

ORDINANCE NO. 5411

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 17.28 UNIFORM FIRE CODE.

WHEREAS, the state of Oregon has adopted the 1998 edition of the Oregon Uniform Fire Code authorized by ORS 476.035 with an effective date of April 30, 1998, and is based on the 1997 edition of the Uniform Fire code; and

WHEREAS, The Albany Fire Department is dedicated to fire and life safety; and

WHEREAS, the City of Albany adopts a locally amended state of Oregon 1998 Edition of the Oregon Uniform Fire Code.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

Albany Municipal Code 17.28.010 is amended to read as follows: 17.28.010 Adopted. There is hereby adopted by the City of Albany for the purpose of prescribing regulation governing conditions hazardous to life and property, explosions and panic, that certain code known as the Uniform Fire Code recognized by the International Fire Code Institute, the Western Fire Chiefs Association, and the International Conference of Building Officials, being particularly the amended version of the 1994 1998 Edition as adopted by the State of Oregon, including the table of contents; Appendices I-A, I-C, I-D, I-E, I-F, I-G, II-A, II-B, II-D, II-E, II-F, II-G, II-H, II-I, II-K, III-A, III-B, III-C, III-E, IV-B, V-A, V-B, VI-A, VI-B, VI-C, VI-D, VI-E, VI-F, VI-I; and the index, save and except such portions as are hereinafter deleted, modified, or amended in AMC 17.28.150, which code appendices are on file in the office of the Fire Prevention Division. All secondary codes and standards referred to in Article 90 of the Uniform Fire Code and in this chapter as amended are hereby adopted and are on file and open to public inspection in the office of the Fire Prevention Division and the same are hereby adopted and incorporated fully as though set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Albany.

Section 2:

Albany Municipal Code 17.28.110 is amended to read as follows: 17.28.110 Appeals

- (1) Whenever the ~~Supervisor of the Fire Prevention Division~~ Fire Chief disapproves an application or refuses to grant a permit applied for and it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the ~~Supervisor~~ Fire Chief to the Board of Appeals, which is designated by the City Council ~~and is the same as the Building Board of Appeals~~. If they do not concur with the Board of Appeals' decision, they may appeal the decision of the Board to the City Council.
- (2) Appeals may be filed by the following parties affected by the decision:
 - (a) The owner or his/his her authorized agent.
 - (b) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision.
- (3) Appeals to the Board of Appeals must be filed within 10 calendar days from the date of the decision of the Fire Chief.

- (4) Appeals to the City Council must be filed with the City Recorder within 30 days from the date of the decision of the Board of Appeals.
- (5) Appeals shall be filed in writing and should include:
 - (a) The name and address of the appellant.
 - (b) The address of the parcel that is subject of the decision.
 - (c) The date of the decision.
 - (d) The nature of the Fire Chief's ~~Fire-Prevention-Division~~ decision.
 - (e) A statement of the applicable code section and the specific ground for appeal.
 - (f) A filing fee as specified by ordinance or resolution.

Section 3:

Albany Municipal Code 17.28.120 is amended to read as follows: 17.28.120 Penalty.

- (1) Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall be in violation of any detailed statement of specifications or plans 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 the ~~Supervisor of the Fire Prevention Division~~ Fire Chief or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every violation in noncompliance respectively be guilty of a misdemeanor and punishable as provided in the Albany Municipal Code. The imposition of one penalty for any violation shall not excuse the violation to be permitted 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 prohibitive conditions are maintained shall constitute a separate offense.
- (2) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

Section 4:

Albany Municipal Code 17.28.130 is amended to read as follows: 17.28.130 Uniform Fire Code - Appendices. Appendices I-A, I-C, I-D, I-E, I-F, I-G, II-A, II-B, II-D, II-E, II-F, II-G, II-H, II-I, II-K, III-A, III-B, III-C, III-E, IV-B, V-A, V-B, VI-A, VI-B, VI-C, VI-D, VI-E, VI-F, VI-I of the Uniform Fire Codes are on file for public inspection in the office of the Fire Prevention Division and are hereby made a part of the Uniform Fire Code, 1994 1998 Edition.

Section 5:

Albany Municipal Code 17.28.150 is amended to read as follows: 17.28.150 Local Amendments. The Uniform Fire Code, within the jurisdiction of the city of Albany, shall be amended as follows:

ARTICLE 1: ADMINISTRATION

SECTION 103: INSPECTION AND ENFORCEMENT

103.1.4 Appeals: To determine that suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Board of Appeals consisting of ~~five~~ three members, the Fire Chief, City Manager, and Public Works Director, who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall act as secretary of the Board. The Board of Appeals shall mean ~~Building Fire Department~~ Board of Appeals and be appointed by the executive body and shall hold office at their pleasure. The

Building Fire Department Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

SECTION 105: PERMITS

105.8.a Permit Required: A permit shall be obtained from the Fire Prevention Division prior to engaging in the following activities, operations, practices, or functions:

- a. Aboveground and Underground Tank Installations: To install tanks for the storage of flammable or combustible liquids aboveground and underground.
- b. Removal or Decommissioning Tanks: To remove or decommission above or below ground flammable or combustible liquid tanks.
- c. Automatic Fire Extinguishing Systems: For approved automatic fire-extinguishing systems for the protection of commercial type cooking and structures.
- ~~d. Carnivals and Fairs Including Amusement Facilities, People's Expositions, and Shows: To conduct business for entertainment purposes. See Article 25, UFC 1994.~~
- e.d. Fireworks for Retail Sales, Display, and Storage: Requirements for fireworks shall comply with Article 78 and the State Fire Marshal.
- f.e. Fire Detection System: A permit may shall be required for the installation of an approved fire detection system.
- g.f. Soil Remediation: A permit for the inspection and/or recovery of soils shall be obtained from the local jurisdiction. Contractor shall be certified by State of Oregon under DEQ Remediation Program.

ARTICLE 9: FIRE DEPARTMENT ACCESS AND WATER SUPPLY

SECTION 901: GENERAL

901.4.4 Premises identification: Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

- a. Mall/facilities are required to have each separate business clearly identified.
- b. Mall/facilities shall post addresses on front and rear access doors.
- c. Each mall owner/lessee shall provide the Fire Department a location site plan for firefighting purposes.
- d. Buildings under new construction are required to display visible street addresses prior to ground breaking.
- e. Letters, numbers, and symbols indicating addresses shall be a minimum of 4 inches (101.6 mm) in height with ½-inch (12.7 mm) stroke, shall be contrasting with background letters, numbers, and symbols indicating addresses shall be a minimum of 4-inch, colors, and shall be visible from the road.

901.4.5(1) Fire lane: When any portion of the facility of building is in excess of 150 feet from a water supply on a public right-of-way as measured by an approved route around the exterior of the facility or building, the Fire Chief may designate a fire lane.

SECTION 902: FIRE DEPARTMENT ACCESS

~~902.1.a General: Buildings shall be accessible to Fire Department apparatus. Fire Department access roads shall be provided and maintained in accordance with Sections 901 and 902.~~

~~902.2.1 Required access: Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from a public right-of-way as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.~~

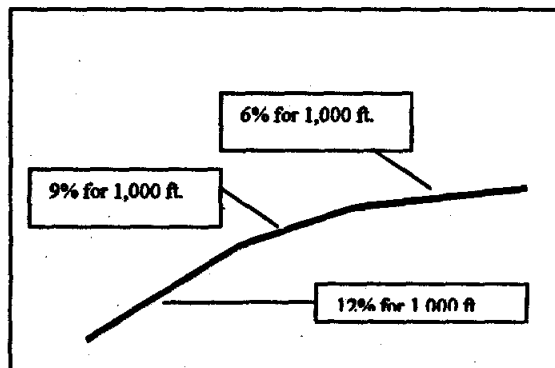
Exceptions:

- ~~1. When it is determined by the Fire Chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors more than one access road may be required.~~
- ~~2. When approved sprinkler systems are installed and maintained in buildings or structures, the Fire Chief may deem secondary access roads unnecessary.~~

~~902.2.4.2.a Gates and barriers: Secured gates and barriers that restrict Fire Department access shall be provided with an approved keybox (es).~~

- ~~1. Gated entrances shall provide a clear opening two feet wider than the traveled way, as per NFPA 299 4-4.12.~~
- ~~2. All gates shall be located an approved distance from the public right-of-way and shall open inward allowing a vehicle to stop without obstruction traffic on the public road.~~

902.2.2.6.a Grade. The gradient for fire apparatus access roads shall not exceed 12%, and for every 1,000 feet of incline thereafter, the grade shall be reduced by 3% or as approved by the Fire Chief.



Exception:

1. When an approved fire sprinkler system is installed and maintained, grade may be increased as approved by the Fire Chief.

902.2.4.3 Gates and barriers. Secured gates and barriers that restrict Fire Department access shall be provided with an approved keybox(s).

1. Gated entrances shall provide a clear opening two feet wider than the traveled way, as per NFPA 299 4-4.12.
2. All gates shall be located an approved distance from the public right-of-way and shall open inward allowing a vehicle to stop without obstructing traffic on the public road.

902.4 Keyboxes: When access to or within a structure or an area is unduly difficult because of secured openings; or where immediate access is necessary for life-saving or firefighting purposes; or in structures with fire detection, fire sprinkler, and fire monitoring systems, the Fire Chief is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the Fire Chief and shall contain keys to gain necessary access.

