

## ORDINANCE BILL NO. 13-23

AN ORDINANCE RELATING TO THE FIRE PREVENTION CODE; AMENDING SRC 58.001, 58.003, 58.004, 58.185, 58.190, 58.325, and 58.334.

*The City of Salem ordains as follows:*

**Section 1.** SRC chapter 58 is hereby amended as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

**Section 2. Findings.** The Fire Prevention Code is an important tool for fire prevention and enforcement of local fire safety regulations. Local administration of the Fire Prevention Code provides for a more efficient and incorporates local needs and conditions. The amendments to the Fire Prevention Code is in the best interest of the public.

**Section 3. Codification.** In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

**Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: M. Niblock

Exhibit A

CHAPTER 58. - FIRE PREVENTION CODE<sup>11</sup>

Footnotes:

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**State Law reference**— Fire prevention rules of the state fire marshal, ORS 476.001 et seq.; fire protection water supply, ORS 479.200.

Sec. 58.001. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fire Chief* means the Chief of the Fire Department of the City.

*Fire Code Official* means the Fire Chief or the Fire Chief's designee.

*Fire Prevention Code* means those provisions of the Oregon Fire Code, and any modifications thereof, as adopted by this chapter, and all other provisions of this chapter.

*Fire prevention program* means the Fire Department program for regulation of building use and occupancy and the administration and enforcement of the Fire Prevention Code and other fire safety laws, ordinances and regulations.

*International Fire Code* means the 2021<sup>142</sup> International Fire Code (International Fire Code Council, Inc., 2021<sup>144</sup>).

*Jurisdiction* means the City of Salem, Oregon.

*Oregon Fire Code* means the International Fire Code, as adopted by the State at OAR 837-040-0010, and filed with the Oregon Secretary of State on ~~October 1, 2022~~ <sup>May 13, 2013</sup>, as the Oregon Fire Code 2022<sup>144</sup> Edition, subject to the exclusions therefrom and amendments thereto as set forth in OAR 837-040-0020. The Oregon Fire Code is also known as "Oregon Fire Code 2022<sup>144</sup> Edition," or by the initials "OFC."

*Permittee* means the person holding any permit authorized by this chapter, or that person's authorized representative.

*Person* means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, or other entity in law or fact.

*Red Flag Warning* means the term used by fire-weather forecasters to call attention to limited weather conditions of particular importance that may result in extreme burning conditions.

*State Fire Marshal* means the Fire Code Official.

(Prior Code, § 58.001; Ord. No. 191-73; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 20-10; Ord. No. 1-15, § 1, 9-28-2015)

Sec. 58.003. - Deletions from Oregon Fire Code.

The following sections of the Oregon Fire Code are hereby deleted and shall not form a part of the Fire Prevention Code:

- (a) Operational permits: ~~105.56A Fireworks, Animal Control—agricultural~~; 105.6D Fireworks, wholesale; 105.6E Institutions; ~~105.56.54~~ Carnivals and fairs; ~~105.56.124~~ Cutting and welding; ~~105.56.175~~ Fire hydrants and valves; ~~105.56.340~~ Open burning; ~~105.56.354~~ Open flames and torches; ~~105.56.362~~ Open flames and candles; ~~105.56.4135~~ Private fire hydrants.
- (b) Section ~~1086.1.1~~ Interference.
- (c) Sections ~~1114098.1.4~~ Board of Appeals established; ~~111098.2~~ Limitations on Authority; ~~11108.3~~ Qualifications.

(Prior Code, § 58.003; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 20-10; Ord. No. 1-15, § 2, 9-28-2015)

Sec. 58.004. - Modifications to the Oregon Fire Code.

