

**IN THE CITY COUNCIL
FOR THE CITY OF HOOD RIVER, OREGON**

ORDINANCE NO. 2079

An Ordinance repealing and replacing in its entirety Title 15 (Buildings and Construction) Chapter 15.40 (Fire Prevention Code), Section 15.40.010 (Adoption of the Oregon fire code), of the Hood River Municipal Code, to authorize the Oregon State Fire Marshal to assist and coordinate with the City's Fire Chief and Fire Department and Declaring an Emergency

The Hood River City Council finds as follows:

WHEREAS, the City previously adopted and incorporated by reference the Oregon Fire Code in Hood River Municipal Code (HRMC) Chapter 15.40 (Fire Prevention Code) to authorize the City's Fire Chief and Fire Department to administer, enforce and apply the Oregon Fire Code throughout the City; and

WHEREAS, it assumed at the time of adoption that the City was required to adopt the Oregon Fire Code; whereas, in fact, the State Fire Code applies throughout Oregon by operation of state law and need not be specially adopted for it to apply; and

WHEREAS, while the City's Fire Department personnel are well-trained and certified in many aspects of fire prevention, fire safety measures and building construction requirements for safety under the State Fire Code, Hood River still occasionally requires the assistance of the State Fire Marshal's Office for many specialized areas outside of the training or certifications of the City's Fire Department personnel; and

WHEREAS, if a local government enacts the State Fire Code by reference or adopts its own fire code, it runs the risk under ORS 476.030(3) that it may be exempt from the involvement and assistance by the State Fire Marshal's Office; and

WHEREAS, adopting the Oregon Fire Code, therefore, requires a jurisdiction to have personnel with the full spectrum of training, education, and certification, which is currently beyond the scope and level of expertise of Hood River's Fire Chief and Fire Department; and

WHEREAS, the Oregon State Fire Marshal's Office recently advised the City to repeal its adoption of the Oregon Fire Code to make clear that the City is eligible for assistance from the State Fire Marshal in those specialized areas where the City requires assistance or back-up, and

WHEREAS, the City's Fire Chief and Fire Department personnel have always and will continue to provide primary fire prevention, fire safety and fire suppression throughout the City, but have and continue to require occasional back-up and assistance from the State Fire Marshal in the enforcement and administration of the Oregon Fire Code; and

WHEREAS, the City Council scheduled such an amendment to HRMC 15.40 for consideration at its regular meeting of _____, 2023, at which time the Council accepted all manner of testimony and public comment on the proposal.

NOW, THEREFORE, based on the foregoing findings, which are incorporated herein by this reference, the Hood River City Council Ordains as follows:

