

Chapter 31.10

187748

ADMINISTRATION

(Title replaced by Ordinance No. 180276,
effective June 28, 2006.)

Sections:

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31.10.010 Title.

The authority established in this Title shall be known as the "Fire Regulations" and may be so cited and pleaded and is referred to herein as "this Title."

31.10.020 Purpose and Scope.

- A.** This Title shall be deemed an exercise of the police powers of the City for the preservation and protection of the public health, peace, safety and welfare, and all of its provisions shall be liberally construed for that purpose.
- B.** This Title establishes regulations affecting or relating to structures, premises, processes, and safeguards regarding:
 - 1.** The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
 - 2.** Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
 - 3.** Fire hazards in the structure or on the premises from occupancy or operations;
 - 4.** Matters related to the construction, extension, repair, alteration or removal of fire suppression, fire alarm systems and hazardous material storage, dispensing and use.
- C.** The provisions of this Title shall apply equally to both public and private property,

and shall be binding upon public officers and employees and all other persons except as may be otherwise specifically provided herein.

- D.** This Title shall be applicable in addition to the measures of fire prevention as set forth in the laws and regulations of the State of Oregon and the United States. The provisions of this Title, insofar as they are substantially the same as existing titles and/or ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

31.10.030 Definitions.

(Amended by Ordinance Nos. 180917 and 181956, effective June 25, 2008.)

- A.** “Aerial Luminary Device” (commonly known as a sky lantern) is any device that has an open flame and which can be sent airborne or adrift.
- A.B.** “Building” is any structure used or intended for supporting or sheltering any use or occupancy.
- B.C.** “Certificate of Fitness” means a written statement issued by the Fire Marshal certifying that the person to whom the certificate is issued has passed an examination as to his or her qualifications to perform the specifically identified work and that he or she has authority to perform such work during the term specified.
- C.D.** “Commercial Building” means any structure, tank or yard that is subject to regulation under applicable fire codes. It includes any temporary structure or vehicle that is used for commercial purposes and is not moved for 60 days. It includes occupancies on public and private property as well as on all other types of ownership. It does not include one and two-family residential structures.
- D.E.** “Entity” includes a corporation, foreign corporation, nonprofit corporation, profit and nonprofit unincorporated association, business trust, estate, partnership, trust, sole proprietorship, individual, two or more persons having a joint or common economic interest, any state, the United States and any foreign government.
- E.F.** “Fee Schedule” means a listing of fees, penalties, discounts and other payments payable to the City of Portland for services or other requirements set forth in this Title, which is adopted by City Council.
- F.G.** “Fire Bureau” shall mean Portland Fire & Rescue.
- G.H.** “Fire Code” means the Oregon Fire Code, ~~2007~~ 2014 edition, with City of Portland Amendments.
- H.I.** “Fire Hazard” means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or which may obstruct, delay, hinder or interfere

with the operations of the Fire Bureau or the egress of occupants in the event of fire.

- I.J.** "Fire Regulations" means the statutes and administrative rules adopted by the State of Oregon and the Portland City Code adopted by the Council and the policies adopted under the authority granted under this Chapter to the Fire Marshal which are for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.
- J.K.** "Key Box", also known as a "lock box", is a secure metal box used to hold keys for a specific site, to provide Fire Bureau personnel access to that site.
- K.L.** "Occupancy" means the activity in a building or on property outside a building where services or housing are provided or commodities are bought, sold, handled, manufactured or stored. A single business entity with multiple uses or activities in a building as defined by the Oregon Structural Specialty Code is considered one occupancy. Any structure, yard or group of tanks outside a building such as tank farms, moorage and outside storage are considered one occupancy. The definition includes individual businesses within a multiple occupancy commercial building but it does not include individual dwelling units within a multiple residential building. The Oregon Structural Specialty Code shall define classification of all buildings and structures as to use and occupancy.
- L.M.** "Owner/occupant" means the owner, operator, occupant or entity legally responsible for a premise or the delivery of services or housing, or the buying, selling, handling, manufacture or storage of commodities, and/or the condition of the building.
- M.N.** "Periodic Inspection" means an inspection performed periodically by a member of the Fire Bureau for the purpose of determining that the entire occupancy is in compliance with the requirements of fire regulations. A "periodic inspection" is also known as a "regular inspection" by the Fire Bureau. It does not include specific requests for inspection.
- N.O.** "Permit" means a written permission of the Fire Marshal issued pursuant to the provisions of this Title.
- O.P.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1985, shall be considered as providing ordinary accepted meanings.

