

# CHAPTER 1

## ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Oregon Fire Code*, hereinafter referred to as “this code.”

**101.2 Scope.** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

The following governmental subdivisions may have other regulations as long as such regulations are consistent with OAR Chapter 837, Division 39. A water district under ORS 264.342 or a city or county, subject to consent as required by ORS 478.924, or a rural fire protection district under ORS 478.910.

ORS 264.342, 478.910, 478.924 and OAR 837, Division 39, are not part of this code but are reproduced or paraphrased here for the reader’s convenience.

ORS 264.342 allows a domestic water district to adopt a fire prevention code.

ORS 478.910 allows a rural fire protection district to adopt a fire prevention code.

ORS 478.924 states that the provisions of a fire prevention code adopted by a district after October 4, 1977 shall not apply unless approved by the governing body of the city or county in which the district exists.

OAR Chapter 837, Division 39, regulates the administration of fire prevention programs.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. The provisions of the following appendices are adopted as part of this code: B, C, D, H, I and L.

**101.3 Intent.** 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 fire fighters and emergency responders during emergency operations as authorized by ORS 476.030.

ORS 476.030 is not part of this code but is reproduced or paraphrased here for the reader’s convenience.

ORS 476.030 defines the duties and powers of the State Fire Marshal to adopt a state fire code.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**101.5 Validity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

### SECTION 102 APPLICABILITY

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.
4. Existing structures, facilities and conditions which, in the opinion of the fire code official, constitute a distinct hazard to life or property.

**102.2 Administrative, operational and maintenance provisions.** The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

Also see Section 110.1.1, ORS 476.030(c) and OAR Chapter 837, Division 41.

ORS 476.030(c) is not part of this code but is reproduced or paraphrased here for the reader’s convenience.

ORS 476.030(c) defines the rules for maintenance and regulations of structural fire safety features in occupied structures and overseeing the safety and directing the means and adequacy of exits in case of fire except that structural changes shall not be required in buildings built, occupied and maintained in conformity with state building code regulations applicable at the time of construction.

OAR Chapter 837, Division 41, defines the fire protection regulations relating to existing facilities.

**102.3 Change of use or occupancy.** No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is

made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the building code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

**102.4 Application of building code.** The design and construction of new structures shall comply with the *International Building Code*, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the *International Building Code*, shall be made in accordance therewith.

**102.5 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

**102.6 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

**102.7 Subjects not regulated by this code.** Where no applicable standards or requirements are set forth in this code, or are contained within statutes or administrative rules adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.

**102.8 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

**102.9 Conflicting provisions.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

## SECTION 103 DEPARTMENT OF FIRE PREVENTION

**103.1 (Not adopted) General.** *The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.*

**103.2 (Not adopted) Appointment.** *The fire code official shall be appointed by the chief appointing authority of the jurisdiction; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.*

**103.3 (Not adopted) Deputies.** *In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.*

**103.4 (Not adopted. See ORS 30.265) Liability.** *The fire code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.*

ORS 30.265 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 30.265 defines the scope of liability of public body officers, employees and agents.

**103.4.1 Legal defense.** Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**103.5 Cooperation with other agencies.** For regulations regarding interagency cooperation, see ORS 455.150(8), ORS 479.165, OAR 918-020-0010, OAR 918-020-0020 and OAR 837-039-0110.

ORS 455.150(8), ORS 479.165, OAR 918-020-0010, OAR 918-020-0020 and OAR 837-039-0110 are not part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 455.150(8) requires municipalities to create a written plan that specifies how cooperation with the State Fire Marshal or designee of the State Fire Marshal will be achieved and how a uniform fire code will be considered in the review process of the design and construction phases of buildings or structures.

ORS 479.165 requires the State Fire Marshal to develop rules establishing certification of fire officials who review plans, new construction, alterations and specifications from a uniform fire code.

