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**DIVISION 1**

**PROCEDURAL RULES**

**838-001-0000**

**Notice of Proposed Rule**

Prior to the adoption, amendment or repeal of any rule, the Fire Standards and Accreditation Board shall give notice of the proposed adoption, amendment or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least fifteen (15) days prior to the effective date.
- (2) By mailing a copy of the notice to persons on the Fire Standards and Accreditation Board's mailing list established pursuant to ORS 183.335(6).
- (3) By mailing a copy of the notice to the following persons, organizations or publications:
  - (a) Oregon Fire Departments;
  - (b) Oregon Fire Chiefs' Association;
  - (c) Oregon State Fire Fighters Council;
  - (d) Oregon Fire District Directors Association;
  - (e) Oregon Fire Marshals Association;
  - (f) Oregon Fire Instructors' Association;
  - (g) Oregon Volunteer Firemen's Association;
  - (h) Oregon State Fire Marshal;
  - (i) League of Oregon Cities;
  - (j) United Press International and Associated Press; and
  - (k) Such other persons or organizations as the Fire Standards and Accreditation Board may determine to be directly affected by the rule.

Stat. Auth.: ORS 183

Stats. Implemented:

Hist.: FSA 2, f. & ef. 12-18-75

**838-001-0005**

**Model Rules of Procedure**

Pursuant to ORS 183.341, the Fire Standards and Accreditation Board adopts by reference the 1991 Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedure Act effective November 4, 1991.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Fire Standards and Accreditation Board.]

Stat. Auth.: ORS 183 & ORS 476

Stats. Implemented:

Hist.: FSA 1-1979, f. & ef. 2-7-79; FSA 1-1980, f. & ef. 5-20-80; FSA 1-1982, f. & ef. 1-22-82; FSA 2-1986, f. & ef. 3-20-86; FSA 2-1988, f. & cert. ef. 8-16-88; FSA 1-1990, f. & cert. ef. 7-31-90; FSA 2-1992, f. & cert. ef. 10-21-92

**DIVISION 10**

**MINIMUM STANDARDS FOR ACCREDITATION  
OF FIRE SERVICE PERSONNEL AND  
TRAINING PROGRAMS**

**838-010-0000**

**Definitions**

- (1) "Administrator" shall mean the Administrator of the State Fire Marshal's Office.
- (2) "Board" shall mean the Fire Standards and Accreditation Board.
- (3) "Chairperson" shall mean the presiding officer of the Board.
- (4) "Class" shall mean a single meeting or session devoted to a specific fire service training objective.
- (5) "Conditions" shall mean anything called for as a requirement before the performance, completion, or effectiveness of something else.
- (6) "Course" shall mean any grouping of classes or series of lessons or lectures combined to attain a particular education or fire service training objective.
- (7) "Demonstrate" shall mean to show by actual use, illustration, simulation, or explanation.
- (8) "Department" shall mean a fire department as defined in section (12) of this rule.
- (9) "Department Head" shall mean the Chief Officer of the fire department.
- (10) "Educational Credits" shall mean credits earned for studies satisfactorily completed at an institution of higher learning or community college that is accredited by either a nationally recognized accreditation authority or the Fire Standards and Accreditation Board.
- (11) "Employed" shall mean active participation in fire prevention, fire investigation, or fire control, and on the membership roll of a public fire department.
- (12) "Fire Department" shall mean a public organization of the state, city, county, or special district, whose primary duty is fire prevention and/or control.
- (13) "Identify" shall mean to physically select, indicate, or explain verbally or in writing, using standard terms recognized by the fire service.
- (14) "IFSTA" shall mean the International Fire Service Training Association.
- (15) "Live Fire" shall mean any structural, flammable liquid, or flammable gas fire purposely ignited to provide firefighter training.
- (16) "Safely" shall mean to perform the objective without injury to self or others.
- (17) "School" shall mean any school, college, university, academy, or training facility which offers fire service training or education and includes the combination of course curriculum, instructors, and facilities.
- (18) "Term" shall mean a period of time having definite limits; time during which anything lasts.
- (19) "The Act" shall mean the Fire Standards and Accreditation Board enabling legislation.
- (20) "With Competence" shall mean to possess knowledge, skills, and judgment needed to satisfactorily perform.

(21) “Acceptable education and/or training” shall mean an organized drill or class for the major purpose of teaching or learning. This is intended to exclude such time as routine inspections, hydrant testing, hose testing, excessive driving time.

