



Staff Report

File #: 18-428

Version: 1

Date: 9/24/2018

Item #: 6.c.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Mike Niblock, Fire Chief

SUBJECT:

Notice of proposed administrative rulemaking to establish a procedure for fire protection system contractors to submit records to the City

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Notice of proposed administrative rule to establish procedures for all contractors who service, test, install and/or maintain fire protection systems within the City of Salem for submitting records to the Salem Fire Code Official and the frequency for submitting records. This notice is being given pursuant to SRC 20J.040(a)(3).

RECOMMENDATION:

Information Only.

City Council has the authority to review a proposed administrative rule. City Council's review authority is limited to determining whether the proposed rule is within the scope of the code authority, whether the rule is duplicative or, or conflicts with, another rule or law, or if the proposed rule is outside of staff's administrative rulemaking authority.

SUMMARY AND BACKGROUND:

SRC 58.006 authorizes the Fire Code Official to adopt administrative rules and procedures as necessary for the administration and enforcement of the Fire Prevention Code. Oregon Fire Code (OFC) Chapter 9 section 901.6.2 requires that all fire protection system inspections, test and maintenance records be provided to the Fire Code Official upon request. The Salem Fire Department has required that all contractors submit fire system inspections, test and maintenance record on an

annual basis for review by the Fire and Life Safety Division. The Fire Department estimates that it receives over 7,000 paper and e-mailed private contractor reports annually. These inspection reports provide vital information regarding the current operational state of fire protection systems within the community. Staff reviews each report for indications of an issue that requires immediate attention by a Deputy Fire Marshal. This process requires a significant investment of department resources, and staff is limited in its ability to ensure all required reports are submitted each year.

Fire Department staff have researched industry best practices that would provide a streamlining of the process for the submission of required fire protection system records, better efficiency of department resources, and that provides a records management system that better ensures reporting compliance. Eugene/Springfield, Bend, Hillsboro, Sweet Home, Jefferson, Medford, and Grants Pass are Oregon fire agencies utilizing a repository service, the Compliance Engine, with success. After enrolling with the service at no cost, contractors submit all required reports electronically to the Compliance Engine for a small fee, currently \$12.00. All reports are maintained within the Compliance Engine database for department access as needed. The Compliance Engine sends notices that reports are due or corrective actions are needed. All reports that a fire protection system is non-compliant will be reviewed by the department.

Administrative Rule 105-002 will become effective on November 1, 2018.

FACTS AND FINDINGS:

SRC 58.006 authorizes the Fire Code Official to adopt administrative rules and procedures as necessary for the administration and enforcement of the Fire Prevention Code. Oregon Fire Code (OFC) Chapter 9 section 901.6.2 requires that all fire protection system inspections, test and maintenance records be provided to the Fire Code Official upon request. Administrative Rule 105-002, will require all contractors to enroll in and use a single point repository service to submit these reports within 30 days of the completion of work and no less than once annually. The current single point repository service provider will be the Compliance Engine.

The authority to promulgate administrative rules is granted under SRC 2.200 and SRC 20J.030. SRC 20J.040 outlines the procedure for adopting an administrative rule. This procedure requires providing notice of the proposed rulemaking to the City Council along with other methods of public notice. Adopting the use of a single point repository service for filing fire protection system reports by administrative rule allows interested persons to be included in the rulemaking process and is in the public interest.

On August 21, 2018, the public notice for the proposed administrative rule change had been posted on the City's official website, at two locations at City Hall, and at Fire Station #1, and remained posted until September 6, 2018. All public comments were due by September 6, 2018. The City did not receive any public comments related to the proposed administrative rule.

Greg Hadley
Assistant Fire Chief

Attachments:

1. Notice of Proposed Administrative Rulemaking and Administrative Rule 105-002.