31.10.040 Organization.

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

- A.** The Fire Bureau shall administer the provisions of this Title unless otherwise specified in this Title.

- B. The Fire Chief shall be responsible for all fire prevention efforts in the City and for enforcing the provisions of this Title or any subsequent amendments to the same.
- C. The personnel of the Fire Prevention Division shall consist of a Fire Marshal and as many Deputy Chief Fire Marshals, Fire Captains, Senior Fire Inspectors, Fire Inspectors and other employees as may be allowed and provided by the Fire Chief and City Council. Such personnel may act to enforce provisions of this Title as assigned by the Fire Marshal. The Fire Marshal shall report directly to the Fire Chief.
- D. There shall be, in the Fire Prevention Division of the Fire Bureau, a section designated as the "Fire and Arson Investigation Unit", which shall be considered a law enforcement unit of the City of Portland. Personnel assigned to this unit shall be designated peace officers, for fire and life safety purposes including determining the cause of fires, for detecting arson, and for enforcing this Code and any other codes, rules or regulations incorporated therein. This unit shall be charged with the enforcement of the criminal laws of the State of Oregon relating to the crimes of arson, reckless burning, insurance fraud, and other related crimes.

31.10.050 Authority.

(Amended by Ordinance Nos. 180514, 181956 and 186247, effective October 11, 2013.)

- A. Rules and Regulations. The Fire Marshal, with the approval of the Fire Chief, is authorized to make and enforce such rules, regulations and policies for the prevention and control of fires and fire hazards, as may be necessary to carry out the intent of this Title.
- B. Adoption of Oregon State Statutes. In order to obtain an exempt jurisdiction status from the State Fire Marshal, in accordance with ORS 476.030(3) from the statutes, rules and regulations administered by the State Fire Marshal, the City hereby adopts and incorporates into this title by reference the following provisions of the Oregon Revised Statutes: 162.225, 162.235, 162.375, 162.255, 476.005, 476.010, 476.150 through 476.290, 476.380, 476.715, 479.015 through 479.170, 479.190, 479.195, 479.210 through 479.300, 479.990(6), and all of ORS 480 except 480.350, 480.355, 480.375(2), 480.432 through 480.440.

Where reference is made to the State Fire Marshal in the Oregon Revised Statutes in this Title, the term "City Fire Marshal" shall be substituted for it.

- C. Adoption of Oregon State Administrative Rules, Fire Marshal Chapter 837. In order to obtain an exemption in accordance with ORS 476.030(3) from the statutes, rules and regulations administered by the State Fire Marshal, the City hereby adopts and incorporates into this Title by reference the following administrative rules adopted by the State Fire Marshal:
 1. OAR 837 - Division 12, Public Display of Fireworks in Oregon
 2. OAR 837 - Division 20, Flammable and Combustible Liquids

3. OAR 837 - Division 30, Liquefied Petroleum Gas, Sections 837-030-0140 through 837-030-0180 and 837-030-0230
4. OAR 837 - Division 40, Adoption of the Oregon Structural Specialty Code and Mechanical Special Code, Section 837-040-0140
5. OAR 837 - Division 41, Fire Protection Regulations Relating to Existing Non-Conforming High Hazard Facilities - Exitway Protection
6. OAR 837 - Division 45, Smoke Detectors

Where reference is made in this Title to the State Fire Marshal in the Oregon State Fire Marshal Administrative Rules, the term "City Fire Marshal" shall be substituted for it.

