

ORDINANCE NO. 4911

TITLE: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 17.28, UNIFORM FIRE CODE, AND DECLARING AN EMERGENCY.

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--Appendices.
- 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 regulation 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~~ **1988** edition, including the table of contents, ~~Appendix A, I-A, I-B, III-A, III-C, V-A, VI-A~~ **Appendix I-A, II-E, III-A, III-C, V-A, VI-A, VI-B, VI-D** 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~~ **Bureau of Fire Prevention**. All secondary codes referred to in Section ~~2.303~~ **2.304(a)** 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 "BUREAU OF FIRE PREVENTION" is used as in Article 9, Section 9.105 of the Uniform Fire Code it shall mean the Fire Marshal of the jurisdiction.

(d) Wherever the word "approved" is used in the Uniform Fire Code it shall be held to mean approved by the city.

17.28.100 New material, processes or occupancies which may require permits. The city manager, the fire chief, and the supervisor of the Bureau of Fire Prevention 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 Bureau of Fire Prevention 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 Bureau of Fire Prevention 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 Bureau of Fire Prevention to the Fire Chief. If they do not concur with the Fire Chief's decision, they may appeal the decision of the Fire Chief 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 Bureau of Fire Prevention 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--Appendices. ~~Appendices I-A, III-A, III-C, V-A, and VI-C I-A, II-E, III-A, III-C, V-A, VI-A, VI-B, and VI-D~~ 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 Bureau of Fire Prevention~~ and is hereby made a part of the Uniform Fire Code, ~~1985~~ 1988 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.

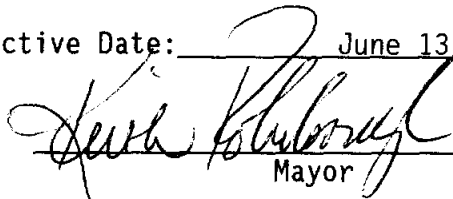
17.28.150 Amendments. As part of the adoption cycle for the Uniform Fire Code are the following Amendments: ~~I. Article 1 Section 1.103(d); II. Article 4 Section 4.101; III. Article 10 Section 10.209; IV. Article 10 Section 10.301(f); V. Article 10 Section 10.306(a); VI. Article 10 Section 10.306(f); VII. Article 11 Section 11.201(e)(f)(g); VIII. Article 77 Section 77.101(a); IX. Article 78 Section 78.101(a); X. Article 78 Section 78.102(a)(b)(c); XI. Article 78 Section 78.103(a)(b)(c); XII. Article 79 Section 79.501. Article I Section 1.103(d); Article 4 Section 11.105, 11.110, 11.111, 11.112; Article 10 Section 10.209, 10.301(c); Article 14 Section 14.101(a), 14.104(f); Article 77 Section 77.104(a)(b)(c)(d)(e), 77.105, 77.106, 77.107, 77.108; Article 78 Section 78.101, 78.102(a)(b)(c)(d)(e)(f), 78.103(a)(b)(c), 78.104, 78.105, 78.106; Article 79 Section 79.402, 79.902(c)(e) 79.903(b)(f), 79.911(d); Article 80~~

Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: June 13, 1990

Approved by the Mayor: June 14, 1990

Effective Date: June 13, 1990



Mayor

ATTEST:



City Recorder

**UNIFORM FIRE CODE
1988 EDITION
AMENDMENTS**

**ARTICLE 1
ADMINISTRATIVE**

That Article 1 Section 1.103 of the Uniform Fire Code is amended by adding the following subsection:

Scope

- (d) Where conditions imposed by provisions of this code differ from those imposed by ordinance, laws or regulations having applications to the City, the provision which is the most restrictive shall govern.

**ARTICLE 4
PERMITS**

That Article 4 of the Uniform Fire Code is amended by deleting the following sections:

11.105
11.110
11.111
11.112

**ARTICLE 10
GENERAL PROVISIONS FOR FIRE SAFETY**

That Article 10 Section 10.209 of the Uniform Fire Code is amended to read as follows:

Key Box

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 the structure is 5,000 square feet or greater and contains an automatic sprinkler or fire detection system, the chief may require a key box to be installed in an accessible location.

That Article 10 Section 10.301 of the Uniform Fire Code is amended by adding the following subsection:

Installation

(c) Water Supply

Fire flow is presently stated as a maximum of 4500 gallons per minutes. Where potential fire flows in excess of 4500 gallons per minute may be required, the fire chief may require one or more of the following 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 and fire regulations.

