TITLE 31 - FIRE REGULATIONS

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Chapter 31.40 SPECIAL USE PERMITS

31.40.010 Permits and Fees Required.

31.30.030 Fire Chief Authorized to Require Water Supply.

The Fire Chief shall have authority to establish and enforce standards for water supply for fire protection. Where required by the Fire Chief, a minimum of two fire pumps independently driven shall be provided and sized for the sprinkler demand or standpipe demand, whichever is greater.

31.30.040 Permits and Fees Required.

(Amended by Ordinance Nos. 181956 and 187748, effective June 17, 2016.)

A. It is unlawful for any person or entity to construct, install, alter, repair, move, demolish or change any fire protection system or equipment, or construct, install, alter, repair, move, demolish or change any equipment, piping or storage container used for flammable or combustible liquids, flammable gases or hazardous materials, for which a permit is required in this Title, without first obtaining such permit from the Fire Marshal. In instances where laws or regulations are enforced by other agencies, joint approval shall be obtained.

B. All permits issued under this Title shall be presumed to contain the provision that the applicant or the applicant's agents shall carry out the proposed activity in compliance with all the requirements of this Title and any other federal and State laws and City regulations, and other design guidelines as adopted by City Council that apply, whether specified or not, and in complete accordance with the approved plans and specifications.

C. A permit issued under this Title shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

D. Work or activity without a Permit. Whenever any work for which a permit is required by this Title has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.

E. Work and Equipment Requiring Permits. Except for one and two-family dwellings, unless otherwise specified, permits and associated fees are required:

1. To install, alter, repair or remove,

a. Automatic sprinkler systems and standpipes or equipment pertaining thereto

b. Fixed extinguishing systems or related equipment

c. Fire alarm systems or equipment pertaining thereto

d. Pre-manufactured paint spray booths or related equipment

e. Private fire hydrants or related piping or devices

f. Liquefied natural gases (LNG), liquefied petroleum gases (LPG) or compressed natural gas (CNG) of 100 gallon water capacity or more

2. To install containers, piping and related equipment for the manufacture, storage, handling or use of compressed gases.

3. To install, alter or remove tanks and related equipment used for storage, handling, transport or use of flammable or combustible liquids or hazardous materials as defined in the Fire Code.

a. Exception: Fuel supply for portable generators outside of buildings, limited to 60 days on a single premises during a 12 month period.

4. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any equipment or piping in connection with the manufacture, storage, handling, use or sale of flammable or combustible liquids or hazardous materials.

5. To change the type of contents stored in tanks containing flammable or combustible liquids or hazardous materials to a material other than that for which the tank was designed and constructed.

6. Heating Oil Tank Decommissioning. When requested by an owner for the purposes of documenting the decommissioning of a commercial or a one or two-family residential underground heating oil storage tank, a permit may be issued and an inspection made after payment of a fee in the amount specified in adopted Fee Schedule.

7. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any stationary tank, equipment or piping containing liquefied petroleum gas (LPG) in one and two family dwellings.

F. Permit Applications.

1. Applications for permits shall be made by the owner or authorized agent to the Fire Prevention Division in such form and detail as prescribed by the Fire Bureau. The application shall be accompanied by:

a. Sufficient plans, specifications, and engineering data to verify that the proposed activity or design complies with applicable codes, standards and regulations. When the applicant fails to provide

adequate specifications and plan detail, the Fire Marshal may require additional information including all submittals to be prepared by an architect or engineer registered in the State of Oregon.

b. Payment as set forth in Fee Schedule adopted by City Council.

c. Exception: When the installation of a fire protection system is not required but is voluntarily installed, but not as an alternative to another requirement, the fees specified in the Fee Schedule shall be reduced by 50%.

2. Any permit issued under this Title shall be personal to the party for whom it has been issued.

G. Voiding, Revocation or Suspension of Permit.

1. Any permit that purports to sanction a violation of this Title or any applicable law or regulations shall be void and any approval of plans and specifications in the issuance of such permit shall likewise be void.