OAR 918-020-0010 and 918-020-0020 establish a minimum standard for procedures of cooperation between local municipalities and the State Fire Marshal or a designee of the State Fire Marshal.

OAR 837-039-0110 establishes standards for certification of fire officials who review plans, new construction, alterations and specifications from a fire code.

**SECTION 104**

**GENERAL AUTHORITY AND RESPONSIBILITIES**

> **104.1 General.** The fire code official is hereby authorized to enforce the provisions of this code as directed in ORS 476.060 and OAR Chapter 837, Division 39, and shall have the authority to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Modifications to this code shall not be less stringent than the minimum fire code adopted by the State Fire Marshal. Such policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

ORS 476.060 and OAR Chapter 837, Division 39 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.060 designates local fire marshals, local fire chiefs and chief of police as assistants to the State Fire Marshal by virtue of office held.

OAR Chapter 837, Division 39, regulates the administration of fire prevention programs.

OAR 837-039-0015(2)(b) allows a governmental subdivision to adopt a code that is consistent with state fire protection statutes and, is equal to or more stringent than, the fire code promulgated by the State Fire Marshal

**104.2 Applications and permits.** The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.3 (Not adopted) Right of entry.** *Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.*

**104.3.1 Right to entry.** The State Fire Marshal, Deputy State Fire Marshal or assistants to the State Fire Marshal may at all reasonable hours, enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon as authorized by ORS 476.150(1).

ORS 476.150(1) is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 476.150(1) grants permission to the State Fire Marshal and deputies, at all reasonable hours, to enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon.

**104.3.2 Warrant.** When the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code (see ORS 476.155, 476.160, 476.165 and 476.170).

ORS 476.155, 476.160, 476.165 and 476.170 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.155 defines when judges are authorized to issue inspection warrants.

ORS 476.160 defines circumstances under which a warrant may be issued.

ORS 476.165 defines established cause to issue a warrant.

ORS 476.170 defines execution of a warrant.

**104.4 Identification.** The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.5 Notices and orders.** The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

**104.6 Official records.** The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations in accordance with Oregon Revised Statute 192, Public and Private Records; Public Reports and Meetings.

**104.6.1 Approvals.** A record of approvals shall be maintained by the fire code official and shall be available for public inspection during business hours in accordance with applicable laws.

**104.6.2 Inspections.** The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

**104.6.3 (Not adopted) Fire records.** *The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.*

**104.6.3.1 Fire records and reports.** Fire records shall be kept by the State Fire Marshal in accordance with ORS 476.090.

Fire reports shall be provided to the State Fire Marshal in accordance with ORS 476.210(2), ORS 476.220 and ORS 476.270.

ORS 476.090, ORS 476.210(2), ORS 476.220 and ORS 476.270 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.090 requires the State Fire Marshal to keep records of all fire occurring within the state and all facts concerning the fires.

ORS 476.210(2) requires the fire chief of every city or rural fire protection district to provide the State Fire Marshal with a report of every fire occurring within the jurisdiction of the fire chief.

ORS 476.220 requires the officer making an investigation of a fire to notify the State Fire Marshal and within one week of the occurrence, shall forward the State Fire Marshal a written statement of all facts as requested by the forms provided by the State Fire Marshal.

ORS 476.270 requires an insurance company to immediately make a report to the State Fire Marshal if the insurance company has reason to believe that a fire loss to its insured was caused by incendiary means.

**104.6.4 Administrative.** Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire code official.

**104.7 Approved materials and equipment.** All materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval.

**104.7.1 Material and equipment reuse.** Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

**104.7.2 Technical assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**104.8 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention. The State Fire Marshal may make adjustments and variances to this code under ORS 476.035.

ORS 476.035 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 476.035 gives the State Fire Marshal the power to make adjustments, variances or exceptions to specific requirements of this code on a statewide, regional, jurisdictional or geographical use basis when the State Fire Marshal determines that application of the requirements are impossible, impractical, create unnecessary hardship or create consequences inconsistent with the general purpose of the code.

**104.9 Alternative materials and methods.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**104.10 (Not adopted) Fire investigations.** *The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.*

**104.10.1 Fire investigations.** Fire investigations shall be in accordance with ORS 476.030(4) and ORS 476.210(1).

ORS 476.030(4) and 476.210(1) are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.030(4) gives the State Fire Marshal the authority to investigate or cause an investigation to determine the probable cause, origin and circumstances of any fire.

ORS 476.210(1) requires the municipal fire marshal, fire department chief, constables and other officers referred to in ORS 476.060 to investigate the cause, origin and circumstances of each fire occurring in their respective jurisdictions.

**104.10.2 Assistance from other agencies.** Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

**104.11 Authority at fires and other emergencies.** The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

**104.11.1 Barricades.** The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

**104.11.2 Obstructing operations.** No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

**104.11.3 Systems and devices.** No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

**SECTION 105  
PERMITS**

**105.1 General.** Permits shall be in accordance with Sections 105.1.1 through 105.7.13.

**105.1.1 Permits required.** Permits required by this code shall be obtained from the fire code official. Permit fees, if any, shall be paid prior to issuance of the permit. When otherwise required by law, or rule, a permit, license or certification shall also be obtained from the State Fire Marshal. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

**105.1.2 Types of permits.** There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
  - 1.1. A prescribed period.
  - 1.2. Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

**105.1.3 Permits for the same location.** When more than one permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

**105.2 Application.** When a permit is required by Section 105.6 or 105.7, the application shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

**105.2.1 Refusal to issue permit.** If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire code official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

**105.2.2 Inspection authorized.** Before a new operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

**105.2.3 Time limitation of application.** An application for a permit for any proposed work or operation shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire

code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

**105.2.4 Action on application.** The fire code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the fire code official shall reject such application in writing, stating the reasons therefor. If the fire code official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue a permit therefore as soon as practicable.

**105.3 Conditions of a permit.** A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

**105.3.1 Expiration.** An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

**105.3.2 Extensions.** A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

**105.3.3 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to the fire code official issuing a permit that indicates that applicable provisions of this code have been met.

**105.3.4 Conditional permits.** Where permits are required and upon the request of a permit applicant, the fire code offi-

cial is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The fire code official shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

**105.3.5 Posting the permit.** Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

**105.3.6 Compliance with code.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official, as evidenced by the issuance of a new or amended permit.

**105.3.7 Information on the permit.** The fire code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire code official. Issued permits shall bear the signature of the fire code official or other approved legal authorization.

**105.4 Construction documents.** Construction documents shall be in accordance with this section.

**105.4.1 Submittals.** Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

**105.4.2 Information on construction documents.** Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official.

**105.4.3 Applicant responsibility.** It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the

shop drawings are complete and in compliance with the applicable codes and standards.

**105.4.4 Approved documents.** Construction documents approved by the fire code official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with this code.

**105.4.5 Corrected documents.** Where field conditions necessitate any substantial change from the approved construction documents, the fire code official shall have the authority to require the corrected construction documents to be submitted for approval.

**105.4.6 Retention of construction documents.** One set of construction documents shall be retained by the fire code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

**105.5 Revocation.** The fire code official is authorized to revoke a permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

**105.6 Required operational permits.** An operational permit as authorized by law or regulation shall be obtained from the State Fire Marshal for the operations set forth in Sections 105.6A through 105.6E. When a governmental subdivision has enacted regulations the local fire code official may issue operational permits for the operations set forth in Sections 105.6A through 105.6.46.

**105.6A Fireworks, agricultural.** An operational Agricultural Fireworks Permit is required to use or explode

fireworks to scare or repel birds or animals under ORS 480.122.

**105.6B Fireworks, public display of.** An operational Public Display of Fireworks Permit is required to hold a display of fireworks under ORS 480.130.

**105.6C Fireworks, retail sales.** An operational Retail Sales of Fireworks Permit is required to sell fireworks at retail to individual members of the general public as described in ORS 480.127.

**105.6D Fireworks, wholesale.** An operational Wholesale Fireworks Permit is required to sell fireworks to agricultural, public display and retail sales permit holders under ORS 480.130. It does not authorize the sale of fireworks to the general public.

**105.6E Institutions.** A temporary operational permit may be issued in lieu of inspection approval by the State Fire Marshal or governmental subdivision having authority in an area exempted for licensed institutions inspected under ORS 479.215.

**105.6.1 Aerosol products.** An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

**105.6.2 Amusement buildings.** An operational permit is required to operate a special amusement building.

**105.6.3 Aviation facilities.** An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles.

Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

**105.6.4 Carnivals and fairs.** An operational permit is required to conduct a carnival or fair.

**105.6.5 Cellulose nitrate film.** An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

**105.6.6 Combustible dust-producing operations.** An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.

**105.6.7 Combustible fibers.** An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m<sup>3</sup>).

**Exception:** A permit is not required for agricultural storage.

**105.6.8 Compressed gases.** An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

**Exception:** Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

**TABLE 105.6.8  
PERMIT AMOUNTS FOR COMPRESSED GASES**

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot = 0.02832 m<sup>3</sup>.

**105.6.9 Covered mall buildings.** An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

**105.6.10 Cryogenic fluids.** An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10.

**Exception:** Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

**TABLE 105.6.10  
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L.

**105.6.11 Cutting and welding.** An operational permit is required to conduct cutting or welding operations within the jurisdiction.

**105.6.12 Dry cleaning plants.** An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

**105.6.13 Exhibits and trade shows.** An operational permit is required to operate exhibits and trade shows.

**105.6.14 Explosives.** An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 33.

**Exception:** Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

**105.6.15 Fire hydrants and valves.** An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

**Exception:** A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

**105.6.16 Flammable and combustible liquids.** An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
  - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.
  - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
6. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a



greater hazard than that for which the tank was designed and constructed.

8. To manufacture, process, blend or refine flammable or combustible liquids.
9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
10. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

**105.6.17 Floor finishing.** An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m<sup>2</sup>) using Class I or Class II liquids.

**105.6.18 Fruit and crop ripening.** An operational permit is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

**105.6.19 Fumigation and thermal insecticidal fogging.** An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

**105.6.20 Hazardous materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

**105.6.21 HPM facilities.** An operational permit is required to store, handle or use hazardous production materials.

**105.6.22 High-piled storage.** An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m<sup>2</sup>).

**105.6.23 Hot work operations.** An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

**Exception:** Work that is conducted under a construction permit.

3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a hazardous fire area.
5. Application of roof coverings with the use of an open-flame device.
6. When approved, the fire code official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued

**TABLE 105.6.20  
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallon <sup>a</sup>
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds <sup>b</sup>
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive Materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

only to their employees or hot work operations under their supervision.

**105.6.24 Industrial ovens.** An operational permit is required for operation of industrial ovens regulated by Chapter 21.

**105.6.25 Lumber yards and woodworking plants.** An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft<sup>3</sup>) (236 m<sup>3</sup>).

**105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings.** An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

**105.6.27 LP-gas.** An operational permit is required for:

1. Storage and use of LP-gas.

**Exception:** A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

**105.6.28 Magnesium.** An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

**105.6.29 Miscellaneous combustible storage.** An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m<sup>3</sup>) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

**105.6.30 Open burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

**Exception:** Recreational fires.

**105.6.31 Open flames and torches.** An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a hazardous fire area.

**105.6.32 Open flames and candles.** An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

**105.6.33 Organic coatings.** An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

**105.6.34 Places of assembly.** An operational permit is required to operate a place of assembly.

**105.6.35 Private fire hydrants.** An operational permit is required for the removal from service, use or operation of private fire hydrants.

**Exception:** A permit is not required for private industry with trained maintenance personnel, private fire brigade

or fire departments to maintain, test and use private hydrants.

**105.6.36 Pyrotechnic special effects material.** An operational permit is required for use and handling of pyrotechnic special effects material.

**105.6.37 Pyroxylin plastics.** An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

**105.6.38 Refrigeration equipment.** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

**105.6.39 Repair garages and motor fuel-dispensing facilities.** An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

**105.6.40 Rooftop heliports.** An operational permit is required for the operation of a rooftop heliport.

**105.6.41 Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

**105.6.42 Storage of scrap tires and tire byproducts.** An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m<sup>3</sup>) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

**105.6.43 Temporary membrane structures, tents and canopies.** An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m<sup>2</sup>), or a canopy in excess of 400 square feet (37 m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with all of the following:
  - 2.1. Individual canopies having a maximum size of 700 square feet (65 m<sup>2</sup>).
  - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m<sup>2</sup>) total.
  - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

**105.6.44 Tire-rebuilding plants.** An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

**105.6.45 Waste handling.** An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

**105.6.46 Wood products.** An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m<sup>3</sup>).

**105.7 Required construction permits.** The fire code official as authorized by law or regulation may issue construction permits for work as set forth in Sections 105.7.1 through 105.7.13.

**105.7.1 Automatic fire-extinguishing systems.** A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**105.7.2 Battery systems.** A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

**105.7.3 Compressed gases.** When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

**Exceptions:**

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.6.3. The 30-day period is not applicable when approved based on special circumstances requiring such waiver.

**105.7.4 Fire alarm and detection systems and related equipment.** A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**105.7.5 Fire pumps and related equipment.** A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**105.7.6 Flammable and combustible liquids.** A construction permit is required:

1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

**105.7.7 Hazardous materials.** A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

**Exceptions:**

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

**105.7.8 Industrial ovens.** A construction permit is required for installation of industrial ovens covered by Chapter 21.

**Exceptions:**

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

**105.7.9 LP-gas.** A construction permit is required for installation of or modification to an LP-gas system.

**105.7.10 Private fire hydrants.** A construction permit is required for the installation or modification of private fire hydrants.

**105.7.11 Spraying or dipping.** A construction permit is required to install or modify a spray room, dip tank or booth.

**105.7.12 Standpipe systems.** A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**105.7.13 Temporary membrane structures, tents and canopies.** A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m<sup>2</sup>), or a canopy in excess of 400 square feet (37 m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Fabric canopies and awnings open on all sides which comply with all of the following:
  - 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m<sup>2</sup>).
  - 3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m<sup>2</sup>) total.

3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

**SECTION 106  
INSPECTIONS**

**106.1 (Not adopted) Inspection authority.** *The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.*

**106.1.1 Inspection authority.** The State Fire Marshal, Deputy State Fire Marshal or assistants to the State Fire Marshal may, at all reasonable hours, enter into all buildings and upon all premises, except for private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon as authorized by ORS 476.150(1).

ORS 476.150(1) is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 476.150(1) grants permission to the State Fire Marshal and deputies, at all reasonable hours, to enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein or thereon.

**106.1.2 Interference.** No person shall interfere with or prevent an inspection by officers as authorized by ORS 476.150(2). When any person interferes with or prevents the State Fire Marshal, deputies or assistants to the State Fire Marshal from making an inspection, the officer shall apply to the district attorney of the county wherein the inspection was made or attempted to be made, for a warrant for the arrest of the offending person, and it shall be the duty of such district attorney forthwith to prosecute such offending person as authorized by ORS 476.150(3).

**106.2 Inspections.** The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

**106.3 Concealed work.** Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire code official shall have the authority to require that such work be exposed for inspection.

**106.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

**SECTION 107  
MAINTENANCE**

**107.1 Maintenance of safeguards.** Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

**107.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

**107.2.1 Test and inspection records.** Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

**107.2.2 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

**107.3 Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

**107.4 Rendering equipment inoperable.** Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

**107.5 Owner/occupant responsibility.** Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

**107.6 Overcrowding.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

**SECTION 108  
BOARD OF APPEALS**

**108.1 (Not adopted) Board of appeals established.** *In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall have no*

*vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.*

**108.1.1 Appeals.** The State Fire Marshal may convene a regional appeals advisory board to make recommendations concerning appeals. For appeals procedure, see ORS 479.180.

ORS 479.180 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.180 defines the procedure for appeal from orders to comply with fire prevention statutes.

**108.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

**108.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction. At least one member shall be a qualified architect who has practiced the profession for at least two years.

**SECTION 109  
VIOLATIONS**

**109.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**109.2 Notice of violation.** When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection. Orders and notices shall be in accordance with ORS 479.170.

ORS 479.170 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.170 provides the State Fire Marshal and Deputy State Fire Marshal authority to order the repair or removal of hazards and the ability to close the building or premises if compliance is not made in accordance with the order.

**109.2.1 Service.** A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the

same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

**109.2.2 Compliance with orders and notices.** A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains. Notices shall be in accordance with ORS 479.170.

ORS 479.170 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.170 provides the State Fire Marshal and Deputy State Fire Marshal authority to order the repair or removal of hazards and the ability to close the building or premises if compliance is not made in accordance with the order.

**109.2.3 (Not adopted) Prosecution of violations.** *If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.*

**109.2.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

**109.3 (Not adopted) Violation penalties.** *Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.*

**109.3.1 Violation penalties.** Any owner or occupant of any building or premises who fails to comply with an order to correct any fire safety deficiency or violation of this code not appealed from, shall be punished by a fine as provided by ORS 479.990.

**Exception:** Where other penalties for specific violations are provided for by law, they shall prevail (see ORS 476.990 and ORS 480.990).

ORS 476.990, 479.990 and 480.990 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 479.990 define the penalties for failure, neglect or refusal to comply with the provisions of this code.

ORS 476.990 and 480.990 define additional penalties for failure to comply with specific Oregon Revised Statutes.

**109.3.2 Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

### SECTION 110 UNSAFE BUILDINGS

**110.1 General.** If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

**110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe. Actions to correct hazards and other deficiencies shall be according to ORS 479.160, 479.170 and 479.195. See the procedures specified in OAR 837-041-0050.

ORS 479.160, 479.170, 479.195 and OAR 837-041-0050 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 479.160 defines the provisions for granting a permit for continued use or occupancy of existing nonconforming buildings.

ORS 479.170 provides authority to the State Fire Marshal or deputies to order repair or removal of materials from buildings or premises.

ORS 479.195 provides authority to the State Fire Marshal or deputies to close buildings when the occupant load is exceeded.

OAR 837-041-0050 defines the rules for the abatement, repair or discontinuance of use or occupancy of unsafe buildings and specifies the parameters that are used to determine the degree of fire and life hazard.

**110.1.2 Structural hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with Section 110.1.

**110.2 Evacuation.** The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

**110.3 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

**110.4 Abatement.** The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

### SECTION 111 STOP WORK ORDER

**111.1 (Not adopted) Order.** *Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.*

**111.1.1 Order.** Stop orders shall be administered through the provisions of ORS 479.170.

ORS 479.170 is not a part of this code but is reproduced or paraphrased here for the reader's convenience.

ORS 479.170 provides the State Fire Marshal and Deputy State Fire Marshal authority to order the repair or removal of hazards and the ability to close the building or premises if compliance is not made in accordance with the order.

**111.2 (Not adopted) Issuance.** *A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.*

**111.3 (Not adopted) Emergencies.** *Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.*

**111.4 (Not adopted) Failure to comply.** *Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.*