

## ORDINANCE NO. 00-556-O

AN ORDINANCE RELATING TO THE CITY'S UNIFORM FIRE CODE, ADOPTING THE 1997 STATE OF OREGON UNIFORM FIRE CODE AS AMENDED, AND REPEALING ORDINANCE NO. 481.

The City of Columbia City ordains as follows:

Section 1. Adoption of State Code. The State of Oregon Uniform Fire Code, effective April 1, 1998, including the Table of Contents, Appendices I-C, I-D, I-E, I-F, I-G, II-A, II-B, II-E, II-F, II-I, III-A, III-B, III-C, III-D, III-E, IV-A, V-A, V-B, VI-A, VI-B, VI-C, VI-D, VI-E, VI-F, VI-G, VI-H, VI-I, and the Index, together which prescribe regulations safeguarding life, health, property, and public welfare to a reasonable degree from the hazards of fire, explosion, and panic, save and except such other portions thereof as are hereinafter deleted herein, modified, or amended, is hereby adopted and by this reference made a part hereof with the same force and effect as though set forth herein in full. The foregoing is referred to as the "Fire Code" and is composed of the 1997 edition of the Uniform Fire Code, Volumes 1 and 2, published by the International Fire Code Institute and amended by the Oregon State Fire Marshal.

Section 2. Appeals. UFC Section 103.1.4. adopted by this ordinance is amended to read in its entirety as follows:

103.1.4 Appeals.

103.1.4.1 Board of Appeals.

1) In order to hear and decide appeals of orders, decisions, or determinations made by the Fire Chief relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Fire Chief shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Chief.

2) The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

103.1.4.2 Appeal procedure. Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the Fire Chief with regard to the Fire Code may be appealed to the board of appeals in conformance with procedures provided herein.

#### 103.1.4.3 Filing parties.

1) Appeals may only be filed by the following parties affected by a decision:

- a) The owner or authorized agent;
- b) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision;
- c) Any agency, officer, or department of the City which has the responsibility for providing City facilities and/or services to the parcel of land; or
- d) Ten adult residents of the City.

103.1.4.4 Filing date. Appeals must be filed within ten (10) calendar days from the date of the decision of the Fire Chief.

103.1.4.5 Requirements for filing appeal. Appeals shall be filed in writing with the City Administrator/Recorder and shall include:

- 1) The name and address of the appellant;
- 2) The address of the parcel that is the subject of the decision;
- 3) The date of the decision;
- 4) The nature of the Fire Chief's decision;
- 5) A statement of the applicable code section and the specific grounds for the appeal; and
- 6) A \$50.00 filing fee.

103.1.4.6 Board meeting. The Fire Chief shall schedule a meeting of the board within 30 days of the filing of the appeal. The board of appeals shall grant a hearing or dismiss the appeal. The appeal shall be dismissed if the board finds that the appeal does not meet the criteria in Subsection 103.1.4.2. If the appeal is dismissed, the Fire Chief's decision is final. The hearing shall be held not later than 30 days after filing the appeal.

Section 3. Authority for Inspection and Enforcement. UFC Section 103.2 adopted by this ordinance is amended to read in its entirety as follows:

103.2 Authority for inspection and enforcement.

103.2.1 Authority of the Fire Chief and the fire department.

103.2.1.1 General. The Fire Chief is authorized to administer and enforce this code as directed under ORS 476.060 and OAR Chapter 837, Division 39. Under the Fire Chief's direction, the fire department is authorized to enforce the following:

- 1) The prevention of fires;
- 2) The suppression or extinguishment of dangerous or hazardous fires;
- 3) The storage, use, and handling of hazardous materials;
- 4) The maintenance of automatic, manual, and other private fire alarm systems and fire extinguishing equipment;
- 5) The maintenance and regulation of fire escapes;

6) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property, including those under construction;

7) The maintenance of means of egress; and

8) The investigation of the cause, origin, and circumstances of fire and unauthorized releases of hazardous materials.

For authority related to control and investigation of emergency scenes, see Section 104.

103.2.1.2 Fire prevention bureau personnel and police. The Fire Chief and members of the fire prevention bureau shall have the powers of a police officer in performing their duties under this code.

When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

103.2.2 Organization of the fire prevention bureau.

103.2.2.1 General. A fire prevention bureau established within the fire department under the direction of the Fire Chief shall consist of fire department personnel assigned thereto by the Fire Chief. The function of this bureau shall be to assist the Fire Chief in the administration and enforcement of the provisions of this code.

103.2.2.2 Fire marshal. The Fire Chief is authorized to designate a member of the fire department to exercise the powers and perform the duties of fire prevention engineer as set forth in this code. The fire prevention engineer could also be known as fire marshal.

103.2.2.3 Cooperation with other agencies. For regulations regarding interagency cooperation, see ORS 455.150(6), ORS 479.165, OAR 918-20-010, OAR 918-20-020 and OAR 387-39-110.

Section 4. Inspection. UFC Section 103.3 adopted by this Ordinance is amended to read in its entirety as follows:

103.3. Inspection.

103.3.1 General.

103.3.1.1 Authority to inspect. The fire prevention bureau may inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

103.3.1.2 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Fire Chief has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duly authorized by this code, provided that if

such building or premises is occupied, the Fire Chief shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Fire Chief shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief shall have recourse to every remedy provided by law to secure entry.