2. After an administrative hearing by the Fire Marshal, any such permit may be suspended or revoked under the following conditions:

a. It is transferred or assigned to a party other than the party to whom the permit was issued;

b. It is used for a location other than that for which it was issued;

c. Approved plans, conditions or limitations set forth in the permit have been violated;

d. The permittee fails, refuses, or neglects to comply with any order or notice duly served under the provisions of this Title;

e. The permitted work was initiated without the owner's or other governmental agency's consent;

f. Work has not begun within 180 days of permit issuance;

g. Work, once commenced, has not progressed for a period of 90 days.

h. Payment for the permit has been returned or refused by the paying agent.

3. Any permit may be suspended for up to three business days without a hearing if the Fire Marshal finds that a fire hazard exists or there has been

any false statement, misrepresentation or omission as to a material fact, or change in condition from those stipulated in the application or plans upon which the permit was based. The permittee shall be given notice of the precise violations.

4. A permittee whose permit has been revoked or suspended may appeal the action as provided in this Title. The permit shall remain valid, pending the decision of the Board of Appeals.

31.30.050 Additional Permit Requirements.

A. Plan Review. Plans for construction, alteration, repair, or other work involving or affecting the fire and life safety features of any building regulated by the Fire Marshal shall be reviewed by representatives of the Fire Prevention Division prior to issuance of the building permit.

B. Inspection of Permitted Work. All construction, work, or activity for which a permit is required shall be subject to inspection by the Fire Marshal. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Fire Marshal nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

C. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Fire Marshal that such work is ready for inspection. The Fire Marshal may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing, by telephone, or by other means at the option of the Fire Marshal. Upon inspection the fire Marshal may require corrections. It shall be the duty of the permit applicant requesting an inspection to promptly comply with the written notice of corrections required by the Fire Marshal as a condition of the permit. A fee may be charged for re-inspections when the work is not ready for the requested inspection.

D. Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or his agent shall post an inspection record card in a conspicuous place on the premises which allows the Fire Marshal to conveniently make the required entries regarding the work. This card shall be maintained as described until final approval of permitted work has been granted by the Fire Marshal.

31.30.060 Special Inspections.

When inspections are requested or required outside of normal working hours to verify compliance with approved plans or permits, an hourly fee shall be paid as set forth in fee schedule adopted by City Council, with a minimum charge of four hours.

31.30.070 Expiration of Plan Review.

Applications shall expire by limitation when no permit is issued within 180 days following the date of application due to incomplete information or failure to provide requested corrections. In such cases plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Fire Marshal. The Fire Marshal may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

CHAPTER 31.40 - SPECIAL USE PERMITS

Sections:

31.40.010 Permits and Fees Required.
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31.40.070 Additional Requirements for Sale, Use and Possession of Fireworks and Pyrotechnics.
31.40.080 Additional Requirements for Blasting Activities.

31.40.010 Permits and Fees Required.

It is unlawful for any person or entity to use a building or premises or to engage in any activities for which a permit is required in this Title without first obtaining such permit from the Fire Marshal. In instances where laws or regulations are enforced by other agencies, joint approval shall be obtained.

All permits issued under this Title shall be presumed to contain the provision that the applicant or the applicant's agents shall carry out the proposed activity in compliance with all the requirements of this Title and any other Federal and State laws and City regulations, and other design guidelines as adopted by City Council that apply, whether specified or not, and in complete accordance with the approved plans and specifications.

A permit issued under this Title shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy or operation shall require a new permit.

31.40.020 Activities Requiring Temporary Permits.

(Amended by Ordinance Nos. 181956 and 187748, effective June 17, 2016.)

A. Temporary permits and associated fees are required for:

1. Festivals, celebrations and special events of a temporary nature where occupant load of 500 or more people as calculated by the Fire Marshal, in an assembly building without fixed seating

2. Gatherings of 50 or more people for civic, social, recreational or religious functions in structures not approved for assembly use

3. Use of tents or membrane structures with sides and/or fencing on greater than 75% of the perimeter with a calculated occupant load of 50 or more

4. Gatherings of 50 or more people that are fenced on four sides

5. Trade shows with gatherings of fewer than 500 people when, in the opinion of the Fire Marshal, conditions warrant additional safety precautions

6. Display of four or more motorized vehicles in a building when not associated with a permitted event

7. Fire performance and theatrical firearms, including but not limited to use of blanks or use of open flame associated with a live performance