**ARTICLE 14
FIRE ALARM SYSTEMS**

That Article 14 Section 14.101 of the Uniform Fire Code is amended by adding the following subsection:

Scope

(a) A permit may be required for the installation of a fire alarm system.

That Article 14 Section 14.104 of the Uniform Fire Code is amended by adding the following subsection:

Required Installations

(f) All new Type V one hour and Type V non-rated buildings constructed exceeding 5000 square feet of floor area or existing Type V one hour and Type V non-rated 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 their installation and approval. Fire detection and alarm systems shall be monitored by an approved central station located within a 100 mile radius of the City of Albany.

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.

**ARTICLE 77
EXPLOSIVES AND BLASTING AGENTS**

That Article 77 Section 77.104 of the Uniform Fire Code is amended by deleting the follow subsections:

Permits

(a) Permits shall be obtained:

1. To manufacture, possess, store, sell or otherwise dispose of explosives or blasting agents.
2. To transport explosives or blasting agents.
3. To use explosives or blasting agents.
4. To operate a terminal for handling explosives or blasting agents.
5. To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
6. To transport blasting caps or electric blasting caps on the same vehicle with explosives. See Section 4.108.

(b) Permits required by Section 77.104(a) of this article shall not be issued for:

1. Liquid nitroglycerin.
2. Dynamite (except gelatin dynamite) containing over 60 percent of liquid explosive ingredient.
3. Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
4. Nitrocellulose in a dry and uncompressed condition in quantity greater than 10 pounds net weight in one package.
5. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
6. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products of their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F.

7. New explosives until approved by the U.S. Department of transportation, except that permits may be issued to educational, governmental or industrial laboratories for instruction or research purposes.
 8. Explosives condemned by the U.S. Department of Transportation.
 9. Explosives not packed or marked in accordance with the requirements of the U.S. Department of Transportation.
 10. Explosives containing an ammonium salt and a chlorate.
- (c) No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation or within 100 feet thereof.
- (d) No person possessing a permit for storage of explosives at any place shall keep or store any greater amount or other kind of explosives than are authorized in such permit.
- (e) The chief may require that any operations permitted under the provisions of Section 77.104(a)2 or 3 shall be supervised at any or all times by employees of the fire department designated by the chief to see that all safety and fire regulations are observed. Where, in the opinion of the chief, no undue hazard to life or property exists, the required supervision may be waived.

That Article 77 Section 77.105 of the Uniform Fire Code as amended to read as follows:

Possession of Explosives

These rules shall apply to all persons possessing and/or purchasing explosives as defined in Section 1 of ORS 480.200.

EXCEPTION: Persons who have within their possession a federal license or registration certificate as a manufacturer or dealer in explosives issued by the United States Treasury Department; Internal Revenue Service; Bureau of Alcohol, Tobacco and Firearms Division, or who do not have on their person at the time of having explosives within their possession a transfer receipt issued to pursuant to ORS 480.260.

That Article 77 Section 77.106 of the Uniform Fire Code as amended to read as follows:

Assistants to State Fire Marshal

Pursuant to Section (2) of ORS 480.280, the county sheriff of each Oregon county is, by virtue of the office held by him, hereby designated as an assistant to the state fire marshal. Any person desiring certificates of possession or

registration for explosives as prescribed by ORS 480.230, shall apply on the forms provided to his respective county sheriff in whose jurisdiction the explosives will be purchased, obtained or used.

That Article 77 Section 77.107 of the Uniform Fire Code as amended to read as follows:

Endorsement of Application

Any assistant to the state fire marshal, as named in Section 77.106, upon application from any person desiring any certificate prescribed by ORS 480.230, shall provide and assist as necessary in the filling out of the application form and shall proceed with the investigation prescribed in ORS 480.225. Following said investigation, the assistant shall affix his endorsement of approval or disapproval on the application form in accordance with the results of his findings based upon the criteria prescribed in ORS 480.225 and shall return the completed form to the applicant.

That Article 77 Section 77.108 of the Uniform Fire Code as amended to read as follows:

Issuance of Certificate--Fees (Effective October 15, 1983)

Upon receiving an endorsement from an assistant to the state fire marshal named in Section 77.106 the applicant shall forward the completed application form to the Office of State Fire Marshal accompanied by the nonrefundable \$15.00 for a three-year certificate or \$7.50 for a 90-day certificate application fee. Upon receipt and verification of the completed application form bearing an endorsement of approval from an assistant as named in Section 77.106 of this rule, accompanied by the required fee, the state fire marshal shall issue the applied for certificate or registration and shall forward a copy thereof to the assistant that endorsed the application. The certificate shall be in effect from the date of issue for the time periods specified in ORS 480.235(3).