If the owner or occupant denies entry, the Fire Chief is authorized to obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners, occupants, or any other persons having charge, care, or control of any building or premises shall, after proper request is made as herein provided, promptly permit entry therein by the Fire Chief for the purpose of inspection and examination pursuant to this code.

For the purpose of Section 103.3.1.2, the term "Fire Chief" shall include the chief officer of the fire department serving the jurisdiction and the officers named in Sections 103.2.1.2 and 103.2.2.2. For additional provisions related to the right of entry, see ORS 476.070 and 476.150.

103.3.1.3 Stop orders. When any work is being done or a condition is being established contrary to the provisions of this code, the Fire Chief may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until continuation is authorized by the Fire Chief.

#### 103.3.2 New construction and alterations.

103.3.2.1 General. Construction or work for which fire department approval is required shall be subject to inspection by the Fire Chief, and such construction or work shall remain accessible and exposed for inspection purposes until approved by the Chief.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the Fire Chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

103.3.2.2 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the Fire Chief that such work is ready for inspection. The Fire Chief is authorized to require that every request for inspection be filed not less than one working day before such inspection is desired. Such requests may be in writing or by telephone at the option of the Fire Chief.

103.3.3 Fire safety during construction and alterations. Fire safety during construction, alterations, or demolition of a building shall be in accordance with Article 87.

103.3.4 Records. The fire prevention bureau shall retain for not less than three years a record of each inspection made showing the findings and disposition of each inspection made.

103.3.5 Re-inspection fees. The owner(s) of buildings or premises inspected in accordance with UFC Section 103.3 shall be subject to re-inspection fees as set by the City.

Section 5. Enforcement. UFC Section 103.4 adopted by this ordinance is amended to read in its entirety as follows:

103.4 Enforcement.

103.4.1 Authorization to issue corrective orders and notices.

103.4.1.1 General. When the Fire Chief finds in any building or on any premises combustible, hazardous, or explosive materials or dangerous accumulations of rubbish; or finds unnecessary accumulations of wastepaper, boxes, shavings, or any highly flammable materials which are so situated as to endanger life or property; or finds obstructions to or on fire escapes, stairs, passageways, doors or windows that reasonably tend to interfere with the operations of the fire department or the egress of the occupants of such building or premises; or finds that the effectiveness of any exit door, attic separation, or any fire separation wall is reduced; or finds that this code is being violated, the Fire Chief is authorized to issue orders as necessary for the enforcement of the fire prevention laws and ordinances governing the same and for the safeguarding of life and property from fire.

103.4.1.2 Unsafe heating or electrical equipment and structural hazards. When the Fire Chief deems any chimney, smokestack, stove, oven, incinerator, furnace, or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally recognized standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create a hazard, the Fire Chief is authorized to serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. The Fire Chief is authorized to affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag shall only be removed by the order of the Fire Chief when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

When an apparent structural hazard is cause by the faulty installation, operation, or malfunction or any of the items or devices listed in this subsection, the Fire Chief shall immediately notify the building official to investigate such hazard and cause such hazard to be abated as required by the Building Code.

103.4.1.3 Stopping uses, evacuation. The Fire Chief is authorized to order an operations or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a fire hazard.

103.4.1.4 Time limit for corrective orders. Orders or notices shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation.

103.4.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served upon the owner, operator, occupant, or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to an leaving it with a person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices which are given verbally shall be confirmed by service in writing as herein provided.

103.4.3 Compliance with orders, notices, and tags.

103.4.3.1 Compliance with orders and notices. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant, or other person responsible for the condition or violation to which the order or notice pertains. In cases of extreme danger to persons or property, immediate compliance is required.

If the building or other premises is not owner occupied, under lease or otherwise, and the order or notice requires additions or changes in the building or premises which would immediately become real estate and the property of the owner of the building or premises, such orders or notices shall be complied with by the owner.

EXCEPTION: When the owner and the occupant have agreed otherwise between themselves, in which event the occupant shall comply.

103.4.3.2 Compliance with tags. A building, premises, or thing shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 103.4.1.2.

103.4.3.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the Fire Chief shall not be mutilated, destroyed, or removed without authorization by the Fire Chief.

103.4.4 Penalties.

103.4.4.1 Misdemeanor citation. Any person who shall violate any of the provisions herein or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build 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 Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$500, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment as determined by the Columbia City Municipal Court. All such

persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

103.4.4.2 Declaration of infraction. Notwithstanding 103.4.4.1, any violation of the provisions herein may be declared to be an infraction pursuant to the procedure provided in Article 5.03.160.

103.4.4.3 Removal of prohibited conditions.

103.4.4.4 Liability for costs of fire extinguishment. In case of fire resulting directly or indirectly from failure or neglect to promptly comply with a notice issued by the Fire Chief to abate a hazard within the time stipulated on the notice, the person or persons so notified shall be liable to a civil action for payment of all expenses incurred by the City in and about the use of the apparatus, materials, and workforce in extinguishing any fire resulting from such cause.

103.4.5. Unsafe buildings.

103.4.5.1 General. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are, for the purpose of Section 103.4.5.1 dangerous buildings. Such dangerous buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the City's abatement procedures defined in the City's Nuisance Ordinance.

103.4.5.2. Emergency procedures for abatement of unsafe buildings. Whenever the Fire Chief, with the concurrence of the City Administrator/Recorder, deems a building an immediate hazard to life and property due to inadequate measures taken by the owner to secure, repair, or maintain the building and due to the incidence of intentionally set fires and/or fires of suspicious origin in the jurisdiction, the Fire Chief may take immediate action to abate the hazard. The owner shall be liable for the cost of abatement of the hazard as provided in UFC Section 106. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

103.4.6 Appeals. For appeals, see Section 103.1.4.1.

103.4.7. Cleanup or abatement. If a condition described in Section 103.4.1.1 has not been eliminated within the time limit for compliance set forth in an order or notice to abate the condition, the Fire Chief may cleanup or abate the condition. The owner shall be liable for the cost of cleanup or abatement as provided in UFC Section 106. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

103.4.8 Civil Penalties.

103.4.8.1 General. In addition to any other penalty provided by law, the owner of any unsafe building or owner of property upon which a fire hazard exists

may incur a civil penalty in an amount as specified in 103.4.8.2, plus any cost of service or recording costs.

103.4.8.2 Authorized civil penalties and fees. The Fire Chief is authorized to impose civil penalties as follows:

- 1) Unsafe building, \$500/\$200 (maximum/minimum);
- 2) Blocking or obstructing an exit way, \$500/\$200 (maximum/minimum);
- 3) Overcrowding beyond the approved capacity for a building \$500/\$200 (maximum/minimum);
- 4) Failure to restore fire sprinkler, standpipe, alarm, or other fire-protective or extinguishing systems or appliances to operational condition, \$400/\$150 (maximum/minimum);
- 5) Failure to maintain exit signs or illumination, \$400/\$150 (maximum/minimum);
- 6) Possession or use of illegal fire works, \$400/150 (maximum/minimum);
- 7) Tampering with fire equipment/appliances, \$400/\$150 (maximum/minimum);
- 8) Failure to provide alarm supervision for an automatic sprinkler system with over 100 heads, \$300/\$100 (maximum/minimum);
- 9) Failure to provide cleaning of kitchen ventilating hood and duct systems, \$300/\$100 (maximum/minimum);
- 10) Failure to abate an electrical hazard, \$300/\$100 (maximum/minimum);
- 11) Storage, use, dispensing, and/or mixing of flammable and combustible liquids not in accordance with Articles 45 or 79, \$300/\$100 (maximum/minimum);
- 12) Illegal storage of hazardous equipment in buildings, \$300/\$100 (maximum/minimum);
- 13) Failure to remove combustible decorative material from a public assembly, \$300/\$100 (maximum/minimum);
- 14) Failure to provide or maintain a fire extinguisher, \$200/\$75 (maximum/minimum);
- 15) Open burning in violation of Uniform Fire Code Section 1102, \$200/\$75 (maximum/minimum);
- 16) Failure to obtain a fire permit in accordance with this ordinance, \$100/\$35 (maximum/minimum);
- 17) Failure to provide premises identification, \$100/\$35 (maximum/minimum);
- 18) Permitting accumulation of waste material in violation of Uniform Fire Code Section 1103, \$100/\$35 (maximum/minimum);
- 19) Failure to perform required inspections and maintenance of fire protection systems in accordance with UFC Section 1001-5, \$100/\$35 (maximum/minimum);



20) Failure to perform required fire drills and/or to mail in certification, \$100/\$35 (maximum/minimum);

21) Illegally parking in a marked Fire Lane, \$100/\$35 (maximum/minimum);

22) Obstructing a fire hydrant, \$100/\$35 (maximum/minimum);

103.4.8.3 Considerations for Imposing Penalty Amount. In imposing a penalty amount pursuant to the schedule authorized in 103.4.8.2, The Fire Chief shall consider the following factors:

1) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;

2) Any prior violations of statutes, rules, orders, and permits pertaining to fire code regulations;

3) The economic and financial conditions of the person incurring a penalty;

4) The gravity and magnitude of the violation;

5) Whether the violation was repeated or continuous;

6) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

7) The violator's cooperativeness and efforts to correct the violation.

103.4.8.4 Imposition of other penalties. Imposition or payment of a civil penalty under this Section shall not be a bar to any criminal proceeding imposed hereunder.

103.4.8.5 Procedure for issuing civil penalty. A civil penalty shall be imposed under this Section by issuance of a notice of penalty. A civil penalty may be imposed for each thirty (30) days the unsafe building condition or fire hazard continues. The notice of penalty shall be provided in the manner as described in 103.4.8.6.

103.4.8.6 Serving notice. Any civil penalty imposed under this Section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. The notice of penalty shall be served personally or shall be served by depositing with the United States Postal Service, addressed to the owner at the last known address as shown in the Columbia County Assessor's records, sent certified mail, return receipt requested, or by other means that allows a signed receipt via the United States Postal Service. The notice of penalty shall include:

1) A reference to the particular provision or law violated;

2) A statement of the matters asserted or charged;

3) A statement of the amount of the penalty or penalties imposed;

4) A statement of the owner's right to appeal the penalty; and

5) A statement that if the penalty is not paid within the time required in the; penalty and any costs of service and recording fees will be

recorded in the City Lien Docket and shall become a lien on the owner's property.

103.4.8.7 Posting notice. If the notice of penalty is returned to the City without service upon the named person, the Fire Chief shall post a notice of penalty on the premises where the violation has occurred. The notice shall be posted so as to be visible from the public right-of-way and shall be delivered to a person, if any, occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a misdemeanor.

