



## ORDINANCE NO. 6019

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

WHEREAS, the State of Oregon has adopted the current edition of the Oregon Fire Code; and

WHEREAS, the Albany Municipal Code contains outdated language for the fire department relating to the Oregon Fire Code and is missing language needed for certain permits and fees; and

WHEREAS, proposed updates allow the fire department to access state resources; and

WHEREAS, proposed updates require a more efficient records management tool that will save fire department staff time; and

WHEREAS, proposed updates add required permits and fees that are not currently included.

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

### Section 1:

Albany Municipal Code Title 17 is amended to read as follows.

### **Chapter 17.28 UNIFORM FIRE CODE**

Sections:

- 17.28.010 ~~Adopted~~ **Fire Code enforcement and plans review.**
- 17.28.020 Definitions.
- 17.28.100 New material, processes or occupancies which may require permits.
- 17.28.110 Appeals.
- 17.28.120 ~~Penalty~~ **Penalties**
- 17.28.130 Inspections.
- 17.28.140 ~~Local amendments~~ **Records.**
- 17.28.150 **Permits**
- 17.28.160 **Approved alternative method.**

#### **17.28.010 ~~Adopted~~ Fire Code enforcement and plans review.**

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 Oregon Fire Code except such portions as are hereinafter deleted, modified, or amended in AMC 17.28.140. The provisions of the State of Oregon Fire Code, as provided in ORS 476.030, are hereby adopted by reference. The State Fire Code is on file in the Life Safety Division of the City of Albany. All secondary codes and standards referred to in Chapter 80 of the Oregon 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 Life Safety 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. (Ord. 5907 § 1, 2018; Ord. 5411 § 1, 1999; Ord. 5257 § 1, 1996; Ord. 4911 § 1, 1990; Ord. 4757 § 1, 1987; Ord. 4577 § 1, 1983; Ord. 4480 § 1, 1982). **The Albany Fire Department will be responsible for fire code enforcement and plans review for access and water supply in accordance with the Oregon Fire Code as adopted by the Oregon State Fire Marshal's office under OAR 837 Division 40.**

#### **17.28.020 Definitions.**

- (1) Wherever the word "jurisdiction" is used in the Oregon Fire Code, it shall be held to mean the City.

(2) Wherever the term "Fire Code Official" is used in the Oregon Fire Code, it shall mean the Fire Chief or other designated authority.

(3) Wherever the word "approved" is used in the Oregon Fire Code, it shall be held to mean approved by the City. (Ord. 5907 § 1, 2018; Ord. 4911 § 1, 1990; Ord. 4757 § 1, 1987; Ord. 4577 § 2, 1983; Ord. 4480 § 3, 1982).

#### **17.28.100 New material, processes or occupancies which may require permits.**

The City Manager, the Fire Chief, and the Supervisor of the Life Safety 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 Life Safety Division shall post such list in a conspicuous place in his/her office, and distribute copies thereof to interested persons. (Ord. 5907 § 1, 2018; Ord. 4577 § 4, 1983; Ord. 4480 § 9, 1982).~~

#### **17.28.110 Appeals.**

~~(1) Whenever the 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 Fire Chief to the Board of Appeals, which is designated by the City Council. 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/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 the subject of the decision;~~

~~(c) The date of the decision;~~

~~(d) The nature of the Fire Chief's 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. (Ord. 5907 § 1, 2018; Ord. 5411 § 2, 1999;~~

~~Ord. 5257 § 2, 1996; Ord. 4577 § 5, 1983; Ord. 4480 § 8, 1982).~~

**Appeals shall be as per the Oregon Fire Code.**

#### **17.28.120 Penalties.**

(1) **In the case of a violation of Chapter 17.28 AMC, the violation procedures of Chapter 1.05 AMC will apply.** 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 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) Re-inspection fees shall be in accordance with Council resolution. Resolution 6791.**

(23) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 5907 § 1, 2018; Ord. 5411 § 3, 1999; Ord. 4577 § 6, 1983; Ord. 4480 § 19, 1982).

**17.28.130 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 F, Group H, Group I, Group M, Group R, Group S, and Group U occupancies as regulated by the Oregon Fire Code within the city of a frequency as established by **the Supervisor of the Life Safety Division Fire Department Standard Operating Procedures**. (Ord. 5907 § 1, 2018; Ord. 5257 § 4, 1996; Ord. 4757 § 1, 1987. Formerly 17.28.140).

**17.28.140 ~~Local amendments.~~Records.**

~~The Oregon Fire Code, within the jurisdiction of the City of Albany, shall be amended as follows:~~

~~CHAPTER 4: ADMINISTRATION~~~~SECTION 108: BOARD OF APPEALS~~

~~Appeals: To determine 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 three members: the Fire Chief, the City Manager, and the 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 Fire Department Board of Appeals and be appointed by the executive body and shall hold office at their pleasure. The 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. Records of all system inspections, tests and maintenance shall be maintained on the premises for a minimum of three years. All inspection, testing, and maintenance records are to be submitted to the Life Safety Division Supervisor via The Compliance Engine ([www.thecomplianceengine.com](http://www.thecomplianceengine.com)) by the appropriate contractor within 30 days of inspection, testing, or maintenance.~~

~~SECTION 105:~~**17.28.150 Permits****PERMITS**

Permit Required: A permit shall be obtained from the Life Safety 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 liquid~~ **hazardous material liquid** aboveground and underground.
- (b) Removal or Decommissioning Tanks: To remove or decommission above- or below ~~underground flammable or combustible~~ **hazardous material** liquid tanks.
- (c) Fireworks for Retail Sales, Display, and Storage: Requirements for fireworks shall comply with Chapter 56 and the Office of the State Fire Marshal.
- (d) **Temporary Membrane Structure/Tent: Erection of a temporary tent greater than 400 sq. ft. if not open on all sides, or greater than 700 sq. ft. if open on all sides.**
- (e) **Special Event: Event requiring fire personnel to approve and/or inspect fire and life safety components.**

**CHAPTER 5: FIRE SERVICE FEATURES**

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## PREMISES IDENTIFICATION

~~(a) 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. Letters, numbers, and symbols indicating addresses shall be a minimum of 4 inches (101.6 mm) in height with 1/2-inch (12.7 mm) stroke, shall be contrasting with background colors, and shall be visible from the road.~~

~~(b) Mall facilities are required to have each separate business clearly identified.~~

~~(c) Mall facilities shall post addresses on front and rear access doors.~~

~~(d) Each mall owner/lessee shall provide the Fire Department a location site plan for firefighting purposes.~~

~~(e) Buildings under new construction are required to display visible street addresses prior to ground-breaking.~~

## FIRE APPARATUS

~~(a) Fire lane: When any portion of the facility or 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.~~

~~(b) 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: When an approved fire sprinkler system is installed and maintained, grade may be increased as approved by the Fire Chief.~~

## KEY BOXES

~~Key boxes: 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 approved accessible location. The key box shall be of a type approved by the Fire Chief and shall contain keys to gain necessary access.~~

## CHAPTER 9: FIRE PROTECTION

### GENERAL

~~Fire Department connections (FDCs) and fire sprinkler water supply control valves: such valves and connections shall be located 1 1/2 times the height of the structure away (out of the collapse zone) or as far away as feasible. The FDC is to be located no closer than five feet to a hydrant, but no farther away than 40 feet.~~

## CHAPTER 56: EXPLOSIVES AND FIREWORKS

~~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.~~

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~~(Ord. 5907 § 1, 2018; Ord. 5411 § 5, 1999; Ord. 5257 § 5, 1996; Ord. 4911 § 1, 1990; Ord. 4857 § 1, 1989; Ord. 4822 § 2, 1988; Ord. 4817 § 2, 1988; Ord. 4757 § 1, 1987. Formerly 17.28.150).~~

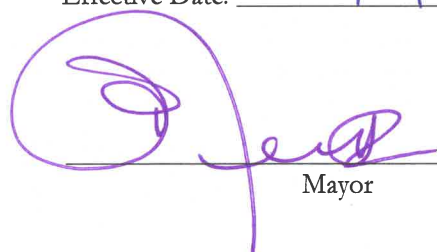
**17.28.160 Approved Alternative Method**

**In lieu of installing and maintaining an Emergency Responder Communications Coverage System (ERCCS), the approved alternative is to opt-in to a one-time contribution as set forth by Council resolution. The alternative method option shall be approved at the discretion of the Life Safety Division Supervisor.**

Passed by the Council: 6/14/23

Approved by the Mayor: 6/14/23

Effective Date: 7/14/23

  
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Mayor

ATTEST:

Allison Luise

City Clerk