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86; FSA 1-1987, f. & ef. 6-8-87

**838-010-0001****Purpose**

The purpose of these rules is to develop competent reliable fire service personnel by establishing uniform minimum training standards. The rule provides uniform standards and procedures for accreditation of fire service personnel, fire training courses, and educational programs. This rule establishes requirements for accreditation of fire service personnel employed by public fire protection agencies, fire training courses, and educational programs as provided in ORS 476.850(1).

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86

**838-010-0005****Objectives**

The following accreditation guides for fire service personnel are hereby adopted by reference:

- (1) Fire Fighter Basic, I, II and III (SFM-P-2 1/93).
- (2) Fire Fighter Task Performance Criteria (SFM-P-3 2/86).
- (3) Driver and Apparatus Operator I, II and III (SFM-P-4 5/86).
- (4) Driver/Operator Task Performance Criteria (SFM-P-5 5/86).
- (5) Aircraft Fire Fighter I, II, and III (SFM-P-13 9/91).
- (6) Fire Prevention/Investigation Officer (SFM-P-7 10/88).
- (7) Public Education Specialist and Officer (SFM-P-8 10/88).
- (8) Instructor I, II, III and IV (SFM-P-9 2/89).
- (9) Communications Specialist I, II, and III, Supervisor (SFM-P-10).
- (10) Fire Officer I, II, III, IV, V, and VI (SFM-P-11 11/87).
- (11) Hazardous Materials Responders (SFM-P-12 1/91).
- (12) Fire Ground Leader I and II, Fire Service Manager (SFM-P-14 4/89).

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 183 & ORS 476.850(1)

Stats. Implemented:

Hist.: FSA 1, f. 2-20-75, ef. 3-11-75; FSA 2-1979, f. & ef. 5-1-79; FSA 3-1979, f. & ef. 11-26-79; FSA 1-1981, f. & ef. 1-13-81; FSA 2-1981, f. & ef. 5-12-81; FSA 3-1981, f. & ef. 11-5-81; FSA 2-1982, f. & ef. 2-17-82; FSA 1-1984, f. & ef. 12-21-84; FSA 1-1985, f. & ef. 4-9-85; FSA 1-1986, f. & ef. 2-5-86; FSA 3-1986(Temp), f. & ef. 4-3-86; FSA 4-1986, f. & ef. 5-2-86; FSA 5-1986, f. & ef. 8-12-86; FSA 2-1987, f. & ef. 8-12-87; FSA 3-1987, f. 10-30-87, ef. 11-1-87; FSA 1-1988, f. & cert. ef. 5-5-88; FSA 3-1988, f. & cert. ef. 11-1-88; FSA 1-1989, f. 2-14-89, cert. ef. 2-15-89; FSA 2-1989, f. 9-25-89, cert. ef. 10-1-89; FSA 2-1990(Temp), f. 8-3-90, cert. ef. 8-6-90; FSA 1-1991, f. & cert. ef. 2-1-91; FSA 2-1991, f. & cert. ef. 9-13-91; FSA 1-1993, f. 1-29-93, cert. ef. 2-1-93

**838-010-0010****Training Credit**

Experience, training, educational credits, and/or a combination of these areas will be used in determining eligibility for accreditation:

- (1) Educational credits may be used to meet specific requirements if the State Fire Marshal judges the credits to be equivalent in content to the accreditation requirements as adopted by the Board.
- (2) The State Fire Marshal will accept any fire service training within the scope of an accredited fire department training program when presented with a Certificate of Completion signed by the Training Officer of that department.
- (3) Credit may be granted for knowledge gained through

experience. The credits granted shall be determined by written examinations, when available, as administered by the State Fire Marshal and/or by challenge processes through institutions of higher learning or community colleges.

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86

**838-010-0020****Accreditation Requirements**

The State Fire Marshal may accredit an applicant who has satisfactorily completed the requirements for the standard(s) as prescribed in OAR 838-010-0005, including the Task Performance certification if applicable. The three alternative methods for accreditation are:

(1) An applicant may be accredited by satisfactorily completing the requirements specified in OAR 838-010-0005 through participation in a fire department training program which has previously been accredited by the State Fire Marshal.

(2) An applicant may be accredited by satisfactorily completing the requirements specified in OAR 838-010-0005 through a school which has previously been accredited by the State Fire Marshal.

(3) If the alternatives above do not apply, an applicant may be accredited by evaluation through the State Fire Marshal as meeting the requirements specified in OAR 838-010-0005. Credits will be determined as specified in OAR 838-010-0010.