ARTICLE 78 FIREWORKS

That Article 78 Section 78.101 of the Uniform Fire Code Definition is amended to read as follows:

Definition

Definition of "allowed fireworks" shall mean those pyrotechnic devices and items described in ORS 480.127(4) and its equivalent and interchangeable with the term exempt fireworks. These include cone fountains, cylindrical fountains, flutter sparklers, ground spinners, illuminating torches, wheels, and combination items.

That Article 78 Section 78.102 of the Uniform Fire Code is amended to read as follows:

Retail Sales, Manufacturing, Storage, Display Fees, and Discharging

- (a) Applications for permits shall be made in writing at least 10 days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- (b) Any individual involved in the purchasing of allowed fireworks or novelty items shall be at least 12 years of age or 54" in height.
- (c) Any individual involved in direct sales of allowed fireworks or novelty items shall be at least 12 years of age and under the full-time supervision of an adult 18 years of age or older.
- (d) Any individual or organization applying for a permit for the sole purpose of retail sales, manufacturing, storage, and aerial displays of fireworks shall pay a fee.
- (e) Discharging of permissible fireworks shall be regulated and allowed only from June 23 through July 6 (a 14 day period).
- (f) Storage of fireworks and pyrotechnic devices is prohibited unless authorized in writing by the Fire Marshal or their designate.

That Article 78 Section 78.103 of the Uniform Fire Code is amended to read as follows:

Bond for Fireworks Display Required

- (a) The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Marshal for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, their agents, employees, or subcontractors.
- (b) Permit Revoking. The Fire Marshal or their designee may revoke permits for display or sale of fireworks and other articles described under the provisions of Sections 78.101 when in their opinion, the sale or display of fireworks or articles described in Section 78.101 are 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.

(c) The Fire Marshal or their designee 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 that are offered for sale and found in violation of this article.

That Article 78 Section 78.104 of the Uniform Fire Code is amended to read as follows:

Disposal of Unfired Fireworks

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining and as approved by the Fire Marshal or their designee.

That Article 78 Section 78.105 of the Uniform Fire Code is amended to read as follows:

EXCEPTION: Nothing in this article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes or athletics or sports or for use by military organizations.

That Article 78 Section 78.106 of the Uniform Fire Code is amended to read as follows:

Seizure of Fireworks

The Fire Marshal or their designee shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

ARTICLE 79 FLAMMABLE AND COMBUSTIBLE LIQUIDS

That Article 79 Section 79.402 of the Uniform Fire Code as amended to read as follows:

Plans

Plans shall be submitted to store more than 500 gallons of Class I flammable and Class II combustible liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

That Article 79 Section 79.501 of the Uniform Fire Code is amended to read as follows:

Restricted Locations

Storage of Class I and Class II liquids in outside above-ground tanks is limited to 6,000 gallons per tank maximum and 18,000 gallons maximum aggregate within the city limits, except as shall be allowed by the chief of the Fire Department.

That Article 79 Section 79.902 of the Uniform Fire Code as amended to read as follows:

Storage

(c) Special Enclosures.

1. **Inside buildings.** When installation of tanks in accordance with Division VI is impractical or because of property or building limitation, tanks for Class I, II or III-A liquids may be installed in buildings if enclosed as follows: Enclosure shall be liquid tight and vapor tight without backfill. Sides, top and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any vapors which might accumulate should leakage occur.

Tanks containing Class I, II or III-A liquids shall not exceed 6000 gallons individual or 18,000 gallons aggregate.

2. **Outside Buildings.** When installation of tanks in accordance with Division VI is impractical, tanks for Class I flammable liquids may be installed outside buildings if enclosed as specified in Section 79.902 (c) 1 and upon specific approval of the chief, provided:
 - A. Dispensing lines between the special enclosure and the dispenser shall be located underground. These lines shall be equipped with an approved antisiphon valve located below the impact valve at each dispenser.
 - B. In addition to the normal valving requirements of the code, the tank shall be equipped with overfill protection and the fill pipe between the opening and the special enclosure shall be underground.
 - C. Dispensing lines and fill piping shall not penetrate the walls of the enclosure.
 - D. The tanks shall comply with the requirements for emergency relief venting, and the tanks and dispensing system shall meet the electrical classification requirements of the code.