- D. Oregon Residential Specialty Code. In order to allow alternative methods of fire protection for the development of one and two family dwellings, the City hereby adopts and incorporates into this Title by reference Oregon Administrative Rule 918-480-0100.
- E. Adoption of Oregon Fire Code, ~~2007~~ 2014 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~~ 2014 Edition of the Oregon Fire Code with amendments ~~as shown in Ordinance No. 181956, Attachment B, adopted June 25, 2008 and Ordinance No. 186247, Exhibit A, adopted September 11, 2013.~~
- F. Standards of the National Fire Protection Association. When requested by a building owner, the Fire Marshal may use criteria from an edition of a National Fire Protection Association Standard that is more current than adopted by Chapter 45 of the ~~2007~~ 2014 Oregon Fire Code.
- G. When the Oregon State Fire Marshal adopts amended National Fire Protection Association (NFPA) Standards, the Fire Marshal is authorized to enforce the amended standard.

31.10.060 Authority to Require Address Change.

The Fire Marshal is authorized to require a property address change when, in the opinion of the Fire Marshal, the existing address may delay emergency response by emergency service providers.

31.10.070 Citations.

(Amended by Ordinance Nos. 180514 and 181956, effective June 25, 2008)

- A. Authority Established.

If, after investigation, the Fire Marshal determines that a violation of this Title has occurred, and that the person, entity or owner/occupant committing the violation

knew or should have known that the action was in violation of this Title, a citation may be issued to the person, entity or owner/occupant committing the violation. Citable violations include, but are not limited to:

1. Failure to obtain a permit
2. Failure to adhere to permit conditions
3. Failure to adhere to assigned occupant load limit in assembly occupancy
4. Exit blocked, obstructed
5. Exit corridor or aisle obstructed or width reduced
6. "Exit" sign missing or not working
7. Fire extinguisher missing, discharged or wrong type
8. Firefighting appliance blocked, obstructed or otherwise rendered unusable
9. Fire alarm device or fire extinguishing system blocked, obstructed or otherwise rendered unusable
10. Failure to use, maintain, store or secure propane bottle as required by this Title
11. Performing work that requires a Certificate of Fitness without a valid certificate
12. Assigning an employee to perform work that requires a Certificate of Fitness without a valid certificate
13. Parking on a posted fire access road
14. Blocking or obstructing any fire hydrant or fire department connection
15. Conducting mobile fueling operation in violation of Fire Code regulations
16. Possession or use of illegal fireworks
17. Illegal storage of fireworks
18. Illegal sale of fireworks
19. Illegal commercial fireworks display
20. Illegal occupancy in violation of International Building Code
21. Burning in violation of Fire Code

22. Repetitive false alarms in occupancies equipped with fire, smoke and/or water flow detection systems.
 23. Violations that would constitute or contribute to an immediate and/or imminent hazard to life and property
- B.** Each day a person, owner or occupant violates or fails to comply with a provision of this chapter may be considered a separate violation for which a citation may be issued.
- C.** Fines Authorized. Citations shall result in monetary fines as set forth in Fee Schedule adopted by City Council. Fines may escalate for two or more occurrences of the same or similar violations by the same person, owner or occupant within a four-year period. Fines may escalate for failure to pay within 30 days of issuance. The Fire Marshal may suspend 1/2 of any citation fine, providing the person, owner or occupant cited agrees in writing to immediately cease and/or abate the violation. If the person, owner or occupant is found to be in violation of the same or similar violation within a four year period, the original fine may be reinstated and shall be in addition to any other fine authorized by this title.
- D.** Citation Process. Citation shall be delivered as would reasonably be expected to provide notice, including in person, by certified mail or posted conspicuously on property. Citation shall include:
1. Name and address of person, owner or occupant being cited
 2. A description of the property where the violation occurred
 3. Date(s) of the violation
 4. Reference to the particular code(s) violated
 5. A statement explaining actions required of person, owner or occupant being cited
 6. A statement of applicable monetary penalty, and
 7. A statement of the right to appeal the citation

31.10.080 Appeals.

- A.** Standing for Appeals. The following persons, owners or occupants, herein called appellants, may submit an appeal as described in this Title:
1. Any person, owner or occupant who has been ordered by the Fire Marshal to incur any expense under any provision of this Title;
 2. Any person, owner or occupant who has been cited by the Fire Marshal for violation of any provision of this Title:

3. Any person, owner or occupant whose application for a permit or approval under this Title has been refused by the Fire Marshal;
4. Any person, owner or occupant whose special case is not specifically covered by this Title.

