

CHAPTER

1

SCOPE AND ADMINISTRATION

User notes:**About this chapter:**

Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—General Provisions (Sections 101–102) and Part 2—Administrative Provisions (Sections 103–115). Section 102 identifies which buildings and structures come under its purview and references other I-Codes as applicable.

This code is intended to be adopted as a legally enforceable document, and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner. In Oregon, an annual fire inspection is required to obtain a motor vehicle dismantler certificate by the Oregon Department of Transportation.

Code development reminder: Code change proposals to this chapter will be considered by the Administrative Code Development Committee during the 2025 (Group B) Code Development Cycle.

Section 104 was revised for the 2024 edition. For clarity, the relocation marginal markings have not been included. For complete information, see the Relocations table in the Preface of this code.

QR code use:

A QR code is placed at the beginning of any section that has undergone technical revision. To see those revisions, scan the QR code with a smart device or enter the 7-digit code beneath the QR code at the end of the following URL: qr.iccsafe.org/ (see *Formatting Changes to the 2024 International Codes* for more information).

PART 1—GENERAL PROVISIONS

SECTION 101—SCOPE AND GENERAL REQUIREMENTS

[A] 101.1 Title. These regulations adopted in OAR 837-040-0010 shall be known as the *Portland Fire Code*, hereinafter referred to as “this code.”

368.039 wherein input from the fire service is required during planning for community development projects.

[A] 101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding all of the following:

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 protection systems.
5. Conditions affecting the safety of firefighters and emergency responders during emergency operations.

Governmental subdivisions may have other regulations when they are consistent with ORS 264.342 for domestic water supply districts; ORS 478.924 for a city or county; ORS 478.910 and 478.940 for rural fire protection districts; and Oregon Administrative Rule (OAR) Chapter 837, Division 39.

ORS 264.342; ORS 478.910; ORS 478.924; ORS 478.940; and OAR 837, Division 39 are not a part of this code but are reprinted 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.

ORS 478.940 requires filing and posting of the fire prevention code.

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

[A] 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, N and O.

[A] 101.3 Purpose. The purpose of this code is to establish the minimum requirements 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, as authorized by ORS 476.030, and the Portland City Code Title 31 to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.

ORS 476.030 and Title 31 are not a part of this code but are reprinted 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.

PCC Title 31 defines the fire regulations of the Portland City Code and the authority granted to the Portland Fire Marshal.

[A] 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.

[A] 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

[A] 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 prior to a *state building code* required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property. See Section 114 of this code.

[A] 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 115.1.1, ORS 476.030 and OAR Chapter 837, Division 41.

ORS 476.030 and OAR 837, Division 41 are not a part of this code but are reprinted or paraphrased here for the reader's convenience:

ORS 476.030 defines the rules for the prevention of fires; the storage and use of combustibles and explosives; and the 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 the *state building code* regulations applicable at the time of construction.

OAR Chapter 837, Division 41 defines the fire protection regulations relating to existing facilities with of inadequate levels of exiting safety.

[A] 102.3 Change of use or occupancy. A *change of occupancy* shall not be made unless the use or occupancy is made to comply with the requirements of this code and the *International Existing Building Code*.

Exception: Where *approved* by the *building official*, a *change of occupancy* shall be permitted without complying with the requirements of this code and the *International Existing Building Code*, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

[A] 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.

[A] 102.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

[A] 102.6 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 where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan in accordance with NFPA 914 and the maintenance and availability provisions in Sections 404.3 and 404.4. Where applicable, see Section 1103.1.1.

Repairs, alterations and changes of occupancy shall be in accordance with the *Oregon Structural Specialty Code*, Section 3412. See also ORS 479.180 and ORS 476.035.

ORS 479.180 and ORS 476.035 are not a part of this code but are reprinted here for the reader's convenience:

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

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 where 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.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated by Sections 102.7.1 and 102.7.2.

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws, 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.

[A] 102.9 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, that are not specifically provided for by this code, shall be determined by the *fire code official*.

[A] 102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

41 CFR 102-80.85 is not a part of this code but is reprinted or paraphrased here for the reader's convenience:

41 CFR 102-80.85. Federally owned buildings are generally exempted from state and local code requirements in fire protection; however, in accordance with 40 U.S.C. 3312, each building constructed or altered, to the maximum extent feasible, in compliance with one of the nationally recognized model building codes and with other nationally recognized codes. Leased buildings are subject to local code requirements and inspections.