103.4.8.8 Time limitations for filing and hearing and appeal. The person to whom the notice of penalty is issued shall have 20 days from the date of the notice in which to appeal the penalty before the Municipal Judge, after which time the notice of penalty becomes a final order. In no case shall an appeal be held more than 45 days from the date of the personal service or mailing of the notice of penalty. The appeal shall be as provided for in 103.4.8.8, 103.4.8.9, and 103.4.8.10.

103.4.8.9 Requirements for filing appeal. The appeal shall be in writing and signed by the owner or attorney for the owner. The appeal shall state the grounds of the appeal. The appeal shall be accompanied by a deposit in the amount of the civil penalty assessed and an appeal fee of \$50. The appeal shall be filed with the Municipal Court and served upon the City Attorney. Failure to comply with these provisions shall result in the dismissal of the appeal.

103.4.8.10 Rules of conduct for hearing and final order. The Municipal Judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issue to be decided by the Municipal Judge is determination of whether or not the condition of the property was as alleged in the notice of penalty. If the Judge finds that the alleged condition existed at the time and date specified on the notice of penalty, the Municipal Judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of \$100.00. If the Judge finds that the condition alleged in the notice of appeal did not exist at the time and date specified on the notice, the Municipal Judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The Judge's order is final and not subject to appeal. It shall not be a defense that the owner did not receive the notice of penalty if mailed to the owner's address listed in the then current Columbia County Assessor's records.

103.4.8.11 Failure to pay penalty. Unless the amount of penalty imposed under this Section is paid with ten (10) days after notice of penalty or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner's property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the order recorded. The penalty provided in the order, and added costs, so recorded become a lien

upon the real property. That lien shall have priority over all other liens and encumbrances of any character. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.595.

103.4.8.12 Release from lien. Any lien for a civil penalty may be released when the full amount determined to be due has been paid to the City; and the owner or person making such payment shall receive a receipt therefor, stating that the full amount of penalties, interest, recording fees, and service costs have been paid and that the lien is thereby released and the record of the lien satisfied.

Section 6. Permits. UFC Section 105 "PERMITS" adopted by this ordinance is amended to replace state permit requirements with local permit requirements. It reads in its entirety as follows:

105.1 Scope. Permits shall be in accordance with Section 105.

105.2 Conditions of Permits.

105.2.1 General. A permit constitutes permission to maintain, store, use, or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law.

105.2.2 Expiration. A permit shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit.

105.2.3 Compliance. Permit applicants and the applicants' agents and employees shall carry out the proposed activity in compliance with this code and other laws or regulations applicable thereto, whether specified or not, and in complete accordance with approved plans and specification. Permits which purport to sanction a violation of this code or any applicable law or regulation shall be void and approvals of plans and specifications in the issuance of such permits shall likewise be void.

105.3 Application for permit. Applications for permits shall be made to the Fire Chief in such form and detail as prescribed by the Fire Chief. Applications for permits shall be accompanied by such plans as required by the bureau.

105.4 Inspection required. Before a permit is issued, the Fire Chief may inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

105.5 Retention of permits. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire or police department or other persons authorized by the Fire Chief.

105.6 Permits for the same location. When more than one permit is required for the same location, such permits may be consolidated into a single permit.

105.7 Revocation of permits. The Fire Chief is authorized to suspend or revoke a permit when it is determined after a hearing by the Fire Chief that:

- 1) The permit has been used by a person other than the person to whom the permit was issued;
- 2) The permit has been used for a location other than that for which it was issued;
- 3) Any of the conditions or limitations set forth in the permit have been violated;
- 4) The permittee failed, refused, or neglected to comply with orders or notices duly service in accordance with the provisions of this code within the time provided therein; or
- 5) There has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.

105.8 Permits Required. A permit shall be obtained from the Fire Chief prior to engaging in the following activities. operations, practices, or functions:

a.1 Amusement buildings. To operate a temporary amusement building in accordance with UFC 202 and 1007.2.12.1.

b.1 Bowling pin or alley refinishing. To conduct a bowling pin refinishing or bowling alley resurfacing operation involving the use and application of flammable liquids or materials. See Article 26.

b.2 Burning. Burning in public place (on public land); bonfires. See UFC Section 1102.4.

c.1 Candles and open flames in assembly areas. To use open flame or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. For definition of ASSEMBLY, see Article 2. See Article 25 for open flame and candles.

c.2 Cellulose nitrate film. To store, handle, use, or display cellulose nitrate film. See Article 33.

c.3 Cellulose nitrate storage. To store or handle more than 25 pounds (11.3 kg) of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin). See Article 27.

c.4 Combustible fiber storage. To store or handle combustible fibers in quantities in excess of 100 cubic feet (2.83 m<sup>3</sup>). See Article 28.

c.5 Combustible material storage. To store more than 2,500 cubic feet (70.8m<sup>3</sup>) gross volume of combustible empty packing cases, boxes, barrels, or similar containers, or rubber or cork, or other similarly combustible material. See Article 11.

c.6 Compressed gases. To store, use or handle at normal temperatures and pressures compressed gases in excess of the amounts listed on Table 105-A. When the compressed gases in use or storage exceed the amounts listed in Table 105-A, a permit is required to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system.

EXCEPTIONS:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.
3. Cylinders used in conjunction with a welding and cutting operation as permitted in 105.8 w.1 (cylinders in use, plus 1 set of "change-out" cylinders).

