of the fire prevention code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the district to remedy the violation including costs of towing, storage or removal of the hazard or obstruction if necessary.~~

~~Any person who violates the provisions of ORS 478.960 (Burning of certain materials permitted only with permission of the Chief; Burning Schedule (1) through (8)) shall be guilty of a misdemeanor, shall severally, for each and every violation be punishable upon conviction as prescribed by ORS 478.990 and shall be subject to costs under 478.965.~~

~~The corporate counsel, the chief, or the Fire Marshal or designated representative may bring a complaint in law or in equity to alleviate a violation of this chapter as well as in addition to the rights to enforce this chapter under the provisions of ORS 478.930 and ORS 478.990.  
(Ord. 00-1084 § 1 (part))~~

**~~8.12.120 Plan review, submittal of plan for fire code approval.~~**

~~Plans and specifications shall be submitted to the chief of the district or authorized representative for examination and approval with respect to conformance with these regulations and no construction shall proceed prior to such approval for the following: flammable liquid storage, utilization or transportation or dispensing facilities; facilities for the storage, handling, transport and use of explosives and blasting agents; dry cleaning plants; facilities for the storage, handling, use and transportation of liquefied petroleum gas; or any other building, structure or facility wherein highly combustible or hazardous materials are manufactured, utilized, dispensed, conveyed or stored.~~

~~When the chief or authorized representative approves any such plan it shall be so signified by means of a stamp and signature. All construction or alteration shall thereafter comply with the approved plan, in all respects, unless modified by subsequent written permit or order of the chief. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity and detail to permit the chief to determine the question of conformity with these regulations and shall include a plot plan showing type and location of the proposed buildings, structures, facilities and fire hydrant locations and access ways in relationship to the property lines, and all other buildings, structures and facilities proposed or existing on the premises. Approval of plans shall not be construed as a permit to violate any applicable law or regulation of the state, county, city, or fire district.  
(Ord. 00-1084 § 1 (part))~~

**~~8.12.130 Fire code board of appeals.~~**

~~Through adoption of the Uniform Fire Code, 1997 Edition, the district has the authority to establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the district. In the event that the fire district board~~

adopts a board of appeals, the provisions of this chapter, where appropriate, are subject to the board of appeals procedures.  
(Ord. 00-1084 § 1 (part))

**8.12.140 ~~Repeal of conflicting ordinances.~~**

~~Pursuant to ORS 478.924, the provisions of this chapter, i.e., the fire code, shall be controlling within the territorial limits of the district and within each city or county within the district approving pursuant to ORS 478.924. The existing fire code, Ordinance 96-01, has been approved within each city and county within the district. The district desires that the existing fire code continue in effect until such time as the cities and counties within the district have approved this new fire code codified in this chapter pursuant to ORS 478.924. Accordingly, Ordinance 96-01, and all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this chapter or of the code or standards adopted, are repealed, effective the date of the ordinance codified in this chapter; provided, however, that Ordinance 96-01 shall continue to be in effect in each city or county which has approved it until the city or county approves this Ordinance 99-01 codified in this chapter. Further, prosecutions or violations under repealed ordinances may continue after the effective date of the ordinance codified in this chapter.~~  
(Ord. 00-1084 § 1 (part))

**8.12.150 ~~Validity.~~**

~~The district declares that should any section, paragraph, sentence or word of this chapter or of the codes or standards adopted be declared for any reason to be invalid, it is the intention of the district that it would have passed all other portions of the ordinance codified in this chapter independent of the elimination of any such portion as may be declared invalid.~~  
(Ord. 00-1084 § 1 (part))

**8.12.160 ~~Date of effect.~~**

~~The board of directors of the fire district finds and determines that it is necessary and expedient that the provisions of the ordinance codified in this chapter become effective thirty (30) days following the final reading.~~  
(Ord. 00-1084 § 1 (part))



**ORDINANCE 2011-006**

**AN ORDINANCE OF THE CITY OF SHERWOOD AMENDING THE MUNICIPAL CODE SECTION 8.12, FIRE PREVENTION CODE AND ADOPTING THE TUALATIN VALLEY FIRE AND RESCUE'S FIRE PREVENTION CODE**

**WHEREAS**, the City adopted the 2010 Oregon Fire Code in August 2010 via Ordinance 2010-011; and

**WHEREAS**, subsequent to the City's action, Tualatin Valley Fire & Rescue, the rural fire protection district that provides fire protection within the City, adopted amendments to the 2010 Fire Prevention Code; and