SECTION 903: WATER SUPPLIES AND FIRE HYDRANTS

~~903.2.a Required water supply for fire protection: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings that are located within the Albany Fire Department's jurisdiction. When any portion of the facility of building protected is in excess of 150 feet (45,720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Fire Chief. See Section 903.4.~~

ARTICLE 10: FIRE PROTECTION SYSTEMS AND EQUIPMENT

SECTION 1001: GENERAL

~~1001.4 Approval and testing: Fire alarm systems; fire hydrant systems; fire extinguishing systems, including automatic sprinklers and wet and dry standpipes; halon systems and other special types of automatic fire extinguishing systems; basement pipe inlets; and other fire protection systems and appurtenances thereto shall meet the approval of the Fire Department as to installation and location and shall be subject to such periodic tests as required by the Fire Chief. See appropriate NFPA chapters, Appendix III-C and UFC 10-4 or specific nationally recognized standards.~~

- ~~a. When fire detection or fire sprinkler systems are existing in structures, the provisions of NFPA 13, 13R, and Appendix III-C shall be followed. The fire sprinkler contractor shall provide the Fire Chief annually with a copy of the contractor's test certificate for each fire sprinkler and fire detection system tested.~~
- ~~b. Fire detection systems: for the installation of fire detection monitoring systems, the contractor shall provide the Fire Marshal with a copy of his/her low voltage license prior to installation of a fire detection system.~~

1001.4.a Fire Detection Systems. For the installation of fire detection monitoring systems, the contractor shall provide the Fire Marshal with a copy of his/her low voltage license prior to installation of a fire detection system.

1001.5.1.a 4.b Fire Department connections and fire sprinkler water supply control valves: such valves and connections shall be located a minimum of 20 feet to buildings and shall not exceed a maximum of 50 feet to buildings, or as approved by the Fire Chief.

Exception:

1. When location of valves and connections are deemed impractical, the Fire Chief is authorized to re-establish its location.

1001.5.2.a The fire sprinkler contractor shall provide the Fire Chief with a copy of the contractor's test certificate annually for each fire sprinkler and fire detection system tested.

~~SECTION 1007: FIRE ALARM SYSTEMS~~ SECTION 1003: FIRE EXTINGUISHING SYSTEMS

~~1007.2.a~~ **1003.2.1.a** All new type V one-hour and type V non-rated buildings constructed exceeding 5,000 square feet of floor area or existing buildings of Type V one-hour and Type V non-rated which, after completion of major alteration or addition, will exceed 5,000 square feet of floor area shall be provided with an approved automatic fire detection and alarm system. Such systems shall comply with the requirements of the National Fire Protection Association and the Uniform Fire Code governing their installation and approval. Fire detection and alarm systems shall be monitored by an approved central station.

Exception:

Buildings that are provided throughout with an approved automatic fire sprinkler system, providing such system is equipped with an approved device to automatically transmit a water flow alarm to an approved central station upon activation of the system.

1003.2.1.b Heat Detectors. Heat detectors shall be provided in common areas such as recreational rooms, laundry rooms, furnace rooms, kitchens, and similar areas in accordance with UFC Standard 10-3.

1003.2.1.c In multi-family dwellings exceeding 5,000 square feet of floor area an approved heat detector connected to an approved central station shall be installed in the kitchen(s). An approved, audible alarm shall be located on the exterior of the building.

SECTION 1007: FIRE ALARM SYSTEMS

~~1007.2.9.1.4 Heat detectors: Heat detectors shall be provided in common areas such as recreational rooms, laundry rooms, furnace rooms, kitchens, and similar areas in accordance with UFC standard 10-3.~~

~~1.a. In multifamily dwellings exceeding 5,000 square feet of floor area an approved heat detector connected to an approved central station shall be installed in the kitchen(s). An approved, audible alarm shall be located on the exterior of the building.~~

ARTICLE 11: GENERAL SAFETY PRE-CAUTIONS

SECTION 1110: VACANT BUILDINGS

1110.4 Dangerous Buildings: The Fire Marshal is authorized to make such inspections and take such actions as may be required to enforce the provisions of the Code known as the "Uniform Code for the Abatement of Dangerous Buildings."

ARTICLE 52: MOTOR VEHICLE FUEL-DISPENSING STATIONS

SECTION 5202: FLAMMABLE AND COMBUSTIBLE LIQUID MOTOR VEHICLE FUEL-DISPENSING STATIONS

5202.4.2 Filling of portable containers and cargo tank:

1. Fuel-dispensing of Class I, II, and III-A liquids into approved portable containers shall not be permitted when containers are located in or on a motor vehicle or marine craft.
2. Portable containers shall not exceed six gallons in volume.
3. Portable containers when being filled shall be located not less than three feet from motorized vehicles.

ARTICLE 78: FIREWORKS AND PYRO-TECHNIC SPECIAL EFFECTS MATERIAL

SECTION 7801: GENERAL

7801.3.1.a3 Fireworks: When new types and names of fireworks become available to the public the Fire Chief is authorized to make determinations as to which fireworks could/would cause any life safety hazard and shall cause such fireworks to be banned or removed from public sale, storage, and display or any other type of public safety hazard.

II. APPENDICES

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~~State Adopted: As per OAR 837 Division 39 which regulates the administration of fire prevention programs.~~

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~~State Adopted: As per OAR 837 Division 39 which regulates the administration of fire prevention programs.~~

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M	U

Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, an emergency is hereby declared to exist; and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council:

July 28, 1999

Approved by Mayor:

July 28, 1999

Effective Date:

July 28, 1999

Charles McLean
Mayor

ATTEST:

Betty Langwell
City Clerk