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ORDINANCE NO. 2740

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES.

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

Section 1: ADOPTION OF FIRE PREVENTION CODE.

It is hereby adopted by the City of Albany for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the National Board of Fire Underwriters, being particularly the 1956 edition thereof and the whole thereof, save and except such portions as hereinafter deleted, modified or amended, of which code not less than three (3) copies have been or now are filed in the office of the City Recorder in the City of Albany, Oregon, and the same are hereby adopted and incorporated as fully as if 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.

Section 2: ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

- (a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Albany which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause after public trial.
- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.
- (d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Chief Executive Officer of the Municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

Section 3: DEFINITIONS

- (a) Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Albany, Oregon.
- (b) Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of Albany, Oregon.

Section 4: FIRE ZONES

(a) Fire Zone #1 in the City shall be bounded as follows:

Beg. at the intersection of the N. M. of Third Ave. and the Calapooia River and running thence E. to the E. M. of Calapooia St; thence S. along the E. M. of said St. to the N. M. of Fifth Ave; thence E. along the N. M. of said Ave. to the center of those blocks between Ellsworth St. and Broadalbin St; thence S. through the center of said blocks to the N. M. of Eighth Ave; thence E. along the N. M. of said Ave. to the E. M. of Ellsworth; thence S. along said E. M. to the N. M. of Pacific Highway; thence Northeasterly along said N. M. to the center of those blocks between Lyon St. and Baker St; thence N. through the center of said blocks to the N. M. of Fifth Ave; thence E. along said N. M. to the E. M. of Baker St.; thence N. along said E. M. to the N. M. of Third Ave; thence E. along said N. M. to the E. M. of Railroad St; thence S. along said E. M. to the N. M. of Fourth Ave; thence E. along said N. M. to the E. M. of Jackson St; thence N. along said E. M. to Willamette River; thence Westerly along S. bank of said River to the intersection with the E. bank of the Calapooia River; thence Southerly along said E. bank to the N. M. of Third Ave. said point being the place of beginning.

(b) Fire Zone #2 in the City shall be bounded as follows:

Beg. at the intersection of the N. M. of Third Ave. and the E. bank of the Calapooia River and running thence Southwesterly to the W. M. of Maple St; thence S. along said W. M. to