**WHEREAS**, if the City wishes to have the current TVF&R Fire Code apply within the City, ORS 478.924 requires the City to approve the, fire prevention code adopted by TVF&R; and

**WHEREAS**, The provisions of the new Fire Prevention Code do not apply within the city until the governing body of the City approves the new code by legislation; and

**WHEREAS**, the City desires to adopt the TVF&R Fire Prevention Code in order to have it apply within the City; and

**WHEREAS**, Conflicting provisions in the Sherwood Municipal Code, Section 8.12 need to be repealed in order to reflect the amendments to the 2010 Fire Code provided by TVF&R.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1:** The City hereby adopts the 2010 Oregon Fire Code as amended by Ordinance 10-02 of Tualatin Valley Fire & Rescue attached as Exhibit A.

**Section 2:** Sherwood Municipal Code Section 8.12.015 is hereby created to reflect the adoption of the TVF&R Fire Prevention Code;

**8.12.015 Adoption of Tualatin Valley Fire & Rescue Fire Prevention Code**

**The 2010 Oregon Fire Code as amended by Tualatin Valley Fire & Rescue Ordinance 10-02 (the TVF&R Fire Prevention Code) is adopted by the City of Sherwood.**

**Section 3:** Sherwood Municipal Code, Sections 8.12.020 through Section 8.12.160 are hereby repealed.

**Section 4: Effective Date:** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 19<sup>th</sup> day of April 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Luman	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____

## ORDINANCE 10-02

**AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR 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 FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 07-01.**

WHEREAS, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

WHEREAS, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

### **IT IS ORDAINED AS FOLLOWS:**

#### **TITLE AND FILING:**

This ordinance, including the codes hereby adopted, shall be filed in the record of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

#### **SCOPE:**

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 firefighters and emergency responders during emergency operations as authorized by ORS 478.910

#### **SECTION I – ADOPTION OF THE 2010 OREGON FIRE CODE:**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2009 Edition, as published and copyrighted by International Fire Code Council and as amended and adopted by the Oregon State Fire Marshal's Office and known as the 2010 Oregon Fire Code, is hereby adopted.

#### **SECTION II – ENFORCEMENT OF CODE**

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g. Sections 106, or provisions providing for enforcement of the Code, such inspections, testing and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high

priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

### **SECTION III – AMENDMENTS TO THE 2010 OREGON FIRE CODE:**

The 2010 Oregon Fire Code is hereby amended as follows:

**1. The following new SECTION 907.7.6 is added:**

**907.7.6 Alarm Verification.** No later than December 1, 2010, or as soon thereafter as approved by a city or county, Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

**Exception:** Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

**2. The following section of Appendix B105.3.1.2 is deleted in its entirety:**

**B105.3.1.2 Fire Alarm Systems.** A reduction in required fire-flow of 25% is allowed when the building is provided with an automatic and manual fire alarm system that is installed throughout the building and is monitored by an approved central receiving station. The systems shall meet all requirements of NFPA 72 as specific for a central station fire alarms system proving total (complete) coverage by detection devices.

### **SECTION IV – PENALTIES**

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

**SECTION V – FIRE CODE BOARD OF APPEALS**

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the fire district Board adopts a board of appeals, the provisions of this ordinance, where appropriate, are subject to the board of appeals procedures.

**SECTION VI – REPEAL OF CONFLICTING ORDINANCES**

The provisions of this ordinance, i.e. the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The existing fire code, Ordinance 07-01, has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, Ordinance 07-01, and all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective the effective date of this ordinance; provided, however, that Ordinance 07-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 10-02. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

**SECTION VII – VALIDITY**

The District hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**SECTION VIII – DATE OF EFFECT**

The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 27 day of July, 2010.

Second reading by Title only this 17 day of August, 2010.

PASSED by the District this 17 day of August, 2010.

