

ORDINANCE No.

186247

Amend Portland Fire Regulations to extend the protection afforded by automatic fire sprinklers to occupants of existing buildings used as nightclubs that are not protected with an automatic fire sprinkler system. (Ordinance; amend Code Section 31.10.050)

The City of Portland ordains:

Section 1. The Council finds:

1. Nightclubs often have attributes such as low lighting levels, loud music, dancing or live performance, late hours of operation, dense seating with ill-defined aisles, and alcoholic beverage service.
2. Any of these factors delay fire recognition, confuse the appropriate response, and increase the time it takes occupants to exit.
3. Newly constructed nightclubs are required by the Oregon and Portland Fire Code to provide automatic fire sprinklers when any of the following conditions exist: (1) the fire area exceeds 5,000 square feet; (2) the fire area has an occupant load of 100 or more; or (3) the fire area is located on a floor other than the level of exit discharge.
4. For those nightclubs housed in existing buildings not protected with an automatic fire sprinkler system, the Oregon and Portland Fire Code do not explicitly require the installation of automatic fire sprinklers unless the building is undergoing extensive alterations or the building has recently changed its occupancy to allow for use as a nightclub.
5. The federal government in 2002 authorized the National Institute of Standards and Technology (NIST) to conduct research on any major building failures where there was a high loss of life to prevent reoccurrence.
6. NIST conducted extensive research into a 2003 catastrophic fire in Rhode Island in a nightclub that was not protected with an automatic fire sprinkler system. One-hundred people were killed and one hundred eighty seven were injured.
7. NIST constructed an exact replica of the nightclub, and in a full scale test burn, found that three fire sprinklers controlled and extinguished the fire within minutes. NIST recommended that all state and local authorities adopt sprinkler system standards for existing nightclubs with an occupant load greater than 100 people.
8. The National Fire Protection Association (NFPA) is an international nonprofit standards development organization established in 1896 to reduce the worldwide burden of fire through the development of voluntary consensus standards.
9. The standards developed by NFPA are created through procedures accredited by the American National Standards Institute (ANSI) for their consensus decision-making, openness, balance of interests represented, and fairness.

10. In July 2003 at the NFPA Standards Council meeting in Portland, Oregon, NFPA voted to require automatic fire sprinkler protection in existing structures used as dance halls, nightclubs, discotheques and assembly occupancies with festival seating when the occupant load is more than 100.

11. In 2005, the State of Washington passed a law requiring fire sprinklers to be installed in existing nightclubs.

12. Worldwide experience has shown that a substantial and terrible loss of life occurs when fires break out in nightclubs not protected with an automatic fire sprinkler system:

- a. 2013 Santa Maria nightclub, Brazil – 241 fatalities
- b. 2009 Santika Club, Thailand – 66 fatalities
- c. 2009 Lame Horse nightclub, Russia – 156 fatalities
- d. 2004 República Cromañón Nightclub, Argentina – 194 fatalities
- e. 2003, The Station night club, Rhode Island—100 fatalities
- f. 2002 La Goajira night club Caracas, Venezuela-47 fatalities
- g. 2002 Disco in Lima, Peru-25 fatalities
- h. 2001 Discotheque in Manila, Philipines-73 fatalities
- i. 2000 Het Hemeltje in Volendam, Holland-11 fatalities
- j. 2000 Disco in Ho Minh City, Vietnam-61 fatalities
- k. 2000 Dongdu Building nightclub, Luoyang, China – 309 fatalities
- l. 1998 Gothenburg Disco, Sweden – 63 fatalities
- m. 1996 Ozone Disco Club, Philippines – 162 fatalities
- n. 1990 Happy Land Social Club, New York – 87 fatalities
- o. 1983 Alcalá 20 nightclub, Madrid – 83 fatalities
- p. 1980 MGM Grand in Las Vegas, Nevada – 85 fatalities
- q. 1977 Beverly Hills Supper Club, Kentucky – 165 fatalities
- r. 1976 Club Puerto Rico, New York – 25 fatalities
- s. 1973 Upstairs Lounge, New Orleans – 32 fatalities
- t. 1942 Coconut Grove nightclub, Boston – 492 fatalities – the deadliest nightclub fire in world history.

13. When comparing fire sprinkler data in the United States from 2007-2011, deaths per thousand reported fires were 100% lower and property damage was 75% lower in fire sprinkler protected versus non-protected public assembly properties.