B. Board of Appeals. The Fire Code Board of Appeals, having been established, is hereby continued.

1. The Board shall consist of three members, and an alternate for each member. Each member and alternate shall serve a term of three years. The Mayor shall appoint and may remove any member or alternate from the Board at any time.
2. Board members and alternates must by experience and training in building construction, building operations or fire protection systems, be qualified to pass on the provisions of this Title as they affect the interest of the City as a whole. No two members or alternates shall be engaged in the same business, profession or occupation. No member or alternate shall be an officer, official or employee of the City.
3. No member or alternate shall hear or act on a matter in which he or she has any interest, direct or indirect, pecuniary or otherwise. In the event of such an interest, the member's alternate shall hear and determine the matter.
4. The Board annually shall elect a Chairman from among the three members of the Board. Meetings of the Board shall be held at the call of the Chairman, who shall call meetings at the Fire Marshal's request.

C. Appeal Procedure.

1. Appellant shall serve written notice of appeal on the Fire Marshal no more than ten days after the Fire Marshal's order or action. The notice of appeal shall be in such form as specified by the Fire Marshal, and shall be accompanied by appeal fee.
2. The Fire Marshal may approve, approve with conditions or deny the requested relief. The decision of the Fire Marshal, with a brief statement for its basis, shall be transmitted to the appellant in writing. If the appellant is not satisfied with the decision, the appellant may, within ten days after notice, serve written notice on the Fire Marshal requesting a hearing before the Fire Code Board of Appeals.
3. The Fire Marshal shall transmit copies of the notice of appeal to the Board of Appeals and to the Commissioner-in-Charge. Not less than 10 days prior to the date of the hearing, the Board shall mail notice of the date, time and place of the hearing to the appellant, by certified mail, return receipt

requested.

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4. After the hearing, the Board may by a majority vote, affirm, annul or modify the action of the Fire Marshal provided any modification of a strict application of this Title shall be made only on condition that a substantially equivalent degree of safety is provided and is generally conforming to national standards concerning fire prevention, fire safety measures and building construction requirements for safety. The decision of the Board interpreting the provisions of this Title may be by a majority vote of the Board. The Board shall deliver a certified copy of its decision to the appellant.
5. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this Title may result from the literal interpretation and enforcement thereof, the Board of Appeals may grant variances from this Title, in a specific case with such conditions and safeguards as the Board may determine, in harmony with the general purpose, intent and spirit of this Title, so that the public safety and welfare shall be secured and substantial justice shall be done. The grant of a variance shall be by unanimous vote of the Board.
6. The Board of Appeals shall submit to the Council on or before the first day of August of each year a report summarizing its decisions for the preceding fiscal year together with its recommendations for amendments to this Title.

31.10.090 Remedies.

In enforcing any of the requirements of this Title, the Fire Marshal may gain compliance by:

- A. Instituting a proceeding before the Code Hearings Officer as set out in Title 22 of the City Code; or
- B. Causing appropriate action to be instituted in a court of competent jurisdiction; or
- C. Taking such other action as the Fire Marshal, in the exercise of the Fire Marshal's discretion, deems appropriate.

31.10.100 Waivers and Adjustments.

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

- A. Commissioner-in-Charge of the Fire Bureau is authorized to waive any fees, fines and penalties in this Title based on guidelines established by the Commissioner. The authority to waive fees, fines and penalties based on the established guidelines may be delegated to the Fire Marshal.
- B. At the discretion of the supervisor in charge of customer accounts, account balances may be zeroed out if that balance represents only residual unpaid principal, interest or penalties.

31.10.110 Collections.

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

- A. The City may bring legal action to collect any fee, fine, penalty or interest provided for in this Title and assessed by a Fire Bureau member.
- B. Accounts with amounts 91 days or more past due will be handled according to the collection policy established by the Fire Bureau; this may include use of a professional collection agency. Fees imposed by collection agency may be added onto the current fee liability of the account. Invoices returned by the U.S. Postal Service as "refused" or payments returned by a financial institution for insufficient funds will be considered delinquent and subject to immediate collection actions.