Health care facilities that intend to be certified for federal funding shall also meet the standards adopted by the Centers for Medicare and Medicaid Services (CMS), which are regulated and enforced by the Oregon Health Authority and the Department of State Fire Marshal.

For more information regarding certification requirements, see the Health Facility Plan Review Guidebook, which is produced by the Facilities Planning and Safety Unit, Oregon Health Authority. www.healthoregon.org/fps

[A] 102.12 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103—CODE COMPLIANCE AGENCY

[A] 103.1 (Not adopted. See PCC 31.10.) Creation of agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *fire code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

[A] 103.2 (Not adopted. See PCC 31.10.) Appointment. The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 (Not adopted. See PCC 31.10.) 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. Such employees shall have powers as delegated by the *fire code official*.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience:

PCC 31.10.040 details the organizational structure of the Fire Prevention Division.

PCC 31.10.050 details the authority of the Fire Prevention Division.

SECTION 104—DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

[A] 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 PCC Title 31 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, unless previously approved by the State Fire Marshal.

ORS 476.060 and OAR Chapter 837, Division 39 and OAR 837-039-0006(2)(b) and PCC Title 31 are not a part of this code but are reprinted 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 837-039-0006(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.

PCC Title 31 defines the fire regulations of the Portland City Code and the authority granted to the Portland Fire Marshal.

[A] 104.2 Determination of compliance. The *fire code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the *fire code official*.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official*. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *fire code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *fire code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *fire code official*.

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been *approved*.

Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the *International Code Council Performance Code*.

[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be *approved* where the *fire code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *fire code official* for approval. Where the alternative material, design or method of construction is not *approved*, the *fire code official* shall respond in writing, stating the reasons the alternative was not *approved*.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *fire code official*.

[A] 104.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *fire code official*.

[A] 104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the *fire code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *fire code official's* recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *fire code official*.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official*. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

[A] 104.2.3.7 Peer review. The *fire code official* is authorized to require submittal of a *peer review* report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is *approved* by the *fire code official*.

104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications in accordance with Section 104.2.4.1 or 104.2.4.2. 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 reprinted 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 where the State Fire Marshal finds that practical difficulties, unnecessary hardship or consequences are inconsistent with the general purpose of the code.

104.2.4.1 Individual cases. The *fire code official* shall have the authority to grant modifications for individual cases, provided that 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 code compliance agency.

104.2.4.2 Natural disasters. In preparation for, during and after a natural disaster event, as determined by the *fire code official*, the *fire code official* shall have the authority to issue written policies, procedures or rules that modify this code as necessary to protect life and property. Such policies, procedures or rules shall be made available to the public and shall include start and end dates, which can be extended at the *fire code official's* discretion.

[A] 104.3 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.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a structure or on any premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *fire code official* is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed on the *fire code official* by this code. If such structure or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent

or other person having charge or control of the structure or premises and request entry. If entry is refused, the *fire code official* shall have recourse to every remedy provided by law to secure entry. Also see ORS 476.150(1).

ORS 476.150(1) is not a part of this code but is reprinted 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.

[A] 104.4.1 Warrant. Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent, occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the *fire code official* for the purposes of inspection and examination pursuant to this code. See ORS 476.155, 476.160, 476.165 and 476.170.

ORS 476.155, ORS 476.160, ORS 476.165 and ORS 476.170 are not a part of this code but are reprinted 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.

[A] 104.5 Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The *fire code official* shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 113.

[A] 104.7 Official records. The *fire code official* shall keep official records as required by Sections 104.7.1 through 104.7.6. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations in accordance with ORS 192, Public and Private Records; Public Reports; and Meetings.

[A] 104.7.1 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.

[A] 104.7.2 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.

104.7.3 Fire records. The *fire code official* 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*. Also see ORS 476.090, 476.210(2), 476.220 and 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 reprinted or paraphrased here for the reader's convenience:

ORS 476.090 requires the State Fire Marshal to keep records of all fires 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 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.

[A] 104.7.4 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the *fire code official* for either shall be in writing and shall be retained in the official records.

[A] 104.7.5 Tests. The *fire code official* shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.6 Fees. The *fire code official* shall keep a record of fees collected and refunded in accordance with Section 108.

[A] 104.8 (Not adopted. See ORS 30.265) Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

ORS 30.265 is not a part of this code but is reprinted or paraphrased here for the reader's convenience:

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