14. Local experience in the City of Portland also indicates that automatic fire sprinklers in public assembly properties protect life and property. For example, in April 2013, an accidental and rapidly spreading fire in a local bar was quickly extinguished with the activation of only one fire sprinkler, and occupants were able to calmly and safely exit.

15. Although the Portland Fire Marshal has promoted voluntary automatic fire sprinkler installation amongst local nightclubs, there are still many venues with an occupant load of more than 100 that are not protected with an automatic fire sprinkler system.

16. The Charter of the City of Portland vests the City with the responsibility to exercise its police powers to make and enforce all necessary and appropriate safety laws and regulations.

17. Section 2-105 (41) of the Charter of the City of Portland specifically authorizes the City to require adequate fire apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
18. The City has authorized the Fire Marshal, with the approval of the Fire Chief, to preserve and protect the public safety and welfare of the citizens of Portland by making and enforcing rules, regulations and policies for the prevention of fires and fire hazards.
19. The City of Portland is partially exempt from the statutes, rules and regulations administered by the State Fire Marshal.
20. The State Fire Marshal has designated the Portland Fire Marshal as the approved authority for exercising functions relating to fire prevention and fire safety measures in the City of Portland.
21. In the opinion of the Portland Fire Marshal, a requirement that all nightclubs with an occupant load of more than 100 have automatic fire sprinklers substantially advances the City's interest in protecting the public's health, safety, and welfare.
22. Addressing sprinkler requirements in assembly occupancies will provide the following benefits: (a) higher level of fire and life safety in assembly occupancies; (b) protection of neighboring businesses from exposure to a large or fast moving fire; and (c) increased safety for firefighters performing rescues and controlling fires.
23. Allowing existing buildings used as nightclubs an adequate amount of time to install automatic fire sprinklers will accomplish the goal of protecting public safety while also respecting the needs of business owners to budget and plan for installation.
24. Where a person, owner, or occupant of a nightclub experiences practical difficulties in complying with this requirement, he or she should be allowed to submit an appeal seeking a modification pursuant to Portland Fire Code 104.8 and in the manner provided by Portland City Code 31.10.080.

NOW, THEREFORE, the Council directs:

- a. Subsection 31.10.050 E., Authority, is amended as follows:

E. Adoption of Oregon Fire Code, 2007 Edition. In addition to the provisions of this Title, and as a supplement thereto, in order to regulate those conditions hazardous to life and property from fire or explosion that are not specifically addressed by this Title, the City hereby adopts the 2007 Edition of the Oregon Fire Code with amendments as shown in Ordinance No. 181956, Attachment B, adopted June 25, 2008 and Ordinance No. xxxxx, Exhibit A, adopted September x, 2013.

- b. The Fire Marshal shall extend the protection afforded by automatic fire sprinklers to occupants of existing buildings used as nightclubs by amending the Portland Fire Code in a form substantially similar to Exhibit A.

c. Any person, owner or occupant subject to the requirements of Exhibit A may submit an appeal for a modification pursuant to Portland Fire Code 104.8 and in the manner provided by Portland City Code 31.10.080.

d. The Fire Marshal, with the approval of the Fire Chief, is authorized to make and enforce any rules, regulations, and policies as may be necessary to extend the protection afforded by automatic fire sprinklers to occupants of existing buildings used as nightclubs.

Passed by the Council: **SEP 11 2013**

Commissioner Dan Saltzman

Prepared by: Nate Takara

Date Prepared: August 28, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings*

Deputy

Amend Portland Fire Regulations to extend the protection afforded by automatic fire sprinklers to occupants of existing buildings used as nightclubs that are not protected with an automatic fire sprinkler system. (Ordinance; Amend Code Section 31.10.050)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>AUG 30 2013</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>[Signature]</i></p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Portland Fire & Rescue Bureau Head; Erin A. Janssens, Fire Chief <i>[Signature]</i></p> <p>Prepared by: Carol Ann Boucher Date Prepared: 08/28/2013</p>	<p>ACTION TAKEN: SEP 04 2013 PASSED TO SECOND READING SEP 11 2013 9:30 A.M.</p>
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances <i>[Signature]</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date 09/04/2013</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00 p.m.</p> <p>Total amount of time needed: 1 hour (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	