31.10.120 Rewards.

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

- A. Fund Authorized. The Fire Chief, in consultation with the Commissioner-in-Charge, is authorized to establish a reward fund to assist with investigations of violations of this Title. Such fund may include up to \$1000 of Bureau budget allocations as well as donations from individuals, businesses and non-profit organizations.
- B. Reward Fund Disbursements. The Fire Marshal may, in consultation with the Fire Chief and Commissioner-in-Charge:
 - 1. Contribute funds to other public agencies or non-profit organizations to facilitate the investigation of specific arson crimes;
 - 2. Offer and disburse rewards directly to individuals, except as limited by this Title, who have assisted with the investigation or prosecution of a violation of this Title.
- C. A reward under the provisions of this Code shall not be paid to any United States, State, County, or municipal officer or employee. Bounty hunters are not entitled to rewards under this Chapter.

31.10.130 Request for Records.

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

- A. Upon written application, under the Public Records Law, accompanied by the fee adopted by the City Council, the Fire Marshal may furnish copies of fire incident reports, non-confidential fire investigation reports, fire prevention inspection reports and other bureau-related information. If there is no copy on file, the fee will not be refunded.
- B. Nothing in this section shall be construed as applying to any City, County, State or Federal agency, or subdivision thereof, or any nationally recognized nonprofit agency engaged in the suppression or prevention of fire.

Chapter 31.20

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GENERAL REQUIREMENTS

Sections:

- 31.20.010 Authority at Fires or Other Emergencies.
- 31.20.020 Eliminating Fire Hazards.
- 31.20.030 Violator Assumes Costs.
- 31.20.040 Fire Marshal Authorized to Abate Hazard and Assign Costs.
- 31.20.050 Fire Marshal Authorized to Require Building Alterations.
- 31.20.060 Unsafe Buildings.
- 31.20.070 Temporary Fire Watch.
- 31.20.080 Authority to Establish Fire Escape Maintenance and Removal Standards.
- 31.20.090 Authority to Require Key Boxes and Charge Installation Fee
- 31.20.100 Maintenance of Fire Protection Systems in Five-Story Apartment Buildings.
- 31.20.110 Certificates of Fitness.
- 31.20.120 Use of Helicopters.

31.20.010 Authority at Fires or Other Emergencies.

- A. The Fire Marshal or any of his or her assistants, the Fire Chief, or any member of the Fire Bureau in charge of fire fighting at a fire, or the Chief of Police or any member of the Police Bureau in charge of police officers attending a fire, may immediately, summarily and without being required to give any notice whatsoever
 1. Cause the use and/or occupancy of all or any portion of a building or structure which is found to be in danger of fire resulting from the spread of an existing fire to be discontinued;
 2. Close said building or structure or part thereof during such period of danger;
 3. Prevent the use and occupancy thereof.

Such officer may use such force as he or she may find reasonably necessary to protect human life. It is unlawful for any person to refuse to leave such building, structure or portion thereof when ordered to vacate the same under authority of this Section.

- B. The Fire Chief or the Fire Chief's authorized representatives shall be in charge of the scene of any emergency involving the saving of life and/or property from fire or other disaster, emergency medical services, hazardous materials incidents, or other emergency aid and shall have the power and authority to direct such operation as may be necessary in the reasonable performance of their duty.

31.20.020 Eliminating Fire Hazard.

Any owner/occupant, using or having charge or control of any premises, or any part of any premises, who creates or maintains a condition, or situation which constitutes a fire or life safety hazard, or who fails to promptly comply with the written notice of the Fire Bureau, shall be deemed guilty of violating this Title.

31.20.030 Violator Assumes Costs.

If a violation of this chapter results in or contributes to any emergency, including a fire, the violator may be civilly liable for the full cost of the emergency response as well as cleanup costs. The Commissioner-in-Charge of the Fire Bureau shall fix the amount of such expense. The amounts of all such charges assessed pursuant to this Section shall be paid to the City Treasurer, for deposit into the general fund of the City.