Robert C. Wyffels  
PRESIDENT

[Signature]  
SECRETARY-TREASURER

## Field House

### Monthly Report March 2011

<u>March-11</u>	<u>Mar-11</u>		YTD	
<u>Usage</u>	<u>Count</u>	Est. People <u>Served</u>	<u>Count</u>	Est. People <u>Served</u>
Leagues	6	585	28	4964
Rentals	82	2952	635	18868
Other (Classes)	2	17	4	58
[1] Day Use	13	172	74	793
<b>Total Usage</b>		<b>3726</b>		<b>24683</b>

<b>FY 10-11</b>	<u>Mar-11</u>	YTD
<u>Income</u>		
Rentals	\$5,126.00	\$43,954.00
League fees (indoor)	\$2,596.00	\$55,240.00
Card fees (indoor)	\$87.00	\$3,082.00
Day Use	\$318.00	\$1,537.00
Merchandise		
Snacks	\$700.00	\$4,837.50
Classes		\$2,336.25
<b>Total Income</b>	<b>\$8,827.00</b>	<b>\$110,986.75</b>

<b>FY 09-10</b>	<u>Mar-10</u>	YTD
<u>Income</u>		
Rentals	\$6,955.50	\$33,750.50
League fees (indoor)	\$8,409.00	\$70,114.00
Card fees (indoor)	\$404.00	\$4,959.07
Day Use	\$215.00	\$941.00
Merchandise		
Snacks	\$785.00	\$3,728.25
Classes	\$70.00	\$900.00
<b>Total Income</b>	<b>\$16,838.50</b>	<b>\$114,392.82</b>

## **Active Rec happenings during the month of March 2011**

Lacrosse will have started games by the time you read this.

Youth Softball and Baseball have finished all tryouts and have started to practice in between rain storms.

Spring soccer continues to play and held nine games during the month of March at Snyder Park.

We have about three different groups doing some spring BBX in the elementary gyms.

The High school has been using the M/S gyms for tennis practice during the bad weather.

Respectfully Submitted

April 4, 2011

Lance Gilgan

**Sherwood Public Library – February 2011**

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
<b>Check out</b>	<b>33,02528,349</b>		<b>+16.49% (15% self-check)</b>
<b>Check in</b>	<b>24,41623,344</b>		<b>+4.59%</b>

- New Library cards 108
- Volunteer hours 170hours (23 volunteers)

**Monthly Activities**

- Twenty-eight Baby, Preschool and Toddler Storytimes (568 children /414 adults = 982 total)
- One Read-to-the-Dogs program on Saturday, February 26
- Magazine Monday (free magazine giveaway)
- 02/11 Library Manager Pam North attended “Building Bridges: Emergency Preparedness for Libraries & First Responders”
- 02/13 Free Drop-in Writing Workshop for Adults
- 02/15 & 02/18 Cub Scout tours
- 02/16 Library Advisory Board Meeting
- Library Advisory Board opening posted
- Sherwood Foundation for the Arts & Friends of the Sherwood Library “Altered Books” project begins
- Federal tax forms available for public - State no longer provides forms for distribution
- Part-time Library Assistant I, Dawn Borgardt, resigns
- On-Call Library Assistant I’s, Becky Gray and Sandy Vias, promoted to regular, part-time LAI status
- Pinn Crawford staffs virtual library reference services - L-Net & InfoQuest.
- Library staff attended various City and WCCLS meetings & events: WUG, Circulation, Acquisitions, Cataloging, WCCLS Mini-Chairs and Youth Services

## Sherwood Public Library – March 2011

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
<b>Check out</b>	<b>37,10032,994</b>		<b>+12.44% (14% self-check)</b>

<b>Check in</b>	<b>27,85027,602</b>		<b>+0%</b>
-----------------	---------------------	--	------------

- New Library cards 122
- Volunteer hours 255.35hours (50 volunteers)

### Monthly Activities

- Thirty-five Baby, Preschool and Toddler Storytimes (867 children/607 adults = 1474 total)
- One Read-to-the-Dogs program on Saturday, March 19
- Magazine Monday (free magazine giveaway)
- 03/03 Friends of the Library General Membership Meeting
- 03/06 Library Spring Cleaning Volunteer Event (30 volunteers)
- 03/13 Free Drop-in Writing Workshop for Adults (19 attendees)
- 03/21 Workroom reorganization efforts started the week of Spring Break. Desks moved, workflow/processes under review and more computers will be added for greater efficiency and safety.
- 03/25 Library staff meeting
- 03/29 Seven applicants interviewed for the Library Advisory Board vacancy
- Volunteer recruitment and training continues, new volunteers begin shifts & inaugural Volunteer Newsletter published
- Sherwood Foundation for the Arts & Friends of the Sherwood Library “Altered Books” project continues
- Federal tax forms available for public - State no longer provides forms for distribution
- Pinn Crawford staffs virtual library reference services - L-Net & InfoQuest.
- Library staff attended various regional, City and WCCLS meetings: WUG, Circulation, Acquisitions, Cataloging, Policy Group, Latino Services, Youth Services and OLA/Public Library Division Board