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86

**838-010-0030****Task Performances**

Task performance evaluations, where prescribed, shall be required prior to accreditation. Such examinations shall meet the following criteria:

(1) Task performance competency shall be evaluated by three individuals employed in the fire service. They shall be nominated by the employing fire department's Chief Officer for approval by the Administrator.

(2) The employing department's equipment and operational procedures shall be used in accomplishing the task performance to be tested.

(3) Specific minimum testing procedures, as provided by the Board, shall be used for administration of the evaluation.

(4) The training officer for an accredited fire department training program must notify the State Fire Marshal prior to performing a Task Performance Evaluation.

(5) If representatives of a fire department whose training program is not accredited are going to conduct a task performance evaluation, an individual shall be designated and approved by the Administrator to be responsible for the proper administration of the examination. Such evaluations shall be monitored by a representative designated by the State Fire Marshal.

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86

**838-010-0040****Credit for Experience**

(1) An applicant with at least three years experience in a fire department may apply to be evaluated for accreditation based upon experience and accumulated knowledge.

(2) The State Fire Marshal shall notify the applicant of the results of the evaluation within sixty (60) days.

(3) The State Fire Marshal may grant accreditation to the applicant when the evaluation indicates the applicant's experience and knowledge exceed the minimum established standards.

**NOTE:** See also OAR 838-010-0010.

(4) Applicants who fail written examinations for any specific requirement may not be re-examined for a period of sixty days. Applicants who fail written examinations for specific require-

ments of Basic Fire Fighter (3007); Fire Fighter I (3001); Fire Fighter II (3002); Driver (3008); Apparatus Operator I (3004); Apparatus Operator II (3005); and Apparatus Operator III (3006) in OAR 838-010-0005 may, after a sixty day interim period, apply to the State Fire Marshal to be re-examined by written or oral examination. Oral examinations shall be conducted by a representative of the State Fire Marshal.

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86; FSA 1-1987, f. & ef. 6-8-87

### 838-010-0050

#### Credit for Training Outside of Oregon

The State Fire Marshal may elect to give credit for training received in other states providing such training meets standards as stated in OAR 838-010-0005.

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86

### 838-010-0060

#### Accreditation of Fire Department Training Programs

(1) The State Fire Marshal may accredit fire department training programs which meet the following requirements:

(a) The program shall be under the direction of a designated training officer;

(b) Qualified instructors shall be provided to teach the various subjects;

(c) The organizational structure of the program shall be submitted to the State Fire Marshal along with course outlines of subject content, instructor qualifications, and the appropriate application form for accreditation. A plan shall be included which explains how the required training hours will be provided;

(d) The training officer shall schedule and make available to fire service personnel the following minimum hours of acceptable education and/or training: Discipline — Hours Per Year:

(A) Fire Fighting Personnel\* — 60 Hours;

(B) All Other Disciplines — 12 Hours.

\*Includes personnel performing at the following accreditation levels: Fire Fighter Basic I, II, and III; Fire Ground Leader I and II; Driver, Apparatus Operator I, II, and III; Aircraft Fire Fighter I, II, and III; and Fire Officer I.

(e) At the conclusion or as a part of the accredited training, the training officer shall require appropriate written examination and/or task performance examination in accordance with standards and procedures adopted by the Board;

(f) Fire Service Personnel training records shall be maintained by the employing department for at least five years on the progress and amount of instruction completed by all fire service personnel in the department;

(g) The department shall possess at least one triple combination pumper that conforms to the minimum standards for automotive fire apparatus as outlined in the **National Fire Protection Association (NFPA) Pamphlet #1901**. Apparatus may be accepted by judgment of the State Fire Marshal when it is of a special fire suppression need, and/or will adequately meet the training needs of the proposed program;

(h) A written accreditation agreement shall be prepared by the State Fire Marshal, defining the specific requirements of accreditation, including the specific training the department is accredited to deliver. The agreement shall be signed by the Administrator, the Chief Officer of the fire department, and City Manager or Chairman of the rural Fire Protection District Board;

(i) The Chief Officer shall agree as a part of the accreditation agreement to allow access by State Fire Marshal examiners to the department's personnel training records to verify training received by department personnel and to monitor testing processes;

(j) The department shall conduct a manipulative skills evaluation of all personnel accredited at a level requiring a task performance at least once each year. Records of such evaluations shall be maintained until the next review of the training program for reaccreditation. The department shall provide a process of retrain-

ing individuals not able to perform the tasks.

(2) The Chief Officer, on behalf of the department, shall have the right to appeal to the State Fire Marshal any proposed termination of the agreement under the same procedures as pre-scribed for fire service personnel in ORS Chapter 476.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 47

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86; FSA 1-1987, f. & ef. 6-8-87; Administrative Reforming 1-15-98

### 838-010-0070

#### Accreditation of Schools

(1) The State Fire Marshal may accredit schools deemed qualified to instruct one or more of the prescribed areas of training outlined in OAR 838-010-0005 and which meet the following requirements:

(a) The organizational structure of the training program shall be submitted to the State Fire Marshal along with course or class outlines of subject content, instructor qualifications, and the appropriate form for accreditation;

(b) Appropriate written and/or task performance examinations are required for each accredited course with the results submitted to the State Fire Marshal. Any significant changes in the accreditation standings of fire service personnel shall be reported.

**NOTE:** The State Fire Marshal Shall maintain a listing of those schools which have been accredited to offer the prescribed training.

(2) The school director, on behalf of the school, shall have the right to appeal any proposed termination of accreditation under the same procedures as prescribed for fire service personnel in ORS Chapter 476.

(3) The State Fire Marshal may accredit fire training programs or schools to administer live fire training exercises which meet the following additional requirements:

(a) Application for Live Fire Training. Along with the "Application for Accreditation", the following shall be submitted:

(A) An organizational chart showing the relationship between the various personnel involved in the exercise, including the school director, safety officer(s), water officer, emergency medical personnel, fuel officer (if applicable), instructor(s), and students;

(B) A drawing or sketch of the training site to include site dimensions, prop layouts, structures, water supplies, and required fire flows, command post location, emergency medical station, exposures, and other information related to training exercise safety;

(C) The course objective, subject content, and method of student evaluation.

**EXCEPTION:** Fire departments and fire training organizations which have had their accreditation extended to include live fire training are not required to submit items in subsection (a) of this rule each time such training is conducted. It is understood that these items will be developed for each training activity and maintained in organizational records. Further, such departments and organizations will comply with all other aspects of this standard when conducting live fire training.

**NOTE:** For courses designed to be portable, only an original basic layout sketch would have to be provided, not a new layout sketch for each time the training is presented.

(b) General Requirements for Live Fire Training:

(A) A school director shall be designated as responsible for the safe and orderly operation of the training exercise;

(B) A school safety officer shall be designated to be responsible for personnel safety including fuel control, structural conditions, use of protective clothing and breathing apparatus, and other safety factors involved in the training. The officer shall have authority to discontinue any part of the training activity should conditions become unsafe. The officer shall also be responsible for and make arrangements to safeguard the general public. The officer shall have qualifications comparable to [the performance objectives of Fire Ground Leader II;



(C) A command post shall be provided for the school director and safety officer from which they will be able to effectively supervise the training;

(D) At least one person competent in Standard First Aid and cardio-pulmonary resuscitation with suitable equipment, shall be on duty at a designated medical station during the training exercises. Drinking water shall be available on-site. Restroom facilities should be made available at the training site;

(E) Instructors shall be available to provide a ratio of one instructor for every four students actually involved in live fire attack. (This ratio is not required for students waiting to participate.) Instructors shall have qualifications comparable to Fire Ground Leader II;

(F) The safety officer shall establish and enforce a hazardous zone inside which all personnel shall be attired in full protective clothing which shall comply with OAR 437-151-0035 through 437-151-0075;

(G) All personnel entering a burning structure or other contaminated atmosphere shall be provided with approved self-contained breathing apparatus and six (6) hours training in compliance with regulations of the Accident Prevention Division of the Workers' Compensation Department. This requirement will be satisfied with employing fire department certification of satisfactory completion of Fire Standards and Accreditation Board subject 05-11 for Basic Firefighter;

(H) All students shall have completed a minimum of six hours training in fire attack practices before participating in live fire training exercises. Their fire department shall certify the training to the safety officer. The following Basic Firefighter subjects should be completed: 05-06.01 through 05-06.04 and all of 05-08 except 05-08.06.

(I) Unless specifically approved by the State Fire Marshal, live fire training exercises shall not be conducted if one of the following conditions exist:

(i) East of the Cascade Range — Temperature: above 95°F; Humidity: below 20 percent; Wind: above 20 mph;

(ii) West of the Cascade Range — Temperature: above 95°F; Humidity: below 30 percent; Wind: above 20 mph.

(J) Two water supply and pressure sources shall be provided at each live fire exercise prop or structure. One source shall be used for fire attack lines, and the other source shall be used for safety back-up lines. Any combination of hydrant supply, draft source, or tanker support, plus two pumpers, able to provide the required water flows and pressure, will be acceptable;

(K) Prior to each live fire attack, the instructor shall inform all participants unfamiliar with the exercise of the procedure to be used and any special safety precautions to be taken.

(c) Structural Fires:

(A) All structures to be burned shall be inspected for structural integrity prior to any live fire and reinspected between fires. Instructors shall be members of the inspection team. Pressure vessels or tanks shall be removed from the structure prior to setting of fires, as shall any hazardous or highly flammable materials, such as pesticides, explosives, or flammable liquids.

**NOTE:** The inspection team needs to look carefully for unexpected dangers both inside and outside the structures. These include, but are not limited to, unprotected holes or wells (some very old structures were built over dry wells or cisterns), clotheslines, boards with exposed nails, and broken jars or bottles. Such hazards are to be abated by removal or other means. Polyvinyl chloride pipe and vinyl siding are special hazards when subjected to fire. Smoke from these materials can be deadly. Asbestos siding and roofing can be a hazard when heated in a fire. Both products will shatter explosively, scattering projectile-like fragments considerable distances.

(B) Water Flows shall be provided and maintained for the duration of the training exercise. Required water flows shall be calculated based upon the Standard Grading Schedule of the American Insurance Association (AIA), except that residential occupancies may be determined as set out in **Table 1**.

(d) Flammable Liquids and Gas Fires. The following criteria apply only when pits or pans with an exposed fuel surface greater than 150 square feet or pressurized fuels are used:

(A) All structures or props used in the training shall be constructed to provide maximum safety for the participants;

(B) Each prop shall be inspected prior to each fire to determine that an unsafe condition has not developed;

(C) Each prop shall have a prop safety officer who shall be responsible for the orderly and safe operation of the prop, including supervision of prop ignition;

(D) Each prop shall have an emergency fuel shut-off control readily available to the prop safety officer. If one prop is shut down, all other props then in use shall also be shut down as soon as possible;

(E) The school safety officer shall have a readily available fuel shut-off control which will stop the flow of fuel to all props;

(F)(i) Two separate water supplies shall be provided at each prop. A minimum of two attack lines, each with a different water source, shall be available at each prop. A minimum of two safety backup lines, each with a different water source, shall be available at each prop. (Note Illustration.)

(ii) Special techniques, equipment, or processes for the extinguishment of fires may be submitted to the State Fire Marshal for approval as alternate systems.

(G) A water supply delivered through two or more fire pumper apparatus or equivalent pumping equipment shall be provided at the training site. The supply shall be capable of supporting four 1-1/2 inch hose lines flowing 100 gallons per minute at 100 pounds per square inch nozzle pressure at each prop. Hose lines shall be fitted with adjustable pattern water fog nozzles. If greater flows are required, appropriate flows and pressures shall be calculated and provided;

(H) Water flows shall be provided for the duration of the training exercises;

(I) Waterways of all types shall be protected from contamination by the runoff of water carrying unburned fuels.

**TABLE 1**

**RESIDENTIAL WATER FLOW TABLE (GPM)**

Exposure	Single Dwellings	
	1-2 Stories 8 rooms or less	2-1/2-3 Stories over 8 rooms or 2-4 families
None - Exposure over 30' away	500	1000
Exposures under 30' -		
one side only	1000	1500
two sides	1500	2500
three sides	2500	5000

Stat. Auth.: ORS 476

Stats. Implemented:

Hist.: FSA 5-1986, f. & ef. 8-12-86

## DIVISION 20

### CRITERIA FOR EVALUATING GOVERNMENTAL SUBDIVISIONS SEEKING EXEMPTION FROM CERTAIN FIRE LAWS AND REGULATIONS

#### 838-020-0000

#### Scope and Objective

This Division provides uniform criteria for the Fire Standards and Accreditation Board to evaluate the enforcement, administrative, and operational procedures of governmental subdivisions who apply for exemption from certain fire laws and regulations of the State Fire Marshal as provided by ORS 476.030 and 476.850.

Stat. Auth.: ORS 476.850

Stats. Implemented:

Hist.: FSA 3-1982, f. & ef. 7-23-82; FSA 3-1989, f. & cert. ef. 9-25-89; FSA

### 838-020-0003

#### Definitions

(1) "Administration" (or "administrative") shall mean the inspection, enforcement and record-keeping systems used in the management of a fire prevention/investigation program.

(2) "Appeal" shall mean that process which is offered to an aggrieved party by the authority having jurisdiction and which:

(a) Assures the aggrieved party is given due process of law;

(b) Is in response to the aggrieved party having received an order from the authority having jurisdiction;

(c) Is requested by the aggrieved party; and

(d) Is consistent with the lawful authority of the authority having jurisdiction.

(3) "Applicant" shall mean a local government subdivision which has applied to the State Fire Marshal for exempt status.

(4) "Assistant" shall mean an assistant to the State Fire Marshal under ORS 476.060, including, but not limited to, **"all fire marshals in those governmental subdivisions having such officers, and where no such officer exists, the chief of the fire department of every city or rural fire protection district in which a fire department is established. . ."**

(5) "Authority Having Jurisdiction" shall mean a governmental subdivision recognized by the State Fire Marshal under this Division including, but not limited to:

(a) Municipal fire departments operated under home rule charter;

(b) Rural fire protection districts operating under ORS 478.910;

(c) Water supply districts operating under ORS 264.342; or

(d) Public fire protection agencies not described above, and which are subject to the laws of the State of Oregon.

(6) "Board" shall mean the Oregon Fire Standards and Accreditation Board established under ORS 476.840 et seq.

(7) "Delegated Appeals Process" shall mean an administrative appeals process established by an exempt authority which the State Fire Marshal has found to be the equivalent of a contested case proceeding established under ORS Chapter 183 and the accelerated appeals process established under ORS 479.180.

(8) "Enforcement" shall mean the investigation, inspection, citation, prosecution and appeal of alleged violations of state and local fire protection laws, rules and regulation.

(9) "Fire Code" shall mean all Oregon fire protection statutes, the administrative rules of the State Fire Marshal and local government regulation which are adopted in conformance with this Division.

(10) "Fully Exempt Jurisdiction" shall have the same meaning as used in ORS 476.030(4). There are no fully exempt jurisdictions in Oregon.

(11) "Local Appeals Process" shall mean the administrative appeals process adopted and operated by a local government subdivision under local ordinance or resolution.

(12) "Local Government Subdivision" shall mean a city, county or rural fire protection district in this state whose function includes regulation of building use and occupancy and the administration of fire safety laws, ordinances and regulations.

(13) "Nonexempt Jurisdiction" shall mean a local government subdivision which has not applied for and been granted exempt status by the State Fire Marshal under this Division.

(14) "Partially Exempt Jurisdiction" shall mean a local government subdivision which has received authorization from the State Fire Marshal under this Division to administer specified fire prevention programs within a well-defined geographical area of this state.

(15) "Promulgate" shall mean to lawfully adopt as a state administrative rule, local ordinance or by other means.

(16) "State Appeals Process" shall mean a contested case proceeding under ORS Chapter 183 and, if applicable, the accelerated appeals process established under ORS 479.180.

Stat. Auth.: ORS 476.850

Stats. Implemented:

### 838-020-0005

#### Evaluation Criteria

The Board hereby adopts by reference OAR 837-039-0020 through 837-039-0050 as the criteria by which applicant jurisdictions will be evaluated.

**NOTE:** OAR Chapter 837, Division 039 is the State Fire Marshal rules for the administration of the exempt jurisdiction program. The Board is adopting the State Fire Marshal's rules by reference to assure the Board's evaluation criteria are consistent with the State Fire Marshal's management criteria.

Stat. Auth.: ORS 476.850

Stats. Implemented:

Hist.: FSA 3-1982, f. & ef. 7-23-82; FSA 3-1989, f. & cert. ef. 9-25-89; FSA 1-1992, f. 6-15-92, cert. ef. 7-15-92

### 838-020-0040

#### Evaluation Process

(1) When the State Fire Marshal requests an advisory opinion, the Board shall conduct a comprehensive on-site investigation and evaluation of the applicant jurisdiction's ability to meet the performance criteria adopted under OAR 838-020-0005.

(2) All State Fire Marshal exemption advisory requests shall be in writing.

(3) Upon completion of the investigation conducted under section (1) of this rule, the Board shall make a written advisory to the State Fire Marshal as to whether the applicant jurisdiction should be granted exempt status.

Stat. Auth.: ORS 476.850

Hist.: FSA 3-1982, f. & ef. 7-23-82; FSA 3-1989, f. & cert. ef. 9-25-89; FSA 1-1992, f. 6-15-92, cert. ef. 7-15-92

