

**ORDINANCE NO. NS-2504**

**AN ORDINANCE AMENDING BEND MUNICIPAL CODE CHAPTER 8.10  
ADOPTION OF FIRE CODE**

Findings:

- A. Per ORS 476.030 and OAR 837-040-0010, the Oregon Fire Code is generally adopted by the State of Oregon every three years, coinciding with the publication of a nationally recognized fire code ("Oregon Fire Code").
- B. The City of Bend adopts the Oregon Fire Code by ordinance and the City's Fire Marshal, as an assistant to the State Fire Marshal, implements and enforces the Oregon Fire Code as authorized by state and local law.
- C. The City Council now wishes to amend Chapter 8.10 to adopt the Oregon Fire Code, as may be adopted by the State of Oregon, and authorize fees adopted by separate resolution to facilitate implementation of that Code.

**Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

Section 1. Chapter 8.10 of the Bend Code is amended to read as shown on the attached Exhibit A.

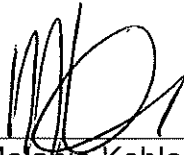
Section 2. If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading: July 17, 2024

Second reading and adoption by roll call vote: August 7, 2024

YES: Mayor Melanie Kebler  
Mayor Pro Tem Megan Perkins  
Councilor Barb Campbell  
Councilor Anthony Broadman  
Councilor Ariel Méndez  
Councilor Mike Riley  
Councilor Megan Norris

NO: None

  
\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:

  
\_\_\_\_\_  
Morgen Fry, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mary A. Winters, City Attorn

## Chapter 8.10

### ADOPTION OF FIRE CODE

Sections:

**8.10.010**     **Adoption of ~~and Amendment to the 2019~~ Oregon Fire Code.**

**8.10.015**     **Regulations and Fees.**

**8.10.020**     **Fire Prevention Division.**

**8.10.030**     **Limits and Exceptions on Storage of Regulated Materials.**

**8.10.040**     **Reinspection of Unsafe Conditions.**

**8.10.050**     **Construction; severability**

**8.10.04060**     **Appeals.**

**8.10.05070**     **Enforcement.**

#### **8.10.010     Adoption of ~~and Amendment to the 2019~~ Oregon Fire Code.**

A.     The ~~2019~~ Oregon Fire Code, as amended or revised by the State of Oregon, including Appendices B, C, D, K, N, Q, R, S and T Oregon adopted appendices (the "Fire Code"), is adopted as fire protection regulations within the City.

B.     The ~~fire code official~~ **Fire Code Official** for the City is the Fire Chief or their designee.  
[Ord. NS-2359, 2019; Ord. NS-2274, 2016; Ord. NS-2153, 2010]

#### **8.10.015     Regulations and Fees.**

A.     The ~~City~~ Fire Code Official may render written interpretations of the Fire Code and adopt regulations and policies implementing and providing additional procedures for administration of the Fire Code. Any adopted policies and regulations shall be available on the City's website.  
[Ord. NS-2274, 2016; Ord. NS-2153, 2010]

B.     Fees charged under the Fire Code shall be the amount established by resolution of Council.

#### **8.10.020     Fire Prevention Division.**

The Fire Prevention Division is established within the Fire Department under the direction ~~of~~ and jurisdiction of the Fire Code Official to implement, administer and enforce the Fire Code

and this chapter. The Fire Code Official may appoint a Deputy Fire Code Official and other officers, inspectors and employees. [Ord. NS-2153, 2010]

### **8.10.030 Limits and Exceptions on Storage of Regulated Materials.**

- A. All limits on storage of hazardous and combustible materials, including, but not limited to, liquefied petroleum gases, compressed natural gases, explosives, and flammable cryogen liquids, established in the Fire Code shall apply within the city, except as provided in subsections (B) through (G) of this Section. All references to tables and sections are references to provisions in the Fire Code.
- B. Materials in excess of the limits imposed by Tables 5003.1.1(1) through (4) and Sections 5003, 5303, 6104.2, and 5504 may only be stored in General Industrial Zones in areas that are not heavily populated or congested. Any material stored in tanks must be in tanks approved by the Fire Code Official.
- C. Materials may be stored in excess of the limits imposed by Table 5003.1.1(1) through (4) in Light Industrial Zones in an approved tank or tanks with written approval of the Fire Code Official.
- D. Flammable and combustible liquids used solely for emergency equipment may be stored in approved tanks in excess of the limits imposed by Tables 5003.1.1(1) through (4) but not exceeding the limits imposed in Chapter 6.
- E. Flammable and combustible liquids in excess of the limits imposed by Tables 5003.1.1(1) through (4) may be stored in approved tanks with written approval of the Fire Code Official.
- F. Limited amounts of non-mass-detonating explosives as defined in Sections 5601.8.1.2 and 5601.8.1.3 are allowed in areas that are not heavily populated or congested if approved in writing by the Fire Code Official and stored and used within the scope of nationally recognized standards.
- G. Amounts of hazardous material in excess of the limits in Section 5003 may be stored in Light Industrial Zones not heavily populated or congested. Limited amounts of hazardous materials in excess of the limits imposed by Section 5003 may be stored in commercial areas not heavily populated or congested if approved in writing by the Fire Code Official and stored
-

and used within the scope of nationally recognized standards. [Ord. NS-2274, 2016; Ord. NS-2153, 2010]

#### **8.10.040 Appeals.Reinspection of Unsafe Conditions**

~~A. Appeals of any decision ofWhenever the Fire Code Official may be appealed by filing has issued a written appeal with the City Recorder within 10 days of the decision. The City Manager will decide the appeal based on the written appeal documentnotice to correct a violation of any provision of the Fire Code at a particular premises and any written response from the Fire Code Official. The City Manager's decision may be appealed to finds, upon reinspection, that the violation has not been abated, the person in possession of the premises shall be required to pay a reinspection fee in the Regional Appeal Advisory Board amount established by resolution of the City Council.~~

~~B. The Fire Code Official may waive all or any part of a reinspection fee, if, in the Fire Code Official's sole discretion, it appears that reinspection was required by circumstances that the responsible person in good faith took efforts to avoid.~~

~~A.C. If there is a final determination following an appeal brought under ORS 479.180 within 10 days fromSection 8.10.50 that there was no violation of the Fire Code, any reinspection fee that was charged after the date of the City Manager's decision. [Ord. NS-2153, 2010]issuance of the original order will be refunded.~~

#### **8.10.050 Appeals.**

~~A notice or order of the Fire Code Official to comply with the fire prevention statutes may be appealed as provided by ORS 479.180.~~

#### **8.10.060 Construction; severability**

~~If there is a conflict between any provision of the Fire Code and any provision of this Chapter, the provisions shall be construed as mutually complementary or supplementary, if possible; otherwise, the specific provision of this Chapter outside the Fire Code shall govern. In the event that any provision or part of the Fire Code or this Chapter is found invalid or unconstitutional, such finding shall not be construed as affecting the validity or constitutionality of any other provision hereof.~~

#### **8.10.070 Enforcement.**

Violation of any provision of the Fire Code or this Chapter, or any order or permit issued under the Fire Code or this Chapter, is a Class A civil infraction. Each day that a violation remains is a

separate infraction. The civil infraction remedy is in addition to any other legal or equitable remedy, including the procedures and remedies set forth in the Fire Code. [Ord. NS-2153, 2010]

---