8. Storage or use of liquid propane (LP) gas in excess of 17 ounces

9. Temporary use of LP gas within buildings in excess of the amounts allowed by this Title

10. Storage or use of LP gas in outdoor markets with gatherings of 50 or more people

11. Use of lasers that require a Federal variance

12. Pyrotechnic special effects, other than fireworks

13. Public fireworks display

14. Retail sales of fireworks

15. Blasting

16. Transportation of explosives

17. When cutting or welding is performed in restricted areas, including:

a. Where the sprinkler system is impaired

b. Where there exists the potential of an explosive atmosphere, such as locations where flammable gasses, liquids or vapors are present

c. Areas with readily ignitable materials, such as storage of large quantities of bulk sulfur, baled paper, cotton, lint, dust or loose combustible materials

d. On board ships at dock or ships under construction or repair

e. At other locations as specified by the Fire Marshal

18. To place and use roofing kettles on any surface above grade.

19. To conduct a spraying or dipping operation using flammable or combustible liquids or the application of combustible powders regulated by the Fire Code outside of a permitted spray booth or room.

B. Annual Permits.

1. An annual permit and associated fee is required for permanent installation of 90 days or more of LP gas containers greater than 25 gallons WC or 100 lbs.

2. Any commercial occupancy that allows fire performance art shall obtain an annual permit.

3. Any assembly occupancy with an occupant load of 500 or greater and a maximum floor space of 20,000 square feet may apply for an annual permit for up to four pre-approved floor plans. The floor plan(s) must include detailed information regarding exiting, stage set-up and set-up of fixtures and furnishings. If approved, the annual permit may substitute for individual permits providing there is no deviation from the approved plan.

Exceptions:

a. Any exiting, stage or floor plan that deviates from a pre-approved plan requires an individual permit with associated fee.

b. Any plan that includes booths or vendors requires an individual permit with associated fee.

c. Any annual permit may, at the discretion of the Fire Marshal, be revoked for cause.

31.40.030 Applications.

A. Applications for permits shall be made to the Fire Prevention Division in such form and detail as prescribed by the Fire Bureau. The application shall be accompanied by payment as set forth in Fee Schedule adopted by City Council. Applications for the permit and required plans shall be submitted for approval not less than two weeks prior to the event or the commencement of advance ticket sales, whichever occurs first. Applications submitted less than one week prior to the event shall be charged double the permit fee set forth in the Fee Schedule.

B. The application for the permit shall state the name, address and telephone number of the owner or party legally occupying the building or premises on which the activity will be conducted. The application shall be accompanied by the written permission of the owner or legal occupant, signed by a person with authority to do so, authorizing the applicant to carry on the activity described in the application, in the building or on the premises described.

C. When required by the Fire Marshal, sufficient plans, specifications, and engineering data must be submitted for the purpose of verifying that the proposed activity or design complies with applicable codes, standards and regulations. When the applicant fails to provide adequate specifications and plan detail, the Fire Marshal may require additional information including all submittals to be prepared by an architect or engineer registered in the State of Oregon.

D. The Fire Marshal may refuse to issue a permit if the applicant has unpaid fees for prior permits or unpaid citations.

31.40.040 Inspection of Permitted Work.

All activity for which a permit is required shall be subject to inspection by the Fire Marshal. An approved set of plans and the permit shall be kept at the event site. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the Fire Marshal nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

31.40.050 Revocation and Suspension of Permits.

A. Any permit that sanctions a violation of this Title or any applicable law or regulations shall be void and any approval of plans and specifications in the issuance of such permit shall likewise be void.

B. Any permit issued under this Title may, after an administrative review by the Fire Marshal, be suspended or revoked under the following conditions:

1. It is used by a person other than the person to whom the permit was issued;

2. It is used for a location other than that for which it was issued;

3. Approved plans, conditions or limitations set forth in the permit have been violated;

4. The permittee fails, refuses, or neglects to comply with any order or notice duly served under the provisions of this Title;

5. The permitted work was initiated without the owner's or other governmental agency's consent;

6. The Fire Marshal finds that a hazard other than that anticipated in the permit approval exists, or there has been a false statement, misrepresentation or omission as to a material fact, or a change in condition from that stipulated in the application or plans upon which the permit was based.

7. Payment for the permit has been returned or refused by the paying agent.

C. The Fire Marshal may, as an alternative remedy, suspend the permit:

1. For the first offense in any two-year period, revoke the permit for one day and/or performance, or until the condition is corrected;

2. For the second offense in any two-year period, revoke the permit for three days and/or performances, or until the condition is corrected;

3. For the third offense in any two-year period, revoke the permit for fifteen days and/or performances;

4. For the fourth and subsequent offenses in any two-year period, revoke the permit for 30 days and/or performances.

D. The City shall not be responsible for any losses arising from the permit suspension or revocation.

31.40.060 General Requirements for Explosives, Pyrotechnics, Blasting Agents and Fireworks.

A. The applicant shall follow all federal, state, county and city laws and regulations applicable to obtaining, owning, transporting, storing, handling and using explosive materials in addition to obtaining all blasting permits required and issued by the City. The Fire Marshal may adopt policies and procedures consistent with these regulations for the purpose of protecting the public, providing safety to life and property and to assure consistent practices in enforcement and administration of these requirements.

B. Shipments at Terminals.

1. Carriers shall immediately notify the Fire Marshal when explosives, pyrotechnics, blasting agents or fireworks are delivered within the City. Carriers delivering such cargo at a waterfront terminal shall also notify the Harbor Master of such delivery.

2. Carriers of explosives, pyrotechnics, blasting agents or fireworks for delivery within the City shall immediately upon arrival at the destination notify the consignee or the consignee's agent of the arrival of the cargo. The consignee or the consignee's agent shall, within 24 hours after the arrival of the cargo in the City, move the cargo outside the City or to a storage facility within the City approved by the Fire Marshal. Upon a showing of extreme hardship and minimal risk of danger to life and property, the Fire Marshal may extend the 24 hour period. If, after notification, the consignee or the consignee's agent does not move the cargo as specified above and within the time specified above, the carrier shall so notify the Fire Marshal, who shall instruct the carrier as to the disposition of the cargo.

3. No explosives, pyrotechnics, blasting agents or fireworks awaiting further shipment to destinations outside the City shall be held at a terminal within the City for more than 24 hours unless under direct order of the Fire Marshal.

C. Transportation by Water.

1. All explosives, blasting agents, fireworks and pyrotechnics transported from land to water or from water to land are subject to regulation under applicable provisions of this Chapter and Portland City Code 19 "Harbors" and shall be subject to supervision by the Harbor Master with regard to loading, unloading and handling on any waterfront facility in the City. The Harbor Master shall notify the Fire Marshal when any vessel having explosives, blasting agents, pyrotechnics or fireworks on board enters the City limits.

2. The party with legal custody shall provide adequate security of explosives, blasting agents, pyrotechnics and fireworks during the time that they are held at any waterfront facility.

31.40.070 Additional Requirements for Sale, Use and Possession of Fireworks and Pyrotechnics.

(Amended by Ordinance No. 187748, effective June 17, 2016.)

A. It is unlawful to sell, keep or offer for sale, expose for sale, possess, use, explode or have exploded any fireworks, aerial luminary devices or pyrotechnics within the City, except as specified by ORS 480.120. For the purpose of this Chapter, the Fire Marshal of the City is recognized as an ex-officio Deputy State Fire Marshal as provided by State statute.

B. All permitted public fireworks displays may be supervised and controlled by the Fire Chief, acting by and through the Fire Marshal.

C. Violations - The Fire Marshal is authorized to receive for storage or transfer explosives, blasting agents, pyrotechnics or fireworks obtained by law enforcement officers or others. The Fire Marshal shall confiscate, remove, or have removed at the owner's expense, all stocks of fireworks or other combustibles exposed for sale or held in stock in violation of this Title, and may destroy same, when the Fire Marshal finds such measures necessary for the preservation of the public safety.

31.40.080 Additional Requirements for Blasting Activities.

A. A blasting permit is required for every individual project requiring blasting. It shall be a violation of this Title for any person or entity to do any of the following without first obtaining a permit from the Fire Marshal.

1. be in possession of high explosive materials, as defined by the adopted fire code;

2. transport explosives;

3. conduct an operation or activity requiring the use of explosive materials; or

4. perform, order or supervise the loading and firing of high explosive materials for the purpose of blasting.

B. Certificate of Insurance. The applicant shall provide a certificate of liability insurance to include X, C, U coverage in a form to be approved by the City:

1. In an amount not less than one million dollars ($1,000,000), or

2. Such additional amount as may be reasonable under all of the circumstances then existing as determined by the Fire Marshal.

The certificate of insurance shall state on its face that the underlying liability insurance policy includes coverage for and indemnification of the City, its officers, agents (including any blasting consultant in the employ of the City, and any employees of such blasting agent) as additional insured, against any claims brought by owners of any property for loss or damage that resulted from such blasting and coverage to indemnify, hold harmless and defend the City, its officers, agents, and employees in and from any cost, attorney's fees or judgments arising in any way from the actions of the permittee as a result in whole or in part from the blasting. The certificate shall also state that the insurance company must give the City a minimum of 10 days' notice of cancellation of the required liability insurance coverage. Notice shall include notice to the Fire Marshal.

C. Additional Permissions.

1. A valid Certificate of Possession from the Bureau of Alcohol, Tobacco and Firearms must be obtained prior to issuance of a permit.

2. High explosive materials shall not be transported, sold, given, delivered, or transferred to anyone in the City not in possession of a valid blasting permit.

3. Permits for blasting projects in a public right-of-way or adjacent to a public right-of-way when the blast may affect operation of the right-of-way shall not be issued unless approved by other City Bureaus or other public agencies as deemed appropriate by the Fire Marshal.

D. City Assumes No Liability. By the passage of the ordinance codified in this chapter or the issuance of any permit under this chapter, the City assumes no responsibility for any damage caused by the person or entity blasting within the City.

CHAPTER 31.50 - BUILDING INSPECTIONS

Sections:

31.50.010 Purpose and Scope.
31.50.020 Organization.
31.50.030 Process.
31.50.040 Administrative Warrants.
31.50.050 Fees Authorized.

31.50.010 Purpose and Scope.

The Fire Marshal shall establish a program for the periodic inspection of all occupancies of commercial buildings for compliance with the fire regulations. The Fire Marshal shall adopt a policy regarding the frequency, priority, and type of inspection of occupancies in commercial buildings subject to the availability of budgeted funds and staff. The Fire Marshal or the Fire Marshal's designees may, at all reasonable hours, enter into all buildings and upon all premises, except private residences, to conduct an inspection to determine if fire hazards exist.

31.50.020 Organization.

The Fire Marshal shall establish minimum qualifications of individuals performing inspections. Individuals may be members of the Fire Prevention Division, members of other Divisions within the Fire Bureau, members of other public agencies operating under an interagency agreement, or employees or individuals working under contract with the Fire Bureau.

31.50.030 Process.

A. Prior to a periodic inspection, each owner/occupant shall be sent a letter by first class mail, giving notice of the inspection and listing commonly found violations of fire regulations. Failure to correct the common violations listed in the letter shall result in an additional fee for each class of violation.

B. When a periodic inspection reveals a violation of fire regulations, the Fire Marshal shall so notify the owner/occupant and the owner/occupant shall be responsible for immediately abating the violation. Failure to abate the violation as prescribed by the Fire Marshal shall result in additional penalties as set forth in a fee schedule adopted by City Council.

31.50.040 Administrative Warrants.

(Amended by Ordinance No. 181956, effective June 25, 2008.) Where entry for the purpose of periodic inspection or investigation has been sought and refused, or an inspection or investigation may, in the opinion of the Fire Marshal, be jeopardized without an inspection warrant, the Fire Marshal may seek and execute such warrant as allowed under the provision of ORS 476.155 through 476.170.

31.50.050 Fees Authorized.

(Amended by Ordinance No. 181956, effective June 25, 2008.)

A. There shall be an inspection fee payable by the building owner/occupant for all periodic inspections as well as inspections requested by the owner/occupant. The building owner will be billed in situations where the occupant shows the Fire Marshal a lease agreement or some other legal arrangement with the building owner which places the responsibility for fire inspection and the payment of fees on the building owner.

1. Exception: Inspections of primary and secondary schools and nonprofit hospitals buildings with an Oregon State Structural Code occupancy designation of I – 2 (Hospitals), shall be exempt from all fees except illegal occupancy, violation and reinspection fees.

B. Fees for periodic inspections, reinspections, violations and penalties shall be set forth in a fee schedule adopted by City Council. All fees shall be paid to the City Treasurer within 30 days of the invoice date and shall be considered delinquent after that date. A penalty shall be assessed if a person fails to pay the fee when due.