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the S. M. of Fourth Ave; thence E. along said S. M. to the W. M. of Vine St; thence S. along said W. M. to the S. M. of Sixth Ave; thence E. along the S. M. of Sixth Ave. to the W. M. of Broadalbin; thence S. along said W. M. to the N. M. of Ninth Ave; thence W. along the N. M. of said Ave. to the W. M. of Ferry St; thence S. along said W. M. to the S. M. of Eleventh Ave; thence E. along said S. M. to N. W. cor of the N. E. $\frac{1}{4}$ of Block 99, Montleth Southern Addition; thence S. to the S. W. cor of said N. E. $\frac{1}{4}$ of Block 99; thence E. along the S. line of the said N. E. $\frac{1}{4}$ Block 99 to the W. M. of Broadalbin St; thence S. to the N. M. of Twelfth Ave; thence W. along said N. M. to the W. M. of Ferry St; thence S. to the N. E. cor of Lot 8, Blk. 1, Central Addition; thence W. along the N. line of Lots 7 & 8, Blk. 1 of said Addition to the W. M. of Washington St; thence S. along said W. M. to the N. M. of Fourteenth Ave; thence W. along the N. M. of said Ave. to the S. W. cor of Lot 20, Blk. 2, Central Addition; thence S. along the W. line of Lots 1, 4, 5 & 8 to the S. W. cor of Lot 8 of said Addition; thence W. along the N. line of Lot 10, said Addition to the W. M. of Calapooia St; thence S. to the N. E. cor of Lot 17, Blk. 4, of said Addition; thence W. along the N. line of Lot 17, Blk. 4 of said Addition to the S. E. cor of Lot 15 said addition; thence N. along the E. line of Lots 15, 14, 11, 10 & 7 to the N. E. cor of Lot 7, Blk. 4 of said Addition; thence W. along the N. line of Lot 7 to the W. M. of Vine St; thence S. along the W. M. of said St. to the S. M. of Queen Ave; thence W. along said S. M. to the W. M. of Maple St; thence S. along said W. M. to the S. M. of 19th Ave; thence W. along said S. M. to the W. M. of Walnut St; thence S. along said W. M. to the N. M. of 21st Ave; thence E. along said N. M. to the W. M. of the Pacific Highway; thence Northerly along the Westerly R. O. W. to the N. M. of Queen Ave; thence E. along said N. M. to the W. M. of the S. P. R/W; thence Northerly along the W. M. of the S. P. Ry. to the N. M. of the Pacific Highway; thence Westerly along the said N. M. to the E. M. of Baker St; thence N. along said E. M. to the S. M. of Sixth Ave; thence E. along said S. M. to the E. M. of Montgomery St; thence N. along said E. M. to the S. M. of Fifth Ave; thence E. along said S. M. to the E. M. of Jefferson St; thence N. along said E. M. to the S. M. of Second Ave; thence E. along said S. M. to the N. W. cor of Blk. 120 in Hackleman's Addition; thence S. to the mid-point of the W. M. of said Blk.; thence E. to the S. E. cor of the W $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of said Blk; thence N. to the S. M. of Second Ave; thence E. to the E. M. of Madison St; thence S. along the E. M. to the S. M. of Fourth Ave; thence E. along said S. M. to the E. M. of Hill st; thence S. along said E. M. to the S. M. of Fifth Ave; thence E. along said S. M. to the E. M. of Main St; thence N. along said E. M. to the S. W. cor of Lot 15, Blk. 2, Jones Addition; thence E. along the S. line of Lot 15, said Blk. and Addition to the S. E. cor of said Lot, Blk. and Addition; thence N. along the E. line of Lot 15, Blk. 2, said Addition to the S. M. of the Santiam Road; thence Southeasterly along said S. M. to the W. M. of Sherman St. if extended South; thence N. along said W. M. to the N. M. of Third Ave; thence E. along said N. M. to the W. M. of Geary St; thence N. along said W. M. to S. M. of Second Ave; thence W. along said S. M. to the W. M. of Oak St; thence N. along said W. M. to the S. M. of Water Ave; thence W. along said S. M. to the E. M. of Sherman St; thence S. along said E. M. to the N. M. of First Ave; thence W. along said N. M. to the W. M. of Main St; thence N. along said W. M. to the bank of the Willamette River; thence W. along the S. bank of said River to the E. M. of Jackson St; thence S. along said E. M. to the N. M. of Fourth Ave; thence W. along said N. M. to the E. M. of Railroad St; thence N. along said E. M. to the N. M. of Third Ave; thence W. along said N. M. to the E. M. of Baker St; thence S. along said E. M. to the N. M. of Fifth Ave; thence W. along said N. M. to the center of those blocks between Baker St. and Lyon St.; thence S. through the center of said Blocks to the N. M. of the Pacific Highway; thence Southwesterly along said N. M. to the E. M. of Ellsworth St; thence N. along said E. M. to the N. M. of Vine St; thence W. along said N. M. to the center of those blocks between Ellsworth St. and Broadalbin St; thence N. through the center of said Blocks to the N. M. of Fifth Ave; thence W. along said N. M. to the E. M. of Calapooia St; thence N. along said E. M. to the N. M. of Third Ave; thence W. along the N. M. of the Calapooia River, said point being the place of beg.

Also:

Beg. at a point on the N. M. of the Santiam Road and the E. M. of Geary St; thence Westerly to the N. W. cor of Lot 4, Blk. 3 in Hackleman's Woodland Addition; thence S. along the W. line of Lots 4 and 5 of Blk. 3 in said Addition to the S. W. cor of said Lot 5; thence W. thru the center of Blks. 1, 2, & 3 in Hackleman's Woodland Addition; Blk. 1 in Hackleman's Park Addition; Blk. 1 in T. P. & E. L. Hacklemans Addition; Blks. 53, 44, 42, & 32 of Hackleman's Second Addition to the E. M. of the approach road to the Pacific Highway; thence Southeasterly to the N. W. cor of Blk. 42, Hackleman's Second Addition; thence W. to the N. W. cor of Blk. 31 in said Addition; thence S. along the W. line of Blk. 31, in said Addition to the S. M. of Ninth Ave; thence E. along said S. M. to the W. M. of Geary St; thence Northeasterly to the S. W. cor of Blk. 7 in St. James Park Addition; thence E. to the S. E. cor of Blk. 7 in said Addition; thence N. to the S. M. of Blk. 4 if extended W.; thence E. along said S. M. to the S. E. cor of said Blk. 4; thence N. to the N. M. of the Santiam Highway; thence Southeasterly along the N. M. of the Santiam Highway to the W. M. of Waverly St; thence N. to the N. line of Lots 13 & 14, Blk. 12 in Motley's Addition; thence W. along said N. line to the N. W. cor of Lot 13, of said Add; thence N. along the E. M. of Fulton St. to the N. line of Lots 11 & 12, Blk. 11 in Motley's Addition if extended E; thence W. along the N. line of Lots 11 & 12, Blk. 11 in said Addition to the E. M. of Ermine St; thence N. along the E. M. of Ermine St. to the N. line of Lot 9, Blk. 14 in the Supplemental Plat of Burkhardt Add. if extended E.; thence W.

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along the N. line of Lots 9, 6 & 5, Blk. 14 of said Addition to the E. M. of Davidson St.; thence N. along said E. M. to the N. line of Lots 4, 5, 6 & 7, Blk. 9 of said Addition if extended E.; thence W. along the N. line of Lots 4, 5, 6, & 7, Blk. 9 of said Addition to the E. M. of Clay St.; thence N. along the E. M. of Clay St. to the N. line of Lots 3, 4, 5 & 6, Blk. 8 of said Addition if extended E.; thence W. along said N. line to the E. M. of Columbus St.; thence N. to the N. line of Lots 9, 10 & 11, Blk. 7 in the Supplemental Plat of Burkhart Addition if extended E.; thence W. along said N. line to the N. W. cor of Lot 9 of said Blk. 8 Addition; thence N. to the N. W. cor of Lot 11, Blk. 6 of said Addition; thence W. to the E. M. of Burkhart St.; thence N. along said E. M. to the S. W. cor of Lot 2, Blk. 6 of said Add.; thence E. to the S. E. cor of Lot 1, Blk. 6 of said Addition; thence along the W. line of Lots 4 & 5, Blk. 6 in the Supplemental Plat of Burkhart Addition to the S. W. cor of Lot 5, Blk. 6 of said Addition; thence E. along the S. line of Lot 5 to the S. E. cor of said Lot 5; thence N. along the E. line of Lots 3, 4, & 5, Blk. 6 of said Add. to the N. E. cor of Lot 3, said Blk. 8 Addition; thence E. along the S. line of Lot 1 & 19, Blk. 6 of said Addition to the S. E. cor of said Lot 19; thence Northeasterly to the S. W. cor of Blk. 11 of the Supplemental Plat of Burkhart Addition; thence E. along the N. M. of Eighth Ave. to the S. E. cor of Lot 8, Blk. 12 of said Addition; thence N. thru the center of said Blk. 12 to the S. W. cor of Lot 15 Blk. 12 of said Addition; thence E. along the S. line of said Lot 15 to the E. M. of Ermine St.; thence N. along said E. M. to the S. W. cor of Lot 7, Blk. 7 of Motley's Addition; thence E. along the S. line of Lots 7 & 6 to the E. M. of Fulton St.; thence N. along the said E. M. to the S. W. cor of Lot 7, Blk. 8 of said Add.; thence E. along the S. line of Lots 7 & 6 of Blk. 8 of said Motley's Addition to the W. M. of Waverly St.; thence N. to the N. E. cor of Blk. 5 of said Addition; thence W. along the S. M. of Fourth Ave. to the E. M. of Davidson St. to the N. line of Lots 10 & 11, Blk. 3 of Supplemental Plat of Burkhart Addition if extended E.; thence W. along said N. line to the N. W. cor of Lot 10, Blk. 3 of said N. line to the N. W. cor of Lot 10, Blk. 3 of said Addition; thence S. to the N. E. cor of Lot 9, Blk. 3 of said Add.; thence W. along the N. line of Lots 8 & 9, Blk. 3 of said Add. to the W. M. of Clay St.; thence S. along the W. M. of Clay St. to the N. E. cor of Lot 13, Blk. 4 of said Addition; thence W. along the N. line of Lots 13, 12, & 9, Blk. 4 of Supplemental Plat of Burkhart Addition, to the N. W. cor of Lot 9, Blk. 4 of said Addition; thence S. to the N. line of Lots 10 & 11, Blk. 5 of said Addition if extended E.; thence W. along the N. line of Lots 10 & 11, Blk. 5 of said Addition to the N. W. cor of Lot 10, Blk. 5 of said Addition; thence S. along the W. line of said Lot 10 to the N. E. cor of Lot 21, Blk. 4 of Burkhart Addition; thence W. along the N. line of Lots 20 & 21, Blk. 4 of said Addition to the E. M. of Burkhart St.; thence S. along said E. M. to the S. W. cor of Lot 20, Blk. 4 of said Addition; thence on the N. M. of 7th Ave. to the E. M. of Geary St.; thence S. along said E. M. to the N. M. of the Santiam Road, said point being the point of beginning.