The permit applicant shall apply for approval to close storage, use, or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 8001.11. This 30-day period may be waived by the Fire Chief if there are special circumstances requiring such waiver.

c.7 Cryogenics. Except where federal or state regulations apply and except for fuel systems of the vehicle, to produce, store, or handle cryogenics in excess of the amounts listed in Table 105.B.

c.8 Congregate residence (R-1). Living quarters provided for an extended period, for eleven or more persons not members of the same family group, in one room or a series of closely associated rooms, under joint occupancy and single management, without separate cooking facilities for individual occupants. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity, or sorority house but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

d.1 Dry cleaning plants. To engage in the business of dry cleaning or to change to a more hazardous cleaning solvent. Such permits shall prescribe the class of system to be used. See Article 36.

d.2 Dust-producing operations. To operate a grain elevator, flour starch mill, feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, sugar, or other operation producing combustible dusts as defined in Article 2. See Articles 30 and 76.

e.1 Explosives or blasting agents. For permits for explosives or blasting agents, see Article 77.

f.1 Fireworks. For permits for fireworks, see Article 78.

f.2 Flammable or combustible liquids. See Article 79.

1) To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2) To store, handle, or use Class I liquids in excess of 5 gallons (18.9L) in a building or in excess of 10 gallons (37.9L) outside of a building, except that a permit is not required for the following:

2.1) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless such storage, in the opinion of the Fire Chief, would cause an unsafe condition.

2.2) The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.

3) To store, handle, or use Class II or Class III-A liquids in excess of 25 gallons (94.6L) in a building or in excess of 60 gallons (227.1L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4) To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5) To install, alter remove, abandon, place temporarily out of service, or otherwise dispose of a flammable or combustible liquid tank.

6) To change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

f.4 Fruit ripening. To operate a fruit-ripening process regulated by Article 46.

f.5 Fumigation or thermal insecticidal fogging. To operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault, or chamber in which a toxic or flammable fumigant is used. See Article 47.

f.6 Fire alarms. To install a fire alarm system, as required by UFC Section 1007.

h.1 Hazardous materials. To store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 105-C, or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by Article 80 when the hazardous materials in use or storage exceed the amounts listed in Table 105-C.

h.2 High-piled combustible storage. To use any building or portion thereof as a high-piled storage area exceeding 500 square feet (46.45 m<sup>2</sup>)

(see definition in Article 81). Plans shall be submitted with applications for such permits in accordance with Article 81.

h.3 Hot-work operations. Permits are required for hot-work including but not limited to:

1. Public exhibitions and demonstrations where hot-work is conducted.
2. Use of portable hot-work equipment inside a structure.  
EXCEPTION: Work that is conducted under a construction permit issued by the building official.
3. Fixed-site hot-work equipment such as welding booths.
4. Hot work conducted within a Hazardous Fire Area.

i.1 Liquefied petroleum gases. See Article 82.

1. To store, use, handle, or dispense LP gas.
2. To install or maintain LP gas containers.

i.2 Liquid or gas fueled vehicles or equipment in assembly buildings. To display, compete, or demonstrate liquid or gas fueled vehicles or equipment in assembly buildings. See Article 25.

i.3 Lumber yards. To store lumber in excess of 100,000 board feet (9290.3m<sup>2</sup> surface area of lumber 24.5 mm in thickness.) See Article 30.

m.1 Magnesium working. To melt, cast, heat treat, or grind more than 10 pounds (4.54kg) or magnesium per working day. See Article 48.

m.2 Mall, covered. See Article 35. To use a covered mall in the following manner:

1. Placing or constructing temporary kiosks, display booths, concession equipment, or the like in the mall.
2. To use a mall as a place of assembly.
3. To use open-flame or flame-producing devices.
4. To display any liquid or gas fueled powered equipment.

n.1 Nitrate film. See c.2 cellulose nitrate film.

o.1 Organic coatings. To manufacture more than 1 gallon (3.79L) of organic coatings in a working day. See Article 50.

o.2 Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by Article 62.

p.1 parade floats. To use a parade float for public performance, presentation, spectacle, entertainment, or parade. See Section 1104.

p.2 Places of assembly. To operate a place of assembly. See Article 25.

p.3 Pyrotechnical special effects material. For permits for pyrotechnical special effects material, see Article 78.

r.1 Radioactive materials. To store or handle at any installation more than 1 microcurie (37,000 becquerel) of radioactive material not contained in a sealed source or more than 1 millicurie (37,000,000 becquerel) of radioactive material in a sealed source or sources, or any

amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required. See Article 80.

r.2 Refrigeration equipment. To install or operate a mechanical refrigeration unit or system regulated by Article 63.

r.3 Repair garages. To use a structure as a place of business for servicing or repairing motor vehicles. See Article 29.

s.1 Spraying or dipping. To conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Article 45.

t.1 Tents, canopies, and temporary membrane structures. To erect or operate a tent on air-supported temporary membrane structure having an area in excess of 200 square feet (18.6 m<sup>2</sup>), except for structures used exclusively for camping. See Article 32.

t.2 Tire storage. To use an open area or portion thereof to store tires in excess of 1,000 cubic feet (28.3 m<sup>3</sup>). See Section 1103.3.6.

Section 7. Cost Recovery Procedures. UFC Article 1 adopted by this Ordinance is amended to read in its entirety as follows:

**SECTION 106 – COST RECOVERY**

106.1 General. Whenever the Fire Chief has taken action to abate or cleanup a hazardous condition under UFC Sections 103.4.5.2, 103.4.7, or 1103.4, the owner of the property shall be liable for the cost of cleanup or abatement of the condition in the manner provided in this Section.

106.2 Costs. The City Administrator/Recorder shall keep an accurate record of the expenses incurred by the City in abating or cleaning up the condition. Costs shall include, but not be limited to: actual labor cost of City personnel, including workers' compensation benefits and fringe benefits, cost of equipment operation, cost of materials obtained directly by the City, and cost of any contract labor and materials; plus administrative overhead in the amount of 20% of the sum of the foregoing costs.

106.3 Assessment of costs. The City Administrator/Recorder shall either post on the property, or serve on the owner or occupant of the property, and mail by certified mail to the owner of the property at the last known address as shown on the County tax records, a notice stating:

- 1) The City's total costs of abatement, under Section 106.2 herein;
- 2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;
- 3) That, if the owner or person in charge of the property objects to the costs of abatement, she or he may file a written notice of objection with the City Administrator/Recorder not later than 10 days after the date of the notice.

106.4 Hearing. Upon receipt of written notice of objection within 10 days after the date of the notice, the City Administrator/Recorder shall appoint a



hearings officer to hear and determine the objections to the costs to be assessed. The hearing shall be held within 30 days after the date of the notice.

106.5 Lien. If the costs of the abatement are not paid within 30 days after the date of the notice, an assessment of the costs as stated in the notice or as determined by the hearings officer shall hereupon be entered in the docket of City liens. Upon such entry being made, the assessment shall constitute a lien upon the property upon which the condition was cleaning up or abated.

106.6 Enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from the date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

Section 8. Definitions. UFC Sections 204 and 216 are adopted by this ordinance to read in their entirety as follows:

- 1) City – City of Columbia City (see jurisdiction, Section 211),
- 2) Owner – Includes a person's duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having vested or cotangent interest in the property in question or a person in possession or control of the property pursuant to a least or other written document.

Section 9. Protection System or Equipment Tags. UFC Section 1001.5.2 adopted by this Ordinance is amended to delete Paragraph 3 and add new language. It reads in its entirety as follows:

Each fire protection system or piece of equipment requiring maintenance or servicing in accordance with nationally recognized standards shall have a tag or label securely attached that indicates the month and year inspection and/or maintenance was performed and shall identify the person performing the service.

1001.5.2 Inspection and testing. The Fire Chief is authorized to require periodic inspection and testing for fire sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems, and other fire-protection or fire-extinguishing systems or appliances.

Automatic fire-extinguishing systems shall be inspected and tested at least annually. See Appendix III-C. Fire alarm systems shall be inspected and tested at least at frequencies specified in UFC Standard 10-2. Standpipe systems shall be inspected and tested at least every five years.

EXCEPTIONS:

- 1) Automatic fire-extinguishing equipment associated with commercial cooking operations when in compliance with Section 1006.
- 2) Systems in high-rise buildings when in compliance with Section 1001.5.4.

Each fire protection system or piece of equipment requiring maintenance or servicing in accordance with nationally recognized standards shall have a tag

or label securely attached that indicates the month and year of inspection and/or maintenance was performed and shall identify the person performing the service.

Section 10. Fire Alarm Systems. UFC Section 1007.1 as adopted by this ordinance is amended to add a subsection 1007.1.3 to read as follows:

1007.1.3 Permits. For permits to install a fire alarm system, see UFC Section 105.8.

Section 11. Combustible Vegetation. UFC Section 1103.2.4 as adopted by this ordinance is amended to read as follows:

1103.2.4 Combustible vegetation. The person owning, possessing, or having the care or custody of any lot or parcel of land shall cut, as close to the ground as is reasonably practical, and custody of any lot or parcel of land shall cut, as close to the ground as is reasonably practical, and shall remove or destroy all brush, grass, weeds, thistles, vines, and other vegetation growing at a height of 10 inches or more between the months of June 1 and September 30 of each year, or when determined by the Fire Chief to be a fire hazard. When the Fire Chief determines that the total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Minimum width of a fuel break adjacent to public sidewalks, streets, bikeways, and trails shall be 10 feet. Minimum width of fuel breaks along property lines and around combustible structures shall be 25 feet, unless determined to be impractical by the Fire Chief.

EXCEPTION: Vegetation along drainage ways and in wildland and wild flower areas under public ownership, and on private lands designated as “protected” and under federal or state legislation, can exceed the 10-inch limitation so long as it is not determined to be a fire hazard by the Fire Chief.

Section 12. Accumulation of Waste Material. UFC Section 1103 adopted by this ordinance reads in its entirety as follows:

1103.4 Emergency procedures to abate hazardous accumulations of waste material. If a condition described in this Section has not been eliminated within the time limit for compliance set forth in an order or notice to abate the condition presents a fire hazard, the Fire Chief may clean up or abate the condition. The owner shall be liable for the cost of clean up or abatement as provided in Section 106. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

Section 13[a]. Fireworks. UFC Section 7810.3 adopted by this ordinance is amended to read in its entirety as follows:

7801.3 Permits and regulations.

7801.3.1 General. Fireworks, wholesale sales and storage of pyrotechnics, retail sales and storage of pyrotechnics, use and handling of pyrotechnical special effects material use in motion pictures, television, and

theatrical and group entertainment productions shall be in accordance with this article and OAR Chapter 837, Division 12.

7801.3.2. Requirements. All persons, municipalities, associations, 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 OAR 837, Div. 12;
- 2) Obtain a permit from the Fire Chief, and comply with all reasonable rules and regulations as adopted and enforced by the Fire Chief for the granting of a permit for supervised public displays or sales of fireworks or items described in OAR 837, Div. 12;
- 3) Provide a bond in the sum of not less than \$10,000, conditioned on the compliance of the provisions in this article and the laws, rules, and regulations of the State Fire Marshal for all public displays;
- 4) Furnish proof of financial responsibility to satisfy the claims for damage to property or personal injuries arising out of any act or omission of the part of such person, firm, or corporation or any agent or employee associated with conduct of a public display in such amount, character, and form as the Fire Chief determines to be necessary for the protection of the public;
- 5) Every public display held within the boundaries of the jurisdiction shall be under the supervision of the Chiefs of the Police and Fire Departments and shall be of such character and so located, discharged, or fired as in the opinion of the Fire Chief of the Fire Department, after proper inspection, shall not be hazardous to property or endanger any person;
- 6) No permit shall be issued under the provisions of this Article to a nonresident person, firm or corporation for the conduct of a pyrotechnic display in this jurisdiction until such person, firm or corporation shall have appointed in writing a member of the Oregon State Bar whose major office is located in Columbia County upon whom all process in any action or proceedings against her or him may be served;
- 7) All persons, municipalities, associations, organizations, or groups of individuals desiring to sell articles described in ORS 480.127 shall obtain a permit from the Fire Chief and comply with all reasonable rules and regulations adopted and enforced by the Fire Chief for the granting of permits for sale of such items;
- 8) The Fire Chief may revoke permits for public display, display or sale of fireworks and other items described under the provisions of ORS 480.127, when in the Fire Chief's opinion, public display, display or sale of fireworks or items is not in compliance with the applicable rules and regulations governing such sale or display or is in violation of the Oregon

Revised Statutes; and Administrative Rules. Permit fees shall not be refunded in the event such permits are revoked;

9) The City shall levy and collect from each person, organization, or entity sponsoring, owning, or operating an approved stand for the sale of exempt fireworks a fee in the amount of \$100.00 for each booth, stand, or other location where exempt fireworks are to be sold. The tax shall be paid to the City prior to and as a condition for the approval of such stand by the Fire Chief. The funds collected in accordance with this subsection may be used for community fireworks displays, educational programs for fireworks safety, and the administration of this fee. The fee imposed herein shall be levied and collected on all stands now approved or to be approved by the Fire Chief for sales of exempt fireworks.

#### 7801.3.3 Seizure.

7801.3.3.1 General. The Fire Chief shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or pyrotechnics special effects material offered to expose for sale, stored, or held in violation of this ordinance.

7801.3.3.2 Post seizure notices. After items or materials which are prohibited by the terms herein have been taken into custody by the Fire Chief, notice must be provided to the person who was in possession of the contraband. The notice must describe the nature and number of the items seized and the rights the person has to a hearing described further herein.

7801.3.3.3 Requests for hearing. A person claiming ownership of the contraband must request a hearing within five days after receipt of the notice. The request may be made in person or in writing and the failure to appear in person or deliver a letter within five days after receipt of the notice by the person claiming possession, shall act as a waiver of the right to a hearing. The request for a hearing must be delivered to the Fire Chief within the time specified above.

7801.3.3.4 Hearing. Upon request of the person claiming rights of possession of the contraband, a hearing shall be held before a hearings officer appointed by the City Administrator/Recorder. The hearing shall be set and conducted within 48 hours of the receipt of the request, holidays, and Saturdays and Sundays not to be included. The hearing can be set for a later date if the person claiming possession so requests. At the hearing, the person claiming possession may contest whether the materials or items seized constitute contraband prohibited by the ordinances of the City.

7801.3.3.5 Findings of hearing officer. If the hearings officer finds that the action of the Fire Chief was valid, the hearings officer shall order the contraband shall be destroyed. If the hearings officer finds that the action of the Fire Chief in taking the contraband into custody was improper, the hearings officer shall order the material released to the person claiming possession. If the owner does not appear at the scheduled hearing, the hearings officer shall deem that the request has been withdrawn and order that the contraband shall be destroyed.

7801.3.4 Manufacturing. The manufacturing of fireworks is prohibited except under special permit as required by local and state regulations. See Section 105, Permit f.1.

7801.3.5 Pyrotechnic special effects material. A permit is required to manufacture, compound, store, or use pyrotechnic special effects material. A permit for use shall be granted only to a pyrotechnic operator. See Section 105, Permit p.3.

Section 13[b]. Flammable and Combustible Liquids Container and Portable Tank Storage Outside Buildings. UFC Section 7901.3.2 as adopted by this Ordinance reads in its entirety as follows:

7901.3.2 Plans. Two sets of construction plans shall be submitted with each application for a permit to store more than 1,000 gallons (3785L) of flammable or combustible liquids outside of buildings in drums or tanks. Applications for such plan approval shall be made to the State Fire Marshal on a form provided by the State Fire Marshal. In addition, two sets of plans shall be submitted to the Fire Chief. The plans shall consist of a plot plan showing the location of any buildings, structures, or tanks with relationship to the premises and the pertinent distances, piping and valves, tank capacities, diking, details of the design and construction, and fire protection. The plans shall also indicate the method of storage, quantities to be stored, distances from the buildings and property lines, access ways, fire protection facilities, and provisions for spill control, draining control and secondary containment, along with any other information requested by the State Fire Marshal. (In the event an installation includes buildings and related equipment in addition to tanks, separate construction plans, specifications, etc., shall be submitted to the building department having jurisdiction.)

Section 14. Establishment of limits in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. The limits referred to in UFC Section 7902.2.2.1 in which storage of Class I and II liquids in outside aboveground tanks is prohibited include all areas of the City except those sites in industrial districts which are hereafter given specific approval for such use by the Fire Chief after review under applicable procedures established by the Zoning Ordinance.

Section 15. Deposits of Hazardous Materials; Cleanup or Abatement; Liability for Costs. UFC Article 8001.5.2.5 "Responsibility for Cleanup," reads as follows:

8001.5.2.5 Responsibility for cleanup and liability for costs.

8001.5.2.5.1 General. The Fire Chief is authorized to cleanup or abate the effects of any hazardous material deposited upon or into property or facilities of the City; and any person or persons who caused such deposit shall be liable for the payment of all costs incurred by the City as a result of such cleanup or

abatement activity. The remedy provided by this Section shall be in addition to any other remedies provided by law.

8001.5.2.5.2 Definitions of hazardous materials for purposes of this section. For purposes of this Section, "hazardous materials" shall be defined as any substances or materials in a quantity or form which, in the determination of the Fire Chief or authorized representative, poses an unreasonable and imminent risk to the life, health, or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables, and corrosives.

8001.5.2.5.3 Description of costs. For purposes of this Section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including workers' compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials.

8001.5.2.5.4 Limitation. The authority to recover costs under this Section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

Section 16. Establishment of Limits in Which Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in UFC Section 8204.2 in which storage of liquefied petroleum gas is restricted to include all areas of the City except those sites in General Industrial and Intensive Industrial districts which are hereafter given specific approval for such use by the Fire Chief after review under applicable procedures established by the Zoning Ordinance.

Section 17. Appendix III-A, Fire Flow Requirements for Buildings.

1) UFC Appendix III-A, Sections 4.2. and 5.2. as adopted by this Ordinance, read as follows:

Sec. 4.2. Area separation. Portions of buildings separated by one or more area separation walls, in accordance with Section 504.6 of the OSSC, shall be considered as a separate fire flow area/s for the purpose of determining the required fire flow.

Sec. 5.2. Buildings other than one- and two-family dwellings. The required fire flow shall be determined by the size, construction, and occupancy hazard of the building being considered as designated by Table A-III-A-I and multiplied by the following occupancy factors:

Light Hazard Occupancies 1.00  
 Ordinary Hazard (Group 1) 1.10  
 Ordinary Hazard (Group 2) 1.20  
 Extra Hazard (Group 1) 1.40  
 Extra Hazard (Group 2) 1.50  
 (Fire Flow = Occupancy Factor X Table A-III-A-I)

The product of the above multiplication gives the required fire flow.

Examples of Hazards may be found in UBC Standard 9-1.

2) UFC Appendix III-A, as adopted by this Ordinance, is amended to add sections 5.3, 5.4, 5.4.1, and 5.4.2 as follows:

Sec. 5.3 The required fire flow may be reduced by one of the following options, but in no case to less an 1500 gallons per minute at 20 psi residual:

a) By up to 75 percent where a complete approved automatic fire extinguishing system meeting the requirements of Ordinance 9 is installed throughout the building; and the system is fully and electrically supervised in accordance with Section 904.3, OSSC;

b) By 50 percent where a complete automatic fire extinguishing system meeting the requirements of Chapter 9 is installed throughout the building and not monitored per Section 904.3 OSSC;

c) By 25 percent where a complete automatic and manual fire alarm system is installed in accordance with approved central, proprietary, or remote station service or local alarm which gives audible and visual signals at a constantly attended location.

Sec. 5.4 Required fire flow. No building shall be constructed, altered, enlarged, or repaired in a manner that by reason of size, type of construction, number of stories, occupancy, or any combination thereof, creates a need for a fire flow in excess of 3,000 gallons per minute (1.14m<sup>3</sup>/min) at 20 pounds per square inch residual pressure, or exceeds the available fire flow at the site of the structure, whichever is less.

Sec. 5.4.1 Fire flow requirements in excess of 3000 gallons per minute (1.14m<sup>3</sup>/min) for buildings protected with automatic sprinkler systems may be allowed by the Building Official and Fire Chief when:

(a) the greater flow is made available at the building site through the existing City water distribution system; and

(b) vehicle access as specified in Section 902.2.2 is provided to all sides of the building.

Sec. 5.4.2 Existing buildings that require a fire flow in excess of 3,000 gallons per minute (1.14m<sup>3</sup>/min) are not required to comply with the fire flow requirements of this section. However, alterations, additions, or repair shall not further increase the required fire flow for the buildings.

Section 18. Adoption of Additional NFPA Standards. UFC Section 9003 adopted by this Ordinance is amended to add the following standards:

a) National Fire Protection Association (NFPA) Standard 20, Centrifugal Fire Pumps (1993 edition);

b) NFPA Standard 22, Water Tanks for Private Fire Protection (1996 edition); and

c) NFPA Standard 24, Private Fire Service Mains and their Appurtenances (1995 edition).

Section 19. Nonliability of the City for Damage. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person for damage to anyone injured or damaged by any hazards therein, nor shall the City or any agent thereof be held as assuming any such liability by reason of inspection authorized hereunder or by issuing a certificate of inspection or for failure to inspect or for failure to find a defect.

[Section 20. Repeal.]

[Section 21. Emergency Declared.]

Passed by the council March 2, 2000 and approved by the mayor  
March 3, 2000.