The following sections of the Oregon Fire Code, or parts thereof, are not adopted as written, but are hereby modified, and adopted as set forth in this section:

- (a) ~~(a)~~ 105.1.1 Permit Required. Permit fees in an amount set by resolution of the Council shall be paid prior to the issuance of the permit.
- (b) ~~1102.1~~ Authority to Disconnect Service Utilities. Any disconnection that is ordered or caused to be made by the Fire Code Official pursuant to this section shall be at the sole cost and expense of the owner of the building or premises.
- (c) ~~105.56.1846~~ ~~(2)~~ Flammable and Combustible Liquids. The first sentence in Paragraph 2, is amended to read: "To store, handle or use Class I liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except that a permit is not required for the following:\*\*\*\*"
- (d) ~~105.56.1547~~ is amended to read: "Event Permit-Exhibits ad Trade Shows:- An operational permit is required for an event or activity of a temporary nature and open to the public, which involves one or more uses for which an operational permit is otherwise required, including, but not limited to, the Oregon State Fair; a special event as defined in SRC 30.005; an event for which a parks use permit is issued under SRC 94.200; firework sales, firework displays, temporary kiosks, pyrotechnical special effect materials; tents and canopies; and temporary display of motor vehicles".
- (e) Section 307.~~13~~.1 Establishing a Burning Ban. When weather conditions remain dry, hot, windy, or any combination of these, for an extended period of time, the Fire Code Official may impose either a limited or total ban on recreational fires. The following criteria may be used to determine whether a recreational fire ban is established:
  - (1) Temperatures reach or are forecast 95 degrees Fahrenheit or above.
  - (2) Relative humidity reaches or is forecast 30 percent or below.
  - (3) Wind speeds reach or are forecasted to reach 15 miles per hour or above.
  - (4) Red Flag Weather warnings are issued locally.
  - (5) Marion or Polk County Fire Defense Board establishes burn ban declarations.
- (f) 503.1.2.1 Access to Educational (Group E) Occupancies. All buildings or structures with an occupant load greater than 100 persons and used for Group E occupancies (six or more persons at any one time for educational purposes through 12th grade and day care facilities for educational, supervision, or personal care services for six or more children older than 2.5 years of age) that are constructed in, moved into, or moved within the City shall be provided with at

least two separate fire apparatus access roads. Exception: Buildings where one entire side is within 50 feet of an opened public through street that is sufficient for fire apparatus access.

(g) 503.2.2.9 Fire Apparatus Access Road Turn-outs. Any fire department access road less than 32 feet in width that exceeds 400 feet in length shall provide a fire apparatus turn-out. Turn-outs shall be, at a minimum, 10 feet wide by 40 feet in length in addition to the required road width and shall be placed no more than 300 feet apart, unless otherwise approved by the fire code official. These distances may be modified downward when visibility and sight distances are limited.

(h) 503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the City of Salem Public Works design standard. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus\*\*\*

(i) 503.2.7 Fire department Apparatus Access Roads-Grade. Fire apparatus roads shall not exceed an average grade of 12 percent with a maximum grade of 15 percent. Any grade above 12% shall not exceed distances of more than 200 feet unless all structures along the increased grade are protected by an approved fire sprinkler system.

(j) 503.3 Fire department access roads-Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire department access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. *Fire Department access roads that are 26 feet or less shall have signs posted on both sides of the roadway spaced no farther than 100 feet apart. Fire department access roads greater than 26 feet but less than 32 feet shall have signs posted on one side of the roadway and no greater than 100 feet apart. Where required, fire department access roadway curbs shall be painted red and marked NO PARKING-FIRE LANE at no greater than 50 foot intervals.*

(k) 507.5.1 Fire Hydrant Systems-Where required. \*\*\*\* and Any installation of a public or private fire service hydrant will require the permanent installation of 5 inch Stortz adaptors in accordance with the City of Salem Public Works design standard.

(l) 507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with section 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections. (FDC) *The hydrant to FDC shall have a route approved by the Fire Code Official that shall not have obstructions or barriers impeding the ability to make a quick connection.*

(mg) —Section 6035.9.640-5-Portable, electrical space heaters. Safety Devices. All portable electrical heaters shall have a high temperature limiting device and a tip-over switch.

~~(nh)~~ ~~Appendix~~ ~~Section B104.2~~ Area Separation is amended to read "Portions of buildings which are separated by fire walls without openings, constructed in accordance with the International Building Code, are allowed to be considered as separate fire-flow calculation areas."