E. Tank location and distance shall be as specified in Article 79, Division V.

F. An approved leak-detection system shall be installed to detect any vapor accumulation in the enclosed space.

(e) **Dispensing.** Class I liquids shall not be dispensed or transferred within a service station building, except as provided in Section 79.903 (d). Class II and Class III-A liquids may be dispensed in lubrication or service rooms of a service station building, provided the heating equipment complies with Section 79.906 and electrical equipment complies with Section 79.905. Delivery of any Class I, II or III-A liquid shall not be made into portable containers unless such container is of approved material and construction, having a tight closure with screwed or spring cover, so designed that the contents can be dispensed without spilling. Class I liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks.

EXCEPTION: In addition to the provisions of Section 79.902 (c) 2, and upon approval of the chief, the dispensing of Class I liquids from a fuel-dispensing system supplied by exterior aboveground tanks may be permitted only when all of the following conditions are met:

1. Not more than three aboveground storage tanks shall be used for dispensing. Tanks shall not exceed 6,000-gallon individual capacity; and
2. The tank system shall be listed or approved for such aboveground use; and
3. The tanks and piping shall be safeguarded against collision, spillage and overfill to the satisfaction of the chief; and
4. Tanks, piping, valves and fittings and diking shall be constructed and maintained in accordance with Article 79; and
5. Tank location and distance shall be three times that specified in Table No. 79.503-F, but not less than 30 feet from the nearest side of any public way or from the nearest building and dispensing units on the same property; and

NOTE: For tanks located at commercial, industrial, governmental or manufacturing establishments, and intended for fueling vehicles used in connection with their business, refer to Table No. 79.503-F.

6. Where more than one tank is used, all aboveground tanks shall be protected by an approved fire-protection system as required by the chief.
7. The use of a gravity dispensing system is prohibited.

That Article 79 Section 79.903 of the Uniform Fire Code as amended to read as follows:

Dispensing Services

(b) **Supervision.** The dispensing of Class I and Class II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. Self-service of Class I liquids into the tank of a vehicle or any other retail container is prohibited. (ORS 480.310 through 480.340).

EXCEPTION: Nonretail service stations complying with the following safety provisions:

1. Be separated from retail locations by a space of at least 50 feet between pump islands.
2. Natural grade or curbs shall prevent drainage toward any retail dispensing areas.
3. Have emergency controls installed according to Section 79.903 (e) 1 and 2.
4. Have instructions for operation of the dispensing devices conspicuously posted.
5. Have location of the fire extinguishers conspicuously indicated as approved by the chief.
6. Be adequately lighted at all times when available for use.
7. Be equipped with nozzles of the listed automatic-closing type with or without latch-open devices.

The attendant's primary function shall be to supervise, observe and control the dispensing of Class I and Class II liquids while said liquids are being dispensed. It shall be the responsibility of the attendant to prevent the dispensing of Class I and Class II liquids into portable containers not in compliance with Section 79.104 (a), control sources of ignition, and to give immediate attention to accidental spills and fire extinguishers, if needed.

(f) **Lighting.** All dispensing locations must be adequately lighted at all times when available for use.

That Article 79 Section 79.911 of the Uniform Fire Code as amended to read as follows:

Fire Protection

(d) **Hose Stations.** Hose stations shall be supplied with:

1. One and one-half-inch valve;
2. One hundred feet of an approved lined hose not less than 1 1/2 inches in diameter capable of withstanding 500-pound psi test pressure; and
3. A combination fog and straight stream shutoff-type nozzle.

EXCEPTION: Marine service stations with not over 1100-gallon flammable and combustible liquid storage connected to dispensing devices need not comply with the standpipe and hose station requirements providing one additional 20 BC-rated fire extinguisher is maintained within 25 feet of the dispensing devices.

Hose stations shall be so spaced as to provide protection to any portion of docks, piers, wharves or floating craft. An approved and listed hose reel or approved and listed semiautomatic hose rack shall be provided and shall be located so as to make the hose accessible. Hose shall be enclosed within a cabinet, and hose stations shall be labeled **FIRE HOSE--EMERGENCY USE ONLY**. All tests and valving must meet the approval of the chief.

**ARTICLE 80
HAZARDOUS MATERIALS**

That Article 80 (Hazardous Materials) of the Uniform Fire Code is amended to read as amended by the State of Oregon:

Article 80 (Hazardous Materials)

is on file in the Fire Prevention Office