

ORDINANCE NO. 4757

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 17.28 ADOPTING THE 1985 EDITION OF THE UNIFORM FIRE CODE AS AMENDED.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Chapter 17.28 Uniform Fire Code is hereby amended to read as follows:

Chapter 17.28

UNIFORM FIRE CODE

Sections:

- 17.28.010 Adopted.
- 17.28.020 Definitions.
- 17.28.100 New material, processes or occupancies which may require permits.
- 17.28.110 Appeals
- 17.28.120 Penalty.
- 17.28.130 Uniform Fire Code--Appendix A.
- 17.28.140 Inspections.
- 17.28.150 Amendments.

17.28.010 Adopted. There is hereby adopted by the City of Albany for the purpose of prescribing regulations governing conditions hazardous to life and property, explosions and panic, that certain code known as the Uniform Fire Code recognized by the Western Fire Chief's Association and the International Conference of Building Officials, being particularly the 1985 edition, including the table of contents, Appendix A, I-A, I-B, III-A, III-C, V-A, VI-A and the index, save and except such portions as are hereinafter deleted, modified or amended in Appendix A to this ordinance of which code and appendices are on file in the office of the City Recorder. All secondary codes referred to in Section 2.303 of the Uniform Fire Code and in this ordinance as amended are hereby adopted and are on file and open to public inspection in the office of the Bureau of Fire Prevention and the same are hereby adopted and incorporated fully as though set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Albany.

17.28.020 Definitions. (a) Wherever the term "Corporation Counsel: is used in the Uniform Fire Code, it shall be held to mean the city attorney.

(b) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the city.

(c) Wherever the term "CHIEF OF THE FIRE PREVENTION DIVISION" is used in Article 9, Section 9105 of the Uniform Fire Code it shall mean the Fire Marshal of the jurisdiction.

17.28.100 New material, processes or occupancies which may require permits. The city manager, the fire chief, and the supervisor of the Fire Prevention Division shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require a permit, in addition to those now enumerated in the said code. The supervisor of the Fire Prevention Division shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

17.28.110 Appeals. (a) Whenever the supervisor of the Fire Prevention Division 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 to the Board of Appeals, which is designated by 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.

(b) Appeals may be filed by the following parties affected by the decision:

(1) The owner or his authorized agent.

(2) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision.

(c) Appeals to the Board of Appeals must be filed within ten (10) calendar days from the date of the decision of the fire chief.

(d) Appeals to the city council must be filed with the city recorder within thirty (30) days from the date of the decision of the Board of Appeals.

(e) Appeals shall be filed in writing and should include:

(1) The name and address of the appellant.

(2) The address of the parcel that is subject of the decision.

(3) The date of the decision.

(4) The nature of the Chief Fire Prevention Bureau decision.

(5) A statement of the applicable code section and the specific ground for appeal.

(6) A filing fee as specified by ordinance or resolution.

17.28.120 Penalty. (a) 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 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 ten (10) days that prohibitive conditions are maintained shall constitute a separate offense.

(b) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

17.28.130 Uniform Fire Code--Appendix A. Appendix A of the Uniform Fire Code is on file for public inspection in the office of the city recorder of the City of Albany and in the office of Fire Prevention and is hereby made a part of the Uniform Fire Code, 1985 Edition.


17.28.140 Inspections. The Fire Department as part of its Fire Prevention activities as directed by the Fire Chief may inspect all Group A, Group B, Group E, Group H, Group I, Group M, Group R, and Group SR occupancies within the City on a frequency as established by Fire Department Standard Operating Procedures.

17.28.150 Amendments. As part of the adoption cycle for the Uniform Fire Code are Amendments Section A-1, A-2, A-3, A-4, A-5, A-6, A-7, and A-8.

Passed by the City Council: April 8, 1987

Approved by the Mayor: April 10, 1987

Effective Date: May 8, 1987



MAYOR

ATTEST:



CITY RECORDER

UNIFORM FIRE CODE

1985 EDITION

AMENDMENTS

Section A-1 Deletions.

The following portions of the Uniform Fire Code are hereby deleted:

11.101(a)	24.102	45.102	79.1002
11.105	24.204	46.102	79.1102
11.106	25.101	47.102	79.1201
11.107	26.102	48.102	79.1701
11.108	27.102	49.101(c)	79.1803
11.109	28.102	50.103	80.102
11.110	29.102	62.103	81.103
11.111	30.101	63.103	82.102(a)
11.112	31.102	74.103	83.101
11.113	33.102	75.103	The definition of fireworks
11.203	34.102	76.102	in Section 9.108
11.208(a)	36.102	79.103	
11.410(a)			

Section A-2 Limits for storage of flammable or combustible liquids in outside aboveground tanks.

- a) The limits referred to in Section 79.501 of the Uniform Fire Code in which storage of flammable or combustible liquid in outside above-ground tanks is prohibited, are hereby established as follows: Storage of flammable and combustible liquids in outside above-ground tanks is prohibited within the city limits, except as shall be allowed by the Chief of the Bureau of Fire Prevention.

Section A-3 Most restrictive provision to govern.

The Uniform Fire Code is amended and changed in the following respect: Where conditions imposed by provisions of this fire code differ from those imposed by ordinance, laws or regulations having applications to the City, the provision which is the most restrictive shall govern.

Section A-4 Fire alarm system.

- (1) That section 10.306(a) of the Uniform Fire Code is amended to read as follows:

Section 10.306(a):

(a) Designated occupancies: Approved fire alarm systems shall be installed in E, I, R and SR occupancies as required by the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

(f) Additional Requirements:

All new buildings constructed exceeding 5000 square feet of floor area or existing buildings which, after completion of major alteration or addition will exceed 5000 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 installation and approval of such systems.