31.20.040 Fire Marshal Authorized to Abate Hazard and Assign Costs.

Where the Fire Marshal or Fire Bureau official in charge of the incident deems conditions exist that are deemed hazardous to life and property, except as limited by this Title, he/she is authorized to abate summarily such hazardous conditions that are in violation of this Title. Any costs associated with such summary abatement shall be charged against the property using the procedure provided for in City Code Chapter 22. The owner, occupant or other person in charge shall be immediately notified of the action taken and ordered by the Fire Marshal to secure the premises in full compliance with this Title.

31.20.050 Fire Marshal Authorized to Require Building Alterations.

Whenever the Fire Marshal finds that the means of egress from a building or portion thereof, or that the means of preventing the origin or spread of fire or of extinguishing fire in any building or portion thereof, are insufficient or inadequate, the Fire Marshal is hereby authorized and empowered to direct and require that any such building or portion thereof be rearranged, altered, or repaired to be sufficient and adequate in such respects.

31.20.060 Unsafe Buildings.

- A. Notwithstanding the mandatory directives to the Fire Marshal contained in this subsection, the Fire Marshal may, in the exercise of his authority, and in lieu of ordering the vacation of such building or structure, impose alternative interim measures, including, but not limited to, the imposition of a fire watch as established in this Title, when, in the opinion of the Fire Marshal, such interim measures will reduce such hazard so that it is no longer imminently dangerous so that persons may temporarily occupy such building or structure until such hazard has been abated.
- B. The owner, the owner's agent, or the occupant shall reimburse the City for any expenditures used in precautionary measures under this Section; or such expenditures shall be included as an additional item and be spread as an assessment against the property.
- C. If a building or structure used for low income multi-family housing is found to be imminently dangerous, as set forth in this Title, the Fire Marshal shall not cause the use and/or occupancy of the building or structure to be discontinued immediately, but shall report the matter to the Commissioner-In-Charge who shall report the matter to the Council for consideration of rehabilitation and repair by the City, provided that the Fire Marshal, in the exercise of his discretion, finds that interim measures, including but not limited to a fire watch, will reduce the hazard so that it is no longer imminently dangerous.

31.20.070 Temporary Fire Watch.

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

- A.** In order to avoid relocating persons from, or the vacation of, any structure, place of business or place of habitation that is imminently dangerous, as described in this Title, the Fire Marshal or senior fire officer may, if he determines that a reasonable level of fire and life safety can be obtained, order the owner/occupant to provide either a licensed, bonded security agency or other means approved by the Fire Bureau, to perform as a fire watch, making periodic patrols, as designated by the Fire Bureau, as a condition of allowing continued occupancy. If such patrols are not available or cannot be established as ordered by the Fire Marshal or senior fire officer, or if owner/occupant is unavailable, or if owner/occupant does not comply with such orders of the Fire Bureau, then the Fire Marshal or senior fire officer may:
1. Order off duty Fire Bureau personnel back to duty to provide the fire watch patrol, or
 2. Contract with a licensed, bonded security company to provide such service
- B.** The owner /occupant shall be responsible for paying all costs incurred by the Fire Bureau to the City Treasurer, who will reimburse the Fire Bureau's budget for this expense. If such costs are not paid within 30 days of billing, an assessment shall be made by ordinance and entered in the docket of City liens. Such entry shall constitute a lien upon the property and collected in all respects as provided for in this Title, and shall bear interest at the rate of 9 percent per year from 10 days after the date of entry into the lien docket.

31.20.080 Authority to Establish Fire Escape Maintenance and Removal Standards.

The Fire Marshal is authorized to develop and enforce standards for the maintenance and removal of fire escapes in accordance with provisions of ~~ORS Chapter 479~~ the 2014 Oregon Fire Code.

31.20.090 Authority to Require Key Boxes and Charge Installation Fee.

The Fire Marshal is authorized to require the installation of a key box in or on a building or area when access to or within the building or area may be difficult for firefighting purposes. The Fire Marshal may charge a fee for installation of a key box, regardless of whether the installation is mandatory or voluntary.

