

AFFIDAVIT OF POSTING ORDINANCE NO. 22

STATE OF OREGON)
)
Counties of Clackamas)
and Washington) ss.
)
City of Wilsonville)

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Tuesday the 7th day of August, 1973, I caused to be posted copies of the attached Ordinance No. 22 in the following three (3) public and conspicuous places of the City, to-wit:

1. Wilsonville City Hall
2. Kopper Kitchen
3. Wilsonville United States Post Office

The Notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 13th day of August, 1973.

Dated at Wilsonville, Oregon this 7th day of August, 1973.

Margaret A. Hunt
City Recorder

Subscribed and sworn to before me this 7th day of August, 1973

[Signature]
Notary Public for Oregon
My Commission expires: March 28, 1977

ORDINANCE NO. 22

AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE (1970 EDITION) RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION AS THE FIRE PREVENTION CODE FOR THE CITY OF WILSONVILLE; PROVIDING FOR APPROVAL OF BUILDING PLANS FOR NEW CONSTRUCTION; PROVIDING FOR ACCESS TO FIRE FIGHTING FACILITIES AND FOR MAINTENANCE OF THE SAME; REQUIRING FIRE INSPECTION OF NEW BUILDINGS PRIOR TO OCCUPANCY; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The City of Wilsonville hereby adopts the regulations and rules of the 1970 Edition of the FIRE PREVENTION CODE recommended by the American Insurance Association, in its entirety, and all buildings hereafter constructed in the City of Wilsonville and the use of all buildings now existing or hereafter constructed shall conform to the requirements of said Fire Prevention Code.

Section 2: The following additional Sections are hereby adopted as amendments and supplements to the Fire Prevention Code as adopted under Section 1 of this Ordinance:

A. Definitions. For the purpose of this Section, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

1. "Adequate water supply" shall mean reasonable flow of water which the Chief of the Fire Department determines is necessary to protect any building or structure against fire on the land to be developed.
2. "To develop land" shall mean to make any improvements or do any work upon such land, which would require the issuance of a building permit under the Building Code of the City of Wilsonville.
3. "Developer" shall mean the owner or other person responsible for the development of the land in question. For purposes of this Section, the term "owner" and "person" shall be applied in their usual and customary context.
4. "Facilities" shall mean such water mains, fire hydrants and appurtenances thereto as are necessary for fire protection.
5. "Fire Chief" shall mean the Chief of the Tualatin Rural Fire Protection District or his duly authorized representative who is charged with the administration and enforcement of the Fire Prevention Code as it presently exists or hereafter may be amended.

6. "Judgment" shall mean the judgment of the Chief of the Fire Department based upon sound fire protection principles, which judgment shall be conclusive.

7. "Land" shall mean any lot, parcel, acreage or building site or any other land or portion thereof embraced within a common plan of development, whether improved or unimproved.

8. "Access" shall mean a twelve (12) foot unobstructed ingress and egress for fire fighting equipment.

B. Review by Fire Chief. Every application for a building permit and accompanying plans shall be reviewed by the Fire Chief and a determination made whether any building or structure on the land to be developed is or will by virtue of said development be in excess of 150 feet from an adequate water supply. If upon such review, it is determined that the fire protection facilities mentioned herein are not required or that they are adequately provided for in the plans, the Fire Chief shall endorse his approval thereon. If adequate provisions for such facilities are not made, the Fire Chief shall either disapprove of the plans and indicate to the applicant in writing the deficiencies or he may approve the plans subject to conditions. If the Fire Chief fails to take any action with respect to any plans which have been submitted to him for a period of 15 days, said plans shall be deemed approved.

C. The Fire Chief may prescribe that any planned development shall provide for installation of such on-site fire protection facilities as the Fire Chief in his judgment deems necessary to provide an adequate water supply on the land to be developed. Said installation shall be at the expense of the owner or developer. All facilities required to be installed under the provisions of this Section shall be approved by and meet the specifications of the Fire Chief and the City's Building Inspector as to location, size and type of materials and manner of installation. All inspection costs shall be paid by the owner or developer.

D. Adequate Water Supply. The following calculations shall serve as a guide to determine capacity of facilities required to

furnish an adequate water supply to individual buildings:

1. Hydrants shall be connected to water mains having a capacity sufficient to provide a minimum of 1,000 gpm with residential pressure of 20 lbs. psi per hydrant, and a total capacity sufficient for fire protection of the building or buildings involved. The judgment of the Fire Chief shall be a supporting factor in determining sufficiency.

E. Facility Flow Requirements. The fire protection facility shall be adequate to convey the required quantity of water as determined by the foregoing calculation to any outlet in the system with no less than 20 lbs. psi residual pressure at the outlet being considered with the required quantity of water flowing.

F. Availability of Supply. Hydrants with the Tualatin Rural Fire Protection District shall be taken into account in determining whether an adequate water supply exists with reference to a given building. Other water sources may be counted as contributing to said supply if in the judgment of the Fire Chief said source is dependable, readily accessible, adaptable to use by the District's equipment and within reasonable distance of the building or portion thereof to be served by said source. No source on private land adjoining the land to be developed shall be considered to be readily accessible unless there shall be obtained the irrevocable and unobstructed right to use the same upon such terms as may be approved by the Fire Chief.

G. Access for Fire Fighting Equipment. Whenever any hydrant or other appurtenances for use by the Fire Department is required to be installed under the provisions of this Ordinance, there shall be included in said development plan and delineated thereon adequate provisions for access to and from every such hydrant and appurtenance of the Tualatin Rural Fire Protection District and its fire fighting equipment. Said access shall be in the form of an improved, permanently maintained roadway or an open paved area or any combination thereof designated, constructed and at all times maintained in such a manner that there shall be an access way kept clear and unobstructed at such grade and having sufficient width and height clearance to

permit ingress and egress of fire fighting equipment.

1. Access to facilities to be kept open. Whenever any on-site fire protection facility or access ways have been installed as provided in this Ordinance, either pursuant to this Ordinance or prior to the effective date hereof, the following provisions shall be applicable:

- a. Hydrants - Parking Prohibited. With respect to hydrants located upon private access ways where curbs exist, the curb shall be painted yellow or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of 10 feet in either direction from any such hydrant. Such cases where curbs do not exist, there shall be appropriate markings painted on the pavement or signs erected, or both, giving notice that parking is prohibited for a distance of 10 feet from any such hydrant. No person shall park or leave standing a vehicle within 10 feet of any such fire hydrant.

- b. Access - Obstruction Prohibited. No owner or lessee of the land or proprietor, partner, officer, director, manager or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause any activity, practice or condition, to occur or exist or continue to exist upon said land which shall lessen or obstruct or impair the access required to be maintained under this Subsection G.

- c. Access - Parking May Be prohibited. If in the judgment of the Fire Chief, it is necessary to prohibit vehicular parking along private access ways in order to keep them clear and unobstructed, he may require the owner, lessee or other person in charge of the premises to paint the curbs or install signs or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall thereafter be unlawful for any such owner, lessee or other person in charge of the premises to fail to install and maintain in good condition the form of notice so prescribed. It shall also be unlawful for any person to park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

- H. Facilities to be Provided During Initial Stage of Construction. When it is deemed that fire fighting facilities are required to be installed as required by this Ordinance, such facilities shall be installed and made serviceable by the developer prior to or at the time any combustible construction begins on the land, unless in the opinion of the Fire Chief the nature of the circumstances of said facilities makes it impractical.

I. Final Inspection. No final inspection under the City's Building Code enacted by Ordinance No. 21 shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed facilities and access ways have been completed and the final approval thereof has been given by the Fire Chief and the City's building inspector.

J. Maintenance of Facilities. All on-site fire protection facilities, whether installed before or after the effective date of this Ordinance, shall at all times be maintained in good working order by the owner thereof. The Fire Chief is hereby empowered to conduct periodic inspections and tests of said facilities. If the Fire Chief determines that said facilities are not being maintained as required by this Ordinance, he may order that the owner or occupant of the premises make the necessary repairs or changes within ten (10) days or such longer time as in his judgment is reasonable. It shall be unlawful for any such person to fail or refuse to comply with any such order.

K. Operation or Modification of Facilities. On-site fire protection facilities, whether installed before or after the effective date of this Ordinance, may be altered or repaired with the consent of the Fire Chief provided that such alterations or repairs shall be carried out in conformity with the applicable provisions of this Ordinance.

Section 3: Obstructing Fire Hydrants and Other Fire Protection Facilities. No person shall obstruct a fire hydrant or other Fire Department facilities or place or deposit any lumber, rock, sand, vehicles, debris or other substance within 15 feet in any direction of any fire hydrant or standpipe used for Fire Department connections. No walls, fences, hedges, screen plantings or similar types of construction of any kind shall be constructed within three feet to the rear of such hydrant or standpipe on any public or

private property in the City, and no such construction shall be permitted in front of or to the side of such hydrant or standpipe. The use of wrenches other than those with pentagonal heads for the purpose of opening or shutting fire hydrants is strictly prohibited. No fire hydrant shall be used by any person other than a member of the Fire Department or a City employee authorized to do so.

Section 4: This Ordinance is adopted as a cooperative effort with the Tualatin Rural Fire Protection District of Washington and Clackamas Counties, Oregon, after advice by said District that the Fire Prevention Code which is hereby adopted was also adopted by said District on February 1, 1971.

Section 5: Penalties. Any person who shall violate any of the provisions of the Code hereby adopted or fails to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a Court of competent jurisdiction, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. The application of the foregoing penalties shall not be held to prevent the enforced removal of prohibited conditions, and the City may at its option by civil suit, enjoin any violation of this Ordinance and the said Fire

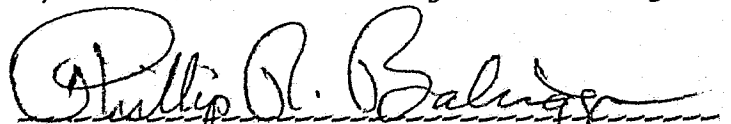
Prevention Code which is hereby adopted.

Section 6: Emergency Clause. Inasmuch as there is no Fire Protection Code now in effect in the City of Wilsonville, and the City is dependent for fire protection on the Tualatin Rural Fire Protection District which has a Fire Prevention Code and the cooperative efforts and fire protection assistance of the Rural District require uniformity of fire prevention regulations with the City, it is essential for the preservation of the public health, peace and safety of the City of Wilsonville and the inhabitants thereof that this Fire Prevention Code be enacted immediately, and an emergency is therefore hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

Passed on first reading at a regular meeting of the Wilsonville City Council held on the 23rd day of July, 1973; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 13th day of August, 1973, at the hour of 7:30 o'clock p.m., Oregon Daylight Saving Time, at the Council's regular meeting at the Wilsonville City Hall.

ATTEST:

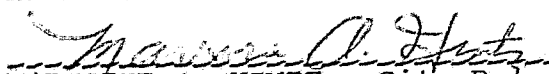

MARJORIE A. HINTZ - City Recorder

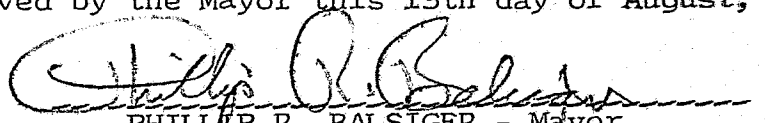

PHILLIP R. BALSIGER - Mayor

Passed on final reading at a regular meeting of the Wilsonville City Council this 13th day of August, 1973, by the following vote:

Yeas 5. Nays 0. Approved by the Mayor this 13th day of August, 1973.

ATTEST:


MARJORIE A. HINTZ - City Recorder


PHILLIP R. BALSIGER - Mayor

ORDINANCE NO. 22

AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE (1970 EDITION) RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION AS THE FIRE PREVENTION CODE FOR THE CITY OF WILSONVILLE; PROVIDING FOR APPROVAL OF BUILDING PLANS FOR NEW CONSTRUCTION; PROVIDING FOR ACCESS TO FIRE-FIGHTING FACILITIES AND FOR MAINTENANCE OF THE SAME; REQUIRING FIRE INSPECTION OF NEW BUILDINGS PRIOR TO OCCUPANCY; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The City of Wilsonville hereby adopts the regulations and rules of the 1970 Edition of the FIRE PREVENTION CODE recommended by the American Insurance Association, in its entirety, and all buildings hereafter constructed in the City of Wilsonville and the use of all buildings now existing or hereafter constructed shall conform to the requirements of said Fire Prevention Code.

Section 2: The following additional Sections are hereby adopted as amendments and supplements to the Fire Prevention Code as adopted under Section 1 of this Ordinance:

A. Definitions. For the purpose of this Section, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

1. "Adequate water supply" shall mean reasonable flow of water which the Chief of the Fire Department determines to be necessary to protect any building or structure against fire on the land to be developed.
2. "To develop land" shall mean to make any improvements or do any work upon such land, which would require the issuance of a building permit under the Building Code of the City of Wilsonville.
3. "Developer" shall mean the owner or other person responsible for the development of the land in question. For purposes of this Section, the term "owner" and "person" shall be applied in their usual and ordinary content.
4. "Facilities" shall mean such water mains, fire hydrants and appurtenances thereto as are necessary for fire protection.
5. "Fire Chief" shall mean the Chief of the Tualatin Rural Fire Protection District or his duly authorized representative who is charged with the administration and enforcement of the Fire Prevention Code as it presently exists or hereafter may be amended.

6. "Judgment" shall mean the judgment of the Chief of the Fire Department based upon sound fire protection principles, which judgment shall be conclusive.
7. "Lots" shall mean any lot, parcel, acreage or building site or any other land or portion thereof embraced within a common plan of development, whether improved or unimproved.
8. "Access" shall mean a twelve (12) foot unobstructed ingress and egress for fire fighting equipment.

B. Review by Fire Chief. Every application for a building permit and accompanying plans shall be reviewed by the Fire Chief and a determination made whether any building or structure on the land to be developed is or will by virtue of said development be in excess of 150 feet from an adequate water supply. If upon such review, it is determined that the fire protection facilities mentioned herein are not required or that they are adequately provided for in the plans, the Fire Chief shall endorse his approval thereon. If adequate provisions for such facilities are not made, the Fire Chief shall either disapprove of the plans and indicate to the applicant in writing the deficiencies or he may approve the plans subject to conditions. If the Fire Chief fails to take any action with respect to any plans which have been submitted to him for a period of 15 days, said plans shall be deemed approved.

C. The Fire Chief may prescribe that any planned development shall provide for installation of such on-site fire protection facilities as the Fire Chief in his judgment deems necessary to provide an adequate water supply on the land to be developed. Said installation shall be at the expense of the owner or developer. All facilities required to be installed under the provisions of this Section shall be approved by and meet the specifications of the Fire Chief and the City Building Inspector as to location, size and type of materials and manner of installation. All inspection costs shall be paid by the owner or developer.

D. Adequate Water Supply. The following calculations shall serve as a guide to determine capacity of facilities required to

permit ingress and egress of fire fighting equipment.

1. Access to Facilities to be kept open. Whenever any on-site fire protection facility or access ways have been installed as provided in this Ordinance, either pursuant to this Ordinance or prior to the effective date hereof, the following provisions shall be applicable:

- a. Hydrants - Parking Prohibited. With respect to hydrants located upon private access ways where curbs exist, the curb shall be painted yellow or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of 10 feet in either direction from any such hydrant. Such cases where curbs do not exist, there shall be appropriate markings painted on the pavement or signs erected, or both, giving notice that parking is prohibited for a distance of 10 feet from any such hydrant. No person shall park or leave standing a vehicle within 10 feet of any such fire hydrant.

- b. Access - Obstruction Prohibited. No owner or lessee of the land or proprietor, partner, officer, director, manager or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow and no person shall cause any activity, practice or condition to occur or exist or continue to exist upon said land which shall lessen or obstruct or impair the access required to be maintained under this Subsection G.

- c. Access - Parking May Be Prohibited. If in the judgment of the Fire Chief, it is necessary to prohibit vehicular parking along private access ways in order to keep them clear and unobstructed, he may require the owner, lessee or other person in charge of the premises to paint the curbs or install signs or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall thereafter be unlawful for any such owner, lessee or other person in charge of the premises to fail to install and maintain in good condition the form of notice so prescribed. It shall also be unlawful for any person to park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

- H. Facilities to be Provided During Initial Stage of Construction. When it is deemed that fire fighting facilities are required to be installed as required by this Ordinance, such facilities shall be installed and made serviceable by the developer prior to or at the time any combustible construction begins on the land, unless in the opinion of the Fire Chief the nature of the circumstances of said facilities makes it impractical.

I. Final Inspection. No final inspection under the City's Building Code enacted by Ordinance No. 21 shall be deemed completed and no certificate of occupancy or temporary certificate of occupancy shall be issued unless and until the installation of the prescribed facilities and access ways have been completed and the final approval thereof has been given by the Fire Chief and the City's building inspector.

J. Maintenance of Facilities. All on-site fire protection facilities, whether installed before or after the effective date of this Ordinance, shall at all times be maintained in good working order by the owner thereof. The Fire Chief is hereby empowered to conduct periodic inspections and tests of said facilities. If the Fire Chief determines that said facilities are not being maintained as required by this Ordinance, he may order that the owner or occupant of the premises make the necessary repairs or changes within ten (10) days or such longer time as in his judgment is reasonable. It shall be unlawful for any such person to fail or refuse to comply with any such order.

K. Operation or Modification of Facilities. On-site fire protection facilities, whether installed before or after the effective date of this Ordinance, may be altered or repaired with the consent of the Fire Chief provided that such alterations or repairs shall be carried out in conformity with the applicable provisions of this Ordinance.

Section 3: Obstructing Fire Hydrants and Other Fire Protection Facilities. No person shall obstruct a fire hydrant or other Fire Department facilities or place or deposit any lumber, rock, sand, vehicles, debris or other substance within 15 feet in any direction of any fire hydrant or standpipe used for Fire Department connections. No walls, fences, hedges, screen plantings or similar types of construction of any kind shall be constructed within three feet to the rear of such hydrant or standpipe on any public or

private property in the City, and no such construction shall be permitted in front of or to the side of such hydrant or standpipe. The use of wrenches other than those with pentagonal heads for the purpose of opening or shutting fire hydrants is strictly prohibited. No fire hydrant shall be used by any person other than a member of the Fire Department or a City employee authorized to do so.

Section 4: This Ordinance is adopted as a cooperative effort with the Tualatin Rural Fire Protection District of Washington and Clackamas Counties, Oregon, after advice by said District that the Fire Prevention Code which is hereby adopted was also adopted by said District on February 1, 1971.

Section 5: Penalties. Any person who shall violate any of the provisions of the Code hereby adopted or fails to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a Court of competent jurisdiction, shall severally for each and every such violation and non compliance respectively be guilty of a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offence. The application of the foregoing penalties shall not be held to prevent the enforced removal of prohibited conditions, and the City may at its option by civil suit, enjoin any violation of this Ordinance and the said Fire

Prevention Code which is hereby adopted.

Section 6: Emergency Clause. Inasmuch as there is no Fire Protection Code now in effect in the City of Wilsonville, and the City is dependent for fire protection on the Tualatin Rural Fire Protection District which has a Fire Prevention Code and the cooperative efforts and fire protection assistance of the Rural District require uniformity of fire prevention regulations with the City, it is essential for the preservation of the public health, peace and safety of the City of Wilsonville and the inhabitants thereof that this Fire Prevention Code be enacted immediately, and an emergency is therefore hereby declared to exist and this Ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

Passed on first reading at a regular meeting of the Wilsonville City Council held on the 28th day of April, 1971; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 10th day of May, 1971, at the hour of 7:30 o'clock p.m., Oregon Daylight Saving Time, at the Council's regular meeting place in the Wilsonville IOOF Hall.

ATTEST:

PHILLIP R. BALSIGER - Mayor

LEE RESLOCK - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 10th day of May, 1971, by the following vote:
Yeas ____ . Nays ____ . Approved by the Mayor this 10th day of May, 1971.

ATTEST:

PHILLIP R. BALSIGER - Mayor

LEE RESLOCK - City Recorder