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 the Albany Fire Department upon activation of the system.

Section A-5 Fire flow requirements.

- (1) The Uniform Fire Code is further amended by the addition of Section 10.301(f) to read as follows:

Fire flow is presently stated as a maximum of 4500 gallons per minute. Where potential fire flows in excess of 4500 gallons per minute may be required, consideration shall be given to structure separations, installation of automatic fire extinguishing systems, fire walls, or other recognized elements to reduce the maximum

amount of fire flow to 4500 gallons per minute. The installation and maintenance of fire walls and automatic extinguishing systems shall be accomplished in accordance with local building regulations.

Section A-6 Accumulation of waste material.

That section 11.201 of the Uniform Fire Code is amended by adding the following sub-sections:

- (e) When required of the chief, waste material containers shall be provided at construction sites for safe accumulation and removal of combustible waste materials.
- (f) Waste material containers shall be provided for the safe accumulation of combustible wastes at storage sites in the open, except where such accumulation meets the requirements of Section 11.203(b), paragraph 2.
- (g) Portable wheeled containers and roll-off boxes used for the accumulation of combustible materials shall not be located in such a manner that a fire occurring in a container would create a threat to persons, buildings, automobiles, exit ways, utilities, vegetation, or adjacent property and its contents.

Section A-7 Article 77 Explosives and Blasting.

That Article 77 of the Uniform Fire Code, Explosives and Blasting Agents, be amended to read as follows:

- (1) Section 77.101.
 - (a) Storage of explosives and blasting agents is prohibited in the city limits of Albany.

Section A-8 Article 78 Fireworks.

That Article 78 of the Uniform Fire Code be amended as follows:

- (1) Section 78.101 Fireworks Defined.
 - (a) Fireworks shall mean and include an combustible or explosive composition substance, or any combination of such compositions or substances, or any article prepared for the purpose of providing a visible or audible effect by combustion, explosion,

defragation, or detonation, and includes blank cartridges, toy cannons, or toy guns, in which explosives are used; the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, rockets, wheels, colored fire fountains, mines, serpents or any other article of like construction, substance or flammable compound.

(b) The term "Fireworks" shall not include:

- (1) Sparklers, toy pistols, toy pistol paper caps, toy canes, toy guns or other devices in which paper caps containing not more than .25 grain of explosive compound per cap are used, and when the rate of burning and the explosive force of the material in such devices is not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell device, there is no visible flame during discharge, no flames or smoldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.
- (2) Snakes or similar smoke-producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no after-smoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.
- (3) Sparklers consist of materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials,

attached to a wire or other non-combustible central support, with such materials arranged in cylindrical shape not more than 10 inches in length nor more than one-quarter inch in diameter, and which shall not burn more rapidly than 1 inch in 10 seconds, but not including materials encased within a container of any character.

(c) "Explosive substance" or "explosive mixtures" as used in this section shall mean any substance so arranged as to burn in less than 1 second. "Combustible substance" shall mean any substance so arranged as to burn in more than 1 second.

(2) Section 78.102 Fireworks.

(a) No person shall sell, keep, or offer for sale, expose for sale, use, explode, or have exploded any fireworks as defined in Section 78.101(a), except as follows:

- (1) Sales by manufacturers and wholesalers for direct out-of-state shipment.
- (2) Sales to persons or organizations having obtained a permit from the state fire marshal for supervised public display.
- (3) Sales to railroads, boats, motor vehicle, or other transportation agencies to be used for signal, warning, or illumination purposes in connection with such businesses.
- (4) Sale and use of blank cartridges for licensed shows or theaters or for signal or ceremonial purposes in athletics or sports.
- (5) Experimental purposes by a manufacturer of explosives at such a place experiments are normally conducted, and only after obtaining written permission from the chief or his designee.
- (6) Sale of blank cartridges for use by the militia or any organization authorized by law to parade in public in a color guard armed with firearms.

- (7) Sale of shells, cartridges, gunpowder, or explosives for use in legally permitted firearms.
 - (8) Sale or use of commercially manufactured model rockets.
- (b) All persons, municipalities, associations or organizations or groups of individuals desiring to sell, discharge, fire off, explode, or display fireworks for a public display shall meet the following requirements:
- (1) Obtain a permit from the office of the state fire marshal, and comply with the applicable requirements of ORS 480.130.
 - (2) Obtain a permit from the Bureau of Fire Prevention and comply with all reasonable rules and regulations as adopted and enforced, for the granting of a permit for supervised display or sales of fireworks or items described in Section 78.101(b) 1, 2, and 3.
- (c) Every public display held within the boundaries of the jurisdiction shall be under the supervisor of the chiefs of police and fire departments and shall be of such character and so located, discharged, or fixed as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.
- (3) Section 78.103. Fireworks permits revoked.
- (a) Permit Revoking. The chief or his designated subordinate may revoke permits for display or sale of fireworks and other articles listed under the provisions of Sections 78.101(a) and 78.101(b) 1, 2, and 3 when in his opinion, the sale or display of fireworks or articles described in Section 78.101(b) 1, 2, and 3 is not in compliance with the applicable rules and regulations governing such sale or displays or is in violation of the Oregon Revised Statutes. Permit fees shall not be refunded in the event such permits are revoked.

(b) The chief or his designated subordinate shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles or articles described in Section 78.101(b) 1, 2, and 3 that are offered for sale and found in violation of this article.