31.20.100 Maintenance of Fire Protection Systems in Five-Story Apartment Buildings.

(Amended by Ordinance No. 181956, effective June 25, 2008.) The owners of five-story apartment buildings of Type V-A construction approved under City Code Section 24.95 shall be responsible for assuring that the fire and life-safety systems required by the City Code Section 24 are maintained in an operable condition at all times. Approved persons shall conduct quarterly tests of such systems; a written record shall be maintained and be available to the inspection authority, unless otherwise required by the Fire Chief.

31.20.110 Certificates of Fitness.

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

- A.** A Certificate of Fitness shall first be obtained from the Fire Marshal before doing

any of the following:

1. Automatic sprinkler system installation, alteration, testing, service or repair;
 2. Fire extinguisher refilling, service or repair;
 3. Fixed fire extinguishing systems installation, alteration, testing, service or repair;
 4. Privately owned fire mains or hydrant systems installation, alteration, testing, service or repair;
 5. Commercial cooking hood and duct system cleaning.
- B.** When an applicant has successfully complied with regulations administered by the Fire Marshal, and upon receipt of the first annual fee as specified in the fee scheduled adopted by City Council, the Fire Marshal shall issue a Certificate of Fitness to the applicant. The Fire Marshal shall issue subsequent annual Certificates of Fitness on payment of an annual fee, unless the certification has lapsed, been suspended or been revoked.
- C.** Each Certificate of Fitness issued shall remain valid and in effect for one year from the date of issue unless suspended or revoked for due cause by the Fire Marshal. The certificate shall not be transferable.
- D.** It is unlawful for any person firm or corporation to assign an employee or other person to perform any of the activities regulated by this Chapter unless such employee or person is certified, or working under an on-site supervisor who is certified.
- E.** Whenever the Fire Marshal determines after investigation that any person holding a Certificate of Fitness as provided herein has performed work so as to create a hazard to life or property, the Fire Marshal is authorized and empowered to suspend or revoke the Certificate of Fitness. Notice shall be given of the suspension or revocation and the reasons for the suspension or revocation shall be identified in the notice.
- F.** The Fire Marshal may issue a citation to firms or corporations in violation of this Chapter.
- G.** Any person, firm or corporation so affected may appeal such suspension, revocation or citation as provided in this Title.
- H.** Once a Certificate of Fitness has been revoked, an applicant shall reapply, meet the requirements of certification and pay fees for a new Certificate before performing work on equipment requiring a Certificate. The Fire Marshal may delay issuance of new Certificate for up to 90 days following revocation.

31.20.120 Use of Helicopters.

Notwithstanding any other provisions of this Code, the Fire Bureau may use and land helicopters any place within the City, subject to Federal and State regulations for the purpose of training Fire Bureau personnel and helicopter operators in fire suppression techniques and disaster relief procedures and for the purpose of conducting disaster relief drills subject to the consent of the property owner or in the case of City property, the director of the affected bureau.

Chapter 31.30

DEVELOPMENT AND BUILDING REQUIREMENTS

Sections:

- 31.30.010 Fire Chief Authorized to Establish Access Standards.
- 31.30.020 Removal of On-Street Parking.
- 31.30.030 Fire Chief Authorized to Require Water Supply.
- 31.30.040 Permits and Fees Required.
- 31.30.050 Additional Permit Requirements.
- 31.30.060 Special Inspections.
- 31.30.070 Expiration of Plan Review.

31.30.010 Fire Chief Authorized to Establish Access Standards.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.) The Fire Chief shall prescribe standards for streets and roadways that provide access for fire department apparatus. Such standards shall apply to every building hereafter constructed. Standards shall prescribe minimum unobstructed width, turning radius, load capacity, clearance, grade and other criteria deemed necessary for apparatus access. Application of these standards shall include considerations for designing and locating access in a manner that minimizes tree removal and meets the tree protection specifications of Title 11, Trees, to the extent practical. Where practical the adopted standards shall be consistent with development standards for public and private streets.

- A. The Fire Chief may require an increase in minimum access widths where such width is not adequate for fire or rescue operations.
- B. Dead-end fire department access roads more than 300 feet in length shall include provisions for turning around fire department apparatus within 150 feet of the closed end.

31.30.020 Removal of On Street Parking.

- A. The Fire Chief shall have authority to designate any street, whether public or private, