

**ORDINANCE 2020-08**

**AN ORDINANCE RELATING TO THE CITY'S UNIFORM FIRE CODE, REPEALING MUNICIPAL CODE CHAPTER 7.08 "CORVALLIS FIRE CODE [CFC]," AND ENACTING, A NEW MUNICIPAL CODE CHAPTER 7.08 "CORVALLIS FIRE CODE [CFC]," ADOPTING THE 2019 STATE OF OREGON FIRE CODE AS AMENDED, AND AMENDING MUNICIPAL CODE SECTION 5.03.080.160.02, AND DECLARING AN EMERGENCY**

**THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

**Section 1.** Legislative findings:

- a. The State of Oregon has adopted a revised Fire Code in November, 2019;
- b. The State of Oregon's Fire Code is the basis of the Fire Code of the City of Corvallis; and
- c. Repeal of the Corvallis Fire Code of Corvallis and adoption of the State's Fire Code, as amended for the City of Corvallis, as a new Corvallis Fire Code is in the best interest of the public's health and safety.

**Section 2.** Municipal Code Chapter 7.08 "Corvallis Fire Code [CFC]" is hereby repealed in its entirety.

**Section 3.** The 2019 State of Oregon Fire Code, is hereby enacted as fully set out in Exhibit A to this ordinance, which is attached and incorporated as part of this ordinance, as a new Municipal Code Chapter 7.08, "Corvallis Fire Code."


**Section 4.** Municipal Code Section 5.03.080.160.02 is hereby amended as fully set out in Exhibit B to this ordinance, which is attached and incorporated as part of this ordinance.

**Section 5.** No other provision in the Municipal Code is amended by this ordinance

PASSED by the City Council this 20th day of April, 2020

APPROVED by the Mayor this 20th day of April, 2020

EFFECTIVE this 20th day of April, 2020

  
\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Recorder

## **ORDINANCE 2020-08**

### **EXHIBIT A**

#### **CMC Section 7.08.010 Adoption of State Fire Code**

- 1) The State of Oregon Fire Code (OFC) effective November 16, 2019, including the Table of Contents Appendices B, C, D, H, I, K, N, Q, R, and T, 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 are herein after deleted herein modified or amended is hereby adopted and by this reference made apart here of 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 2018 edition of the International Fire Code as published by the International Code Council and amended by the Oregon State Fire Marshal said Fire Code is on file and open to public inspection in the City Library. All referenced standards in OFC Chapter 80 are hereby adopted and are on file and open to public inspection at the Fire Prevention Office of the Fire Department

(Ord. 2004-23 1 and 2, 11/01/2004 98-40 & 41, Repealed Replaced, 11/02/1998)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

#### **CMC Section 7.08.020 Change of Use or Occupancy**

- 1) OFC Section 102 adopted by this Chapter is amended, and Section 102.11.1 is added, to read in its entirety as follows:

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions prior to a State building code required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the Corvallis Fire Marshal, constitute a distinct hazard to life or property. See Section 111 of this code.

**102.2 Administrative, operational and maintenance provisions.** The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations

**102.3 Change of use or occupancy.** The provisions of the Building Codes as adopted by the City of Corvallis shall apply to all buildings undergoing a change of occupancy.

**102.4 Application of building code.** The design and construction of new structures shall comply with the building codes as adopted by the City of Corvallis. Repairs, alterations, and additions to existing structures shall comply with these building codes as adopted by the City of Corvallis.

**102.5 Application of residential code.** The design and construction of new residential structures shall

comply with the residential building codes as adopted by the City of Corvallis. Repairs, alterations, and additions to existing structures shall comply with these residential building codes as adopted by the City of Corvallis.

**102.6 Historic buildings.** The construction, alteration, repair, enlargement, restoration, relocation, or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard of life or property shall be in accordance with the provisions of the building codes as adopted by the City of Corvallis. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in Section 1103.1.1.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

**102.7.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of the Corvallis Fire Code shall apply.

**102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of the Corvallis Fire Code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.8 Subjects not regulated by this code.** Where applicable standards or requirements are not set forth in this code, or are contained within statutes or administrative rules adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the Corvallis Fire Marshal to determine compliance with codes or standards for those activities or installations within the Corvallis Fire Department's jurisdiction or responsibility.

**102.9 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the Corvallis Fire Marshal.

**102.10 Conflicting provisions.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.11 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**OFC 102.11.1 Local interpretation.** Corvallis Fire Department Operating Guidelines (DOG) and the Corvallis Fire Plan Review Guide have been developed with the intent to detail and clarify the city application of the Corvallis Fire Code. These guidelines are available for public review at the administrative Offices of the Fire Department and on the city's website.

**102.12 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)

(98-40 & 41, Repealed Replaced, 11/02/1998)

## **CMC Section 7.08.030 Authority, Fire Code Official(s)**

**OFC 104.1.1** The Corvallis Fire Marshal and members of the Fire Prevention Division shall have the power of a police officer in performing their duties under this code.  
(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.040 Fire records**

1) OFC Section 104.6.3 adopted by this Chapter is restated to read in its entirety as Follows:

**104.6.3 Fire records** The Fire department shall keep a record of fires occurring within its jurisdiction and off acts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the Corvallis Fire Marshal.  
(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.050 Fire investigation**

1) OFC Section 104.10 adopted by this Chapter is restated to read in its entirety as Follows:

**104.10 Fire Investigations** The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets of processes shall not be made part of the public record, except as directed by a court of law.  
(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.060 Fire Code permits**

1) OFC Section 105.6 I is adopted and 105.7 are adopted by this Chapter in their entirety with the intent that the City of Corvallis issue Fire Code Permits for all operations and installations listed in the Oregon Fire Code Sections 105.6.A through 105.7.25.

2) OFC Section 105.6.51 and Section 105.6.52 are added to this Chapter as follows:

**105.6.51 Congregate Living Temporary Change of Use.** An operational permit is required for the temporary use of the common areas of a congregate living residence to be used as an assembly occupancy for social events.

**106.6.52 Cannabis or Hemp Growing, Processing, and Retail Sales.** An operational permit is required for the growing, processing, or retail sales of cannabis or hemp products.  
(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.070 Appeals**

1) OFC Section 109 is adopted by this Chapter and amended to add Section 109.4, Section 109.5, Section 109.6, Section 109.7, and Section 109.8 as follows:

**109.1 Board of Appeals.**

In order to hear and decide appeals of orders decisions or determinations made by the Corvallis Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Corvallis Fire Department and shall hold office at its pleasure. The Corvallis Fire Chief shall be an ex officio member of the board but shall not have a vote on any matter before the board. 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 Corvallis Fire Chief.

**109.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. 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.

**109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction. At least one member shall be a qualified architect who has practiced the profession for at least two years.

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

**109.5 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

**109.6 Filing date.** Appeals must be filed within ten (10) calendar days from the date of the decision of the fire chief.

**109.7 Requirements for filing appeal.** Appeals shall be filed in writing with the City Recorder and shall 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 grounds for the appeal; and,
- f) A filing fee as specified in the Fees Chapter 803

**109.8 Board meeting.** The Corvallis 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 Subsections 109.5-109.7. If the appeal is dismissed the Corvallis Fire Chief's decision is final. The hearing shall be held not later than 30 days after filing the appeal.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998;  
Ord. 96-10 1, 1996; Ord. 92-40 10, 1992; Ord. 89-54 11 and 49, 1989)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.080 Violations**

- 1) OFC Section 110 is adopted by this Chapter with Sections 110.3.3 and 110.4 reinstated to read in their entirety as follows:

**110.3.3 Prosecution of violations.** If the notice of violation is not complied with promptly, the Corvallis Fire Marshal is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

**110.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter repair or do work in violation of the

approved construction documents or directive of the Corvallis Fire Marshal, or of a permit or certificate used under provisions of this code, shall be subject to the provisions of 110.4.1 - 110.4.12.

**110.4.1 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 there under or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued there under 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 here in shall severally for each and every such violation and noncompliance respectively be guilty of a Class C Misdemeanor punishable by a fine not exceeding \$500, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment as outlined in Corvallis Municipal Code Chapter 5. 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.

**110.4.2 Abatement of violation.** In addition to the imposition of the penalties herein described, the Corvallis Fire Marshal is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

**110.4.3 Declaration of infraction.** Notwithstanding 110.4.1 any violation of the provisions herein may be declared to be an infraction pursuant to the procedure provided in Article 5.03.160.

**110.4.4 Removal of prohibited condition.** The application of the above penalty shall not prevent the enforced removal of prohibited conditions.

**110.4.5 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 work force in extinguishing any fire resulting from such cause.

#### **110.4.8 Civil penalties.**

**110.4.8.1 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 109.4.8.2 plus any cost of service or recording costs

**110.4.8.2 Authorized civil penalties and fees.** The fire chief is authorized to impose civil penalties as follows:

- a) Unsafe or dangerous building, **\$1,000/\$400** (maximum/minimum);
- b) Blocking or obstructing an exit way, **\$1,000/\$400** (maximum/minimum);
- c) Overcrowding beyond the approved capacity for a building **\$1,000/\$400** (maximum/minimum);
- d) Failure to immediately restore fire sprinkler standpipe alarm or other fire protective or extinguishing systems or appliances to operational condition **\$900/\$300** (maximum/minimum);
- e) Failure to maintain exit signs or illumination **\$900/\$300** (maximum/minimum);
- f) Possession or use of illegal fireworks **\$900/\$300** (maximum/minimum);
- g) Tampering with fire equipment appliances **\$900/\$300** (maximum/minimum);
- h) Failure to provide alarm supervision for an automatic sprinkler system with over 100 heads **\$600/\$200** (maximum/minimum);
- i) Failure to provide cleaning of kitchen ventilating hood and duct systems **\$600/\$200** (maximum/minimum);
- j) Failure to abate an electrical hazard **\$600/\$200** (maximum/minimum);
- k) Storage use dispensing and/or mixing of flammable and combustible liquids not in accordance with OFC Chapter 57 **\$600/\$200** (maximum/minimum);
- l) Illegal storage of hazardous equipment in buildings **\$600/\$200** (maximum/minimum);

- m) Failure to remove combustible decorative material from a public assembly **\$600/\$200** (maximum/minimum);
- n) Failure to provide or maintain a fire extinguisher **\$400/\$150** (maximum/minimum);
- o) Using a building or portion thereof rooms in an unsafe manner beyond the scope of its designed use and or occupancy classification **\$1,000/\$400** (maximum/minimum);
- p) Open burning in violation of OFC Section 307, **\$400/\$150** (maximum/minimum);
- q) Failure to obtain a fire permit in accordance with OFC Section 105 **\$200/\$75** (maximum/minimum);
- r) Failure to provide premises identification **\$200/\$75** (maximum/minimum);
- s) Permitting accumulation of waste material in violation of Corvallis Fire Code **\$200/\$75** (maximum/minimum);
- t) Failure to perform required inspections and maintenance of fire protection systems in accordance with Corvallis Fire Code **\$200/\$75** (maximum/minimum);
- u) Failure to perform required fire drills and or to mail in certification **\$200/\$75** (maximum/minimum);
- v) Parking in a marked Fire Lane **\$200/\$75** (maximum/minimum);
- w) Obstructing a fire hydrant **\$200/\$75** (maximum/minimum);
- x) Smoking a lighted pipe, cigar, cigarette, hand-rolled material, vaporizing and aerosolizing of inhalants in a congregate living facility **\$200/\$75** (maximum/minimum);

**110.4.8.3 Considerations for Imposing Penalty Amount.** In imposing a penalty amount pursuant to the schedule authorized in 110.4.8.2 the fire chief shall consider the following factors:

- a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;
- b) Any prior violations of statutes, rules, orders, and permits pertaining to fire code regulations;
- c) The economic and financial conditions of the person incurring a penalty;
- d) The gravity and magnitude of the violation;
- e) Whether the violation was repeated or continuous;
- f) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- g) The violator's cooperativeness and efforts to correct the violation.

**110.4.8.4 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

**110.4.8.5. 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 day the unsafe building condition or fire hazard continues beyond the tenth (10th) day following issuance of the civil penalty. The notice of penalty shall be provided in the manner as described in 110.4.8.6.

**110.4.8.6 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 Benton County Assessors records sent certified mail return-receipt requested or by other means that allows assigned receipt via the United States Postal Service. The notice of penalty shall include:

- a) A reference to the particular provision or law violated;
- b) A statement of the matters asserted or charged;
- c) A statement of the amount of the penalty or penalties imposed;
- d) A statement of the owners right to appeal the penalty; and,
- e) 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 owners property.

**110.4.8.7 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.

**110.4.8.8 Time limitations for filing and hearing and appeal.** The person to whom the notice of penalty is issued shall have ten (10) 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 forty-five (45) days from the date of the personal service or mailing of the notice of penalty. The appeal shall be as provided for in 109.4.8.8, 109.4.8.9, 109.4.8.10.

**110.4.8.9 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 \$50.00. 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.

**110.4.10 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 penalty 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 owners address listed in the then current Benton County Assessors records.

**110.4.11 Failure to pay penalty.** Unless the amount of penalty imposed under this section is paid within 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.

**110.4.12 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 therefore, 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.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 92-40 66, 1992; Ord. 91-24 2, 1991; Ord. 90-34 7, 1990) (98-40 & 41, Repealed Replaced, 11/02/1998)

## **Section 111 Unsafe Buildings**

- 1) OFC Section 111 is adopted by this Chapter, and amended Section 111.1, Section 111.2, Section 111.3, Section 111.4, and added Section 111.5 and Section 111.6 as follows:



**111.1 General.** If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, 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 111 Unsafe Buildings. The Corvallis Fire Marshal shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair rehabilitation demolition or removal in accordance with the procedures specified in Corvallis Municipal Code Section 9.01.170.020.

**111.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe. Actions to correct hazards and other deficiencies shall be abated by repair rehabilitation demolition or removal in accordance with the procedures specified in Corvallis Municipal Code Section 9.01.170.020.

**111.1.1.1 High life hazard facilities.** Inadequate levels of exiting safety in high life hazard facilities shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in Corvallis Municipal Code Section 9.01.170.020.

**111.1.2 Structural hazards.** Where an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the Corvallis Fire Marshal shall immediately notify the building code official in accordance with Section 110.1.

**111.2 Evacuation.** The Corvallis Fire Marshal or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe where such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the Corvallis Fire Marshal or the fire department official in charge of the incident.

**111.3 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the Corvallis Fire Marshal or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

**111.4 Abatement.** The *owner*, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the Corvallis Fire Marshal shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action. If a condition has not been eliminated within the time 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 OFC Section 106. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

**111.5 Emergency procedures for abatement of unsafe buildings.** Whenever the fire chief with the concurrence of the City Manager 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 Corvallis Fire Code Section 106. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

**111.6 Appeals.** For appeals see Section 109.1

#### **CMC Section 7.08.090 Stop work order**

- 1) OFC Section 112 is adopted by this Chapter, and amended by adding Section 112.1, Section 112.2, Section 112.3, and Section 112.4 as follows:

**112.1 Order.** Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

**112.2 Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**112.3 Emergencies.** Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation nor unsafe condition shall be liable to a fine of not less than \$1,000.00, or more than \$3,000.00.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)

(98-40 & 41, Repealed Replaced, 11/02/1998)

### **CMC Section 7.08.100 Cost recovery procedures**

- 1) CFC Section 106 is adopted by this chapter and amended by adding Section 106.6, Section 106.7, Section 106.8, Section 106.9, Section 106.10, and Section 106.11 as follows:

**106.6 Cost Recovery Procedures.** Whenever the fire chief has taken action to abate or cleanup a hazardous condition under the OFC Section 111, 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.

**106.7 Costs.** The fire chief 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 percent of the sum of the foregoing costs.

**106.8 Assessment of costs.** The fire chief 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 fire chief's total costs of abatement, under Section 106.7 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, he or she may file a written notice of objection with the City Manager not later than 10 days after the date of the notice.

**106.9 Hearing.** Upon receipt of written notice of objection within 10 days after the date of the notice, the City Manager 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.

**106.10 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 there upon 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 cleaned up or abated.

**106.11 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.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 92-40 9, 1992; Ord. 89-54 10, 1989)

(98-40 & 41, Repealed Replaced, 11/02/1998)

### **CMC Section 7.08.110 Definitions**

- 1) OFC Section 202 adopted by this Chapter is amended to add the following: “1 City – City of Corvallis”  
(Ord. 2004-23 1 and 2, 11/01/2004, 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

### **CMC Section 7.08.120 Waste Material**

- 1) OFC Section 304.1.1 as adopted by this Chapter is amended to read in its entirety as follows:  
**304.1.1 Waste material.** Accumulation of waste paper, wood, hay, straw, weeds, litter, or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, or other similar structure. 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 and presents a fire hazard, the fire chief may cleanup or abate the condition. The owner shall be liable for the cost of cleanup or abatement as provided in Section 111. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.  
(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 92-40 22, 1992; Ord. 89-54 20, 1989)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

### **CMC Section 7.08.130 Combustible Vegetation**

- 1) OFC Section 304.1.2 as adopted by this Chapter is amended to add Section 304.1.2.1 as follows:  
**304.1.2.1 Combustible vegetation on city parcels.** 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 shall remove or destroy all brush, grass, weeds, thistles, uncultivated blackberry or other vines, and other vegetation growing at a height of 10” 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 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 30 feet unless determined to be impractical by the fire chief.  
EXCEPTION: Vegetation along drainage ways in wildland and wildflower areas under public ownership, and on private lands designated as protected under federal or state legislation, can exceed the 10” limitation so long as it is not determined to be a fire hazard by the fire chief.  
Parcels in the geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels (wildland-urban interface areas) shall also be subject to OFC Section 304.1.2 and the International Wildland-Urban Interface Code.  
(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

### **CMC Section 7.08.140 Explosives and Fireworks**

- 1) OFC Chapter 56 as adopted by this Chapter and amends Section 5601.2, Section 5601.2.1, and Section 5601.2.2 and adds Section 5601.7, Section 5601.7.1, Section 5601.7.2, Section 5601.7.3, Section 5601.7.4, Section 5601.7.5, Section 5601.7.6, Section 5601.7.7, and Section 5601.7.8 as follows:

**5601.2 Permits and regulations.** Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section.

**5601.2.1 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.

**5601.2.2 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 \$100,000 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 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 Corvallis upon whom all process in any action or proceedings against her or him maybe 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 ad 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 chiefs 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 fee 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 commencing in 1989.

## **5601.7 Seizure**

**5601.7.1 General.** The fire chief shall seize, take, removed, 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 Article.

**5601.7.2 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.

**5601.7.3 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.

**5601.7.4 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 Manager. 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 Code of the City.

**5601.7.5 Findings of hearing officer.** If the hearings officer finds that the action of the fire chief was valid the hearings officer shall order that 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.

**5601.7.6 Fireworks and explosives disposal.** All seized stocks of fireworks or pyrotechnics special effects material shall be turned over to the Oregon State Police for disposal after the period for the hearing date has expired.

**5601.7.7 Manufacturing.** The manufacturing of fireworks is prohibited except under special permit as required by local and state regulations. See Section 105.6.17

**5601.7.8 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 105.6.47

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 93-40 33, 1992; Ord. 89-54 28, 1989)  
(98-40 41, Repealed Replaced, 11/02/1998)

#### **CMC Section 7.08.150 Cleanup or abatement of hazardous materials; liability for costs.**

- 1) OFC Section 5001 is amended to add Sections 5001.7, 5001.7.1, 5001.7.2, 5001.7.3, and 5001.7.4 as follows:

#### **5001.7 Responsibility for cleanup and liability for costs**

**5001.7.1 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.

**5001.7.2 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 or petroleum products or gases, poisons, etiologic (biologic) agents, flammables, and corrosives.

**5001.7.3 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.

**5001.7.4 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.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 92-40 61, 1992; Ord. 89-54 46, 1989)  
(98-40 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.160 Establishment of limits in which storage of liquefied petroleum gases is to be restricted.**

1) OFC Section 6104 as adopted by this Chapter is amended to add Section 6104.2.1 as follows:

**6104.2.1 LPG Storage Limits.** The limits as referenced in OFC Section 6104.2 apply to all properties in the city except for those sites in General Industrial and Intensive Industrial districts which will be reviewed for quantities in excess of 2000 gallons of liquefied petroleum gas. Upon completion of the Plan Compatibility Review procedures of the Land Development Code, approval for storage of such additional quantities may be granted by the fire chief.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 92-40 4, 1992; Ord. 89-54 5, 1989)  
(98-40 & 41, Repealed Replaced, 11/02/1998)

**CMC Section 7.08.170 Establishment of limits in which storage of flammable or combustible liquids in outside above ground tanks is prohibited.**

1) OFC Chapter 57 as adopted by this Chapter is amended to add Sections 5704.2.9.6.1.7 and 5706.2.4.4.1 as follows:

**5704.2.9.6.1 Locations where above ground tanks are prohibited.** Storage of Class I and II liquids in above ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. The limits referred to above, in which storage of Class I and II liquids in outside above ground tanks is prohibited, include all areas of the City except those sites in General Industrial and Intensive Industrial districts which may hereafter be given specific approval for such use by the fire chief after review through the Plan Compatibility Review procedure of the Land Development Code

**5706.2.4.4.1 General industrial and intensive industrial districts.** The limits referred to in OFC Section 5706.2.4.4 in which storage of Class I and II liquids in outside above ground tanks is prohibited, 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 through the Plan Compatibility Review procedure of the Land Development Code.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 89-54 4, 1989)

**CMC Section 7.08.180 Non-liability of the City for damage.**

1) OFC Section 103.4 as adopted by this Chapter is amended to add Section 103.4.1 as follows:

**103.4.2 Non-liability of the City for damage.** This Chapter 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 here under or by issuing a certificate of inspection or for failure to inspect or for failure to find a defect.

(Ord. 2004-23 1 and 2, 11/01/2004; 98-40 & 41, Repealed Replaced, 11/02/1998; Ord. 96-10 1, 1996; Ord. 98-54 48, 1989)

#### **CMC Section 7.08.190 Defined and Expanded Extinguishment Authority.**

1) OFC Section 307.3 as adopted by this Chapter is amended to add Section 307.3.1 as follows:

**307.3.1 Expanded extinguishment authority.** In addition to those controlled fire activities identified within the fire code definition of open burning and recreational fires, the fire code official is authorized to order cessation of those burning activities which generate offensive or objectionable smoke or odor emissions, including those activities regulated by Section 308 - Open Flames. Examples of controlled smoke/odor activities include, but are not limited to: use of barbecue grill or pit, chimney, open flame cooking device, incinerator, outdoor fireplace, and similar warming fires.  
(Ord. 2008-01 1, 01/07/2008)

#### **CMC Section 7.08.200 Aerial Apparatus Access**

1) OFC Section D105 as adopted by this Chapter is amended to add Sections D105.1, D105.1.1, D105.4, D105.5, and D105.5.1 as follows:

**D105.1 Where required.** Building or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

**D105.1.1 Building height definition.** For the purposes of Section D105.1 building height is measured from the lowest level of approved fire department vehicle access to the highest peak on the roof line.

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**D105.3 Proximity to Building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the Corvallis Fire Marshal.

**D105.4 Obstructions.** Overhead utility and power lines shall not be located over aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the Corvallis Fire Marshal.

**D105.5 Modifications.** For residential structures up to and including 40 feet in height as defined by Appendix D105.1.1, fire aerial apparatus access roads and specifications are allowed to be modified by the Corvallis Fire Marshal where the following condition applies:

**D105.5.1 Automatic fire sprinkler system.** A building has been equipped with an automatic fire sprinkler system that was not prescriptively required by the 2019 OFC, OSSC, or ORSC. The system shall be installed in accordance with the provisions of NFPA 13, NFPA 13R, or NFPA 13D.

#### **CMC Section 7.08.210 Smoking Prohibited in Congregate Living Facilities**

1) OFC Section 310 as adopted by this Chapter is amended to add Section 310.2.1 as follows:

**310.2.1 Congregate Living Facilities.** Smoking a lighted pipe, cigar, cigarette, hand-rolled material, vaporizing and aerosolizing of inhalants shall be prohibited in congregate living facilities such as fraternities and sororities, dormitories, and rooming houses.

## **CMC Section 8.03.500 Fire permit fees.**

### **Section 8.03.500.010 Fire permits and fees.**

The fire permits and fees identified in this section of the Municipal Code are committed to fund the operations of the Fire Department. The fire permit fees shall be no less than the amount listed in this Chapter. The Fire Chief may increase fire permit fees through an annual adjustment of Departmental Operating Guideline 1.2.4 to reflect the actual costs of administration of the permitting and inspection process. The permits and fees applicable under Chapter 8.03 shall be:

- 1) Aerosol Products, Level 2 or 3 > 500 lbs. - \$80
- 2) Ambulance Fees for Transportation - Fees shall be reviewed annually and set by Council motion.
- 3) Amusement Buildings and Haunted Houses - \$80
- 4) Aviation Facilities, Group H or S used for repair or fuel-servicing - \$80
- 5) Battery Systems, Stationary Lead-Acid > 50 gal. - \$80
- 6) Cannabis or Hemp Growing, Processing, or Retail Sales - \$80
- 7) Carnivals and Fairs - \$80
- 8) Cellulose Nitrate Film, in Group A Occupancies - \$80
- 9) Combustible Dust-Producing Operations - \$80
- 10) Combustible Fiber Storage or Handling > 100 cf (Chapter 37) - \$80
- 11) Compressed Gas System Installation, Repair, Removal or Modification (CFC Table 105.6.8) - \$80
- 12) Covered Mall Buildings; Use for Displays, Gas-fueled Equipment, Open Flame or Flame-Producing Equipment - \$80
- 13) Cryogenic Fluids (CFC Table 105.6.10) - \$80
- 14) Dry Cleaning Plants - \$80
- 15) Emergency Responder Radio Coverage - \$1,000.00.
  - a. This fee includes one pre-test and one post-installation acceptance test (first 2 tests).
  - b. Any additional required noise level acceptance testing shall be billed at a rate of \$500.00 per test, beginning with the 3<sup>rd</sup> test of the system.
- 16) Exhibits/Trade Shows - \$80
- 17) Explosives, Manufacture, Storage, Handling, Sale or Use - \$80
- 18) Fire Alarm Installation, Removal, Repair, or Modification - \$80
- 19) Fire Hydrant Installation, Repair, Removal, or Modification (Private) - \$80
- 20) Fire Pump Installation, Repair, Removal, or Modification - \$80
- 21) Fire Standpipe Installation, Repair, Removal, or Modification - \$80
- 22) Fire Suppression Systems
  - a. Auto Fire Extinguishing System Installation, Repair, Removal, or Modification, < 20 Heads - \$80
  - b. Auto Fire Extinguishing System Installation, Repair, Removal, or Modification, 20-100 Heads - \$80
  - c. Auto Fire Extinguishing System Installation, Repair, Removal, or Modification, >100 Heads - \$80
  - d. Auto Fire Extinguishing System Installation, Repair, Removal, of Modification, Special Agent - \$80
  - e. Auto Fire Extinguishing System Installation, Repair, Removal, or Modification, Commercial Kitchen - \$80
- 23) Fireworks
  - a. Agricultural - \$80
  - b. Public Display - \$80
  - c. Retail Sales - \$40



- d. Wholesale - \$80
- 24) Flammable/Combustible Liquids, Installation, Repair, Removal, or Modification - \$80
- 25) Floor Finishing > 350 sf using Class I or II Liquids - \$80
- 26) Fruit/Crop Ripening - \$80
- 27) Fumigation/Thermal Insecticidal Fogging (commercial) - \$80
- 28) Hazardous Materials Installation, Repair, Removal, or Modification (CFC Table 105.6.20) - \$80
- 29) Hazardous Materials, use or handling in excess of the amounts listed in OFC Table 105.6.20 - \$80
- 30) High-Piled Combustible Storage, > 500 sf (Chapter 32) - \$80
- 31) Hot Work, Welding or Cutting Operations (Chapter 35) - \$80
- 32) Industrial Oven Installation, Repair, Removal, or Modification - \$80
- 33) Institutions - \$80
  - a. Congregate Residences/Greek Housing - \$80
  - b. State Licensing Inspections of Care Facilities - \$80
- 34) Lumber Yards/Woodworking Plants > 100,000 bd ft - \$80
- 35) Liquid- or Gas-Fueled Vehicles/Equipment in Assembly Buildings - \$80
- 36) LP Gas Storage, Repair, Removal, Installation or Modification - \$80
- 37) Magnesium Working - \$80
- 38) Miscellaneous Combustible Storage > 2,500 cf (Chapter 3) - \$80
- 39) Mobile Food Preparation - \$80
- 40) Motor Vehicle Dismantler - \$80
- 41) Open Burning (does not include recreational fires) - \$80
- 42) Open Flames and Torches - \$80
- 43) Open Flames and Candles in Assembly, Dining, or Drinking areas - \$20 / \$80
- 44) Organic Coatings, Manufacture > 1 gal per day - \$80
- 45) Outdoor Assembly Event > 1,000 attendance - \$80
- 46) Places of Assembly - \$80
  - a. Congregate Residential TCOU for Social Events - \$80
- 47) Plant Extraction Systems - \$80
- 48) Pyrotechnic Special Effects Materials - \$80
- 49) Pyroxylin Plastics, storage or handling > 25 lbs - \$80
- 50) Refrigeration Equipment (Chapter 6) - \$80
- 51) Repair Garages/Motor Fuel-Dispensing - \$80
- 52) Rooftop Heliports - \$80
- 53) Spray Booth/Room, Dip Tank Installation, Repair, Removal, or Modification - \$80
- 54) Tents > 700 sf, for Non-sided Canopies, > 400 sf, Sided Tents and Temporary Membrane Structures - \$80
- 55) Tire Storage (Scrap) > 2,500 cf - \$80
- 56) Tire Rebuilding Plants - \$80
- 57) Waste Handling Facilities, Junkyards, and Wrecking Yards - \$80
- 58) Wood Products Storage > 200 cf - \$80

\* Base Fee. If processing/inspection(s) involve more than two hours of staff time or multiple field inspections, that time shall be added to the base fee and charged at an additional \$80 per hour or fraction thereof.

*(Ord. 2011-06 § 1, 04/18/2011; 2006-27 § 1, 11/20/2006; Ord. 98-27 § 2, 1998)*

## **ORDINANCE 2020-08**

### **EXHIBIT B**

#### **5.03.080.160.02 - Smoking prohibited in public places.**

- 1) Smoking shall be prohibited in all public places within the City or located on City owned property, including, but not limited to the following places:
  - a) Elevators;
  - b) Rest rooms, lobbies, reception areas, hallways, and any other common-use areas;
  - c) Buses, taxicabs, and any other means of public transportation under the authority of the City;
  - d) Service lines, or within 10 feet of a service line that extends out of doors;
  - e) Retail stores;
  - f) All areas available and customarily used by the general public located in all businesses patronized by the public, including non-profit and public businesses. Affected businesses include, but are not limited to, professional offices, banks, laundromats, hotels and motels;
  - g) Restaurants;
  - h) Any facility which is primarily used for exhibiting any motion picture, stage or drama production, lecture, music recital or other similar performances, except performers when smoking or carrying a lighted smoking instrument that does not contain tobacco is part of a stage or drama production;
  - i) Sports arena, including bowling facilities and convention halls;
  - j) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council commission, committee, including joint committees, or agencies of the City or any political subdivision of the City during such time as a public meeting is in progress, to the extent such a place is subject to the jurisdiction of the City;
  - k) Waiting rooms, hallways, wards, and semiprivate rooms of health care facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctor's and dentist's office;
  - l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
  - m) Polling places; and
  - n) Retail tobacco stores.
- 2) Smoking shall be prohibited in all City-owned or managed parks and recreational facilities, including all parks, trails, open space, and special use areas. This does not include designated parking areas.
- 3) Smoking shall be prohibited on all of the City-owned grounds, patios, plazas, steps, ramps, and facilities for the Corvallis-Benton County Public Library. This prohibition includes the library parking garage and library parking lot. This prohibition includes any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street, curb, or gutter within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building. This prohibition does not include any property that is within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building that is not owned by the City or part of a public right-of-way. This prohibition does

not include smoking within a private automobile with the doors and windows closed, except within the library parking garage or library parking lot, or the associated driveways.

- 4) Smoking shall be prohibited in the interior of and within 10 feet of the exterior of any City-owned covered bicycle parking structure and transit shelter.
- 5) Smoking shall be prohibited on all City-owned grounds, steps, ramps, sidewalks, planting areas, transit shelters, curbs, driveways, vehicle parking areas, and bicycle parking facilities for the entire City Hall block. The parcels within this block are identified as Block 8 Lots 1-12, County Addition. This prohibition does not include smoking within a private automobile with doors and windows closed.
- 6) Smoking shall be prohibited in the interior and within 10 feet of the exterior of any structure used as a congregate living facility.
- 7) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a non-smoking establishment.
- 8) Any person who violates the provisions of this Code section shall be subject to the penalties as set forth in Section 5.03.080.160.10 of Chapter 5.03 of the Corvallis Municipal Code.

(Ord. No. [2013-17](#), § 1, 12/16/2013; Ord. 2013-09 § 1, 06/03/2013; Ord. 2011-09 § 1, 05/16/2011; Ord. 2009-04 § 1, 03/02/2009; Ord. 2006-01 § 2, 01/03/2006)