(o) Appendix D 103.5. Fire apparatus access road-gates;

- 9. Gates shall be set back a minimum of 30 feet from the intersecting roadway.
- 10. Manual emergency operation shall be provided and approved by the fire code official.
- 11. Any gate obstructing fire apparatus access to a dwelling shall be equipped to open upon receiving a signal from a fire apparatus mounted traffic signal pre-emption device. (Opticom)

(p) Appendix D 105.2. Aerial Fire Apparatus Road Access Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 30 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

(Prior Code, § 58.004; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 49-08; Ord. No. 20-10; Ord. No. 1-15, § 3, 9-28-2015)

Sec. 58.185. - Bonds and insurance, generally.

Whenever any bond or insurance policy is required by any provision of the Fire Prevention Code or any administrative rule adopted pursuant thereto, the bond or insurance policy or policies shall:

- (a) Be in the sum of at least ~~\$749,000.00~~ \$1,000,000 ~~\$682,800.00~~ for each occurrence for bodily injury, ~~or death or death to any one person, \$1,498,000.00~~ 365,500.00 for all bodily injury or death arising from any one occurrence, and ~~\$112,000.00~~ for damage to property, and \$2,000,000 in the aggregate, which minimum limits shall be provided notwithstanding any lesser sum set forth in the OFC;
- (b) Insure to the benefit of any person sustaining bodily injury, death, or damage to property arising from or caused by the named insured or persons acting under named insured's direction and control;
- (c) Be issued by an insurance underwriter or corporate surety company licensed to do business in the State.

(Prior Code, § 58.185; Ord. No. 191-73; Ord. No. 35-06; Ord. No. 1-15, § 7, 9-28-2015)

Sec. 58.190. - Limits for above ground tank and bulk plants for flammable cryogenic fluids, flammable liquids, and combustible liquids.

- (a) The geographic limitations for the storage of flammable cryogenic fluids, flammable liquids, or combustible liquids in outside above ground tanks, set forth in OFC 5806.2, 5704.2.9.6.1, and 5706.2.4.4, apply to every part of the City except those areas of the City zoned "EC - Employment Center," "IG - General Industrial," "IP - Industrial Park" and "II - Intensive Industrial" outside that part of the City bounded on the north by Market Street, on the east by the right-of-way of the main line of

the Union Pacific Railway Company, on the south by Mission Street, and on the west by the Willamette River.

- (b) The location and types of facilities for storage and bulk plants for flammable cryogenic fluids, flammable liquids, or combustible liquids shall be subject to prior review and approval by the Fire Code Official.

(Prior Code, § 58.190; Ord. No. 16-68; Ord. No. 124-71; Ord. No. 191-73; Ord. No. 13-81; Ord. No. 186-82; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 1-15, § 8, 9-28-2015)

Sec. 58.325. - Certain airborne devices prohibited.

It shall be unlawful for any person to release or launch any unmanned kite, sky lantern, balloon, rocket, projectile, aircraft, or other airborne device or thing, other than fireworks otherwise permitted by this chapter, that contains, carries, or has attached thereto, any open flame, smoldering material, explosive detonating device, or other material capable of explosion or combustion without application of some external force other than collision; provided, however, that the Fire Code Official may issue permits for the launching of experimental rocket or similar devices upon such conditions as the Fire Code Official may prescribe to eliminate or reasonably minimize any hazard which may be created thereby.

(Prior Code, § 58.325; Ord. No. 191-73; Ord. No. 35-06)

Sec. 58.334. - Open burning of yard debris prohibited.

- (a) No person shall, within the corporate city limits, open burn garbage or any vegetative debris from yard cleanup.
- (b) As used in this section, the term "vegetative debris from yard cleanup" means wood, needle or leaf materials from trees, shrubs or plants. "garbage" means wasted or spoiled food or other refuse commonly found in a kitchen or household.

(Prior Code, § 58.334; Ord. No. 46-93; Ord. No. 35-06; Ord. No. 1-15, § 12, 9-28-2015)