Beg. at the intersection of the W. M. of Hill St. and the N. M. of Queen Ave.; thence E. along the N. M. of Queen Ave. to the E. line of Hollywood Acres if extended N.; thence S. on said E. line to the S. E. cor of Lot 2, Blk. 5 of Birky and Beam Addition to Hollywood Acres; thence W. to the S. W. cor of Lot 1, Blk. 1 of said Addition; thence S. a distance of 30' to the S. E. cor of Lot 8, Blk. 2 of Hollywood Acres; thence W. along the center line of Blks. 2 & 1 of said Addition to the E. M. of Thurston St.; thence N. along the said E. M. to the N. M. of Queen Ave.; thence E. along the N. M. of Queen Ave. to the E. M. of Madison St.; thence N. to the N. W. cor of Lot 9, Blk. 6 in Hillway Addition; thence E. to the N. E. cor of said Lot; thence N. to the N. W. cor of Lot 11, Blk. 6 of Hillway Addition; thence W. to the N. E. cor of said Lot; thence S. on the W. M. of Hill St. to the place of beginning.

Also:

Beg. at the intersection of the S. M. of Queen Ave. and the W. M. of Walnut St.; thence W. to the N. E. cor of Lot 5, Blk. 1 of Schultz Front Addition; thence S. along the E. line of Lot 5 to the S. E. cor of said Lot; thence W. to the W. M. of Elm St.; thence S. to a point on the W. M. of Elm St. 150' S. of the S. M. of Queen Ave.; thence W. 150'; thence N. to the N. M. of Queen Ave.; thence E. to the S. W. cor of Lot 23, Blk. 6 of Linnmont Addition; thence N. to the N. W. cor of Lot 22 of said Blk. 6 Addition; thence E. to the N. E. cor of said Lot; thence S. to the N. line of Lots 7, 8 & 9, Blk. 9 in Rosemont Addition if extended W.; thence E. along said N. line to the N. E. cor of Lot 9, Blk. 9 of said Addition; thence S. to the place of beginning.

Also:

Beg. at a point on the N. M. of Third Ave. and the W. M. of Waverly Street extended N.; thence S. to the S. line of Lot 5, Blk. 4 of Motley's Addition; thence W. along said S. line to the W. M. of Fulton St.; thence S. to the S. E. cor of Lot 5, Blk. 3 of said Addition; thence W. along the S. line of Lots 5 & 6 to the E. M. of Ermine St.; thence N. to the N. M. of Third Ave.; thence E. to the place of beginning.

Also:

Beg. at the intersection of the S. M. of Eighth Ave. and the E. M. of Elm St.; thence E. 133.70' to the center of Blk. 62, City of Albany; thence S. to the mid-point of Blk. 81

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in Monteith's Southern Addition; thence W. to the E. line of Blk. 1 in Wright's Addition; thence S. to the S. E. cor of Lot 5, Blk. 2 of said Addition; thence W. to the S. W. cor of Lot 4, of said Blk. and Addition; thence N. along the W. line of Lot 4, Blk. 2 and Lots 7 & 4, Blk. 1 of said Addition to the N. M. of Ninth Ave.; thence W. 19'; thence N. 146.66'; thence E. to the E. M. of Elm St.; thence N. to the place of beginning.

Also:

Beg. at a point 264' W. of the S. W. cor of Elm St. & Seventh Ave.; thence S. 111'; thence W. 112'; thence N. 111'; thence E. 112' to the place of beginning.

Also:

Beg. at the intersection of the N. M. of Sixth Ave. and the W. M. of Elm St.; thence N. to the N. M. of Fifth Ave.; thence Northeastly to the S. W. cor of Blk. 3 of Western Addition; thence N. to the N. M. of Fourth Ave.; thence W. to the O.E.R.R. Rwy.; thence N. to the S. M. of the Calapooia River; thence W. along said S. M. to the E. line of Umatilla St. if extended N.; thence S. to the N. M. of Sixth Ave.; thence E. to the place of beginning.

Also: The S $\frac{1}{2}$ of Blk. 6 in Hazelwood Addition to the City of Albany.

Also:

Beg. at a point on the E. line of the Pacific Highway; said point being N. 0°54 $\frac{1}{2}$ ' W. 1,711.04' and N. 88°54 $\frac{1}{2}$ ' E. 66' from the N. W. cor of Truett David DLC # 38 in T. 11 S. R. 4W of the Willamette Meridian and running thence N. 85°54 $\frac{1}{2}$ ' E. 400'; thence N. 0°54 $\frac{1}{2}$ ' W. 570' more or less to a point 50' S. of the S. line of the South Albany Addition; thence S. 89°00' W. parallel to the S. line of the S. Albany Addition to the E. line of the aforementioned Pacific Highway; thence Southerly along said E. line to the place of beginning.

When any property now located in Fire Zone 3 shall be rezoned as COMMERCIAL then that property shall become part of Fire Zone 2.

(c) The portion of the City not in Fire Zone 1 or Fire Zone 2 shall comprise Fire Zone 3 in the City.

Section 5: ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

(a) Storage of flammable liquids in outside aboveground tanks is prohibited within the City limits, except as shall be allowed by the Chief of the Bureau of Fire Prevention under Section 8 of this Ordinance.

(b) New bulk plants for flammable liquids shall not be erected within the City limits of the City of Albany except by Resolution of the City Council.

Section 6: ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.

Storage of liquefied petroleum gas in amounts in excess of 250 gallons is prohibited within the City limits of the City of Albany.

Section 7: MODIFICATIONS

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 8: APPEALS

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when 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 from the decision of the Chief of the Fire Department to the City of Albany within 30 days from the date of the decision of the appeal.

Section 9: NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The City Manager, the Chief of the Fire Department and the Chief 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

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require permits, in addition to those now enumerated in said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 10: PENALTIES

(a) Any person who shall violate any of the provisions of the code hereby adopted 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 City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$1.00 nor more than \$500.00 or by imprisonment for not less than one (1) day nor more than fifty (50) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it 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 days that prohibited conditions are maintained shall constitute a separate offense.

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

Section 11: REPEAL OF CONFLICTING ORDINANCES

All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the code hereby adopted are hereby repealed.

Section 12: VALIDITY

If any court or competent jurisdiction hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 13: DATE OF EFFECT

Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany in Oregon, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediate upon its passage by the Council and its approval by the Mayor.

Passed by the Council: May 22, 1957

Approved by the Mayor: May 22, 1957

Effective date: May 22, 1957

W. L. DeYoung
Mayor

ATTEST:

Richard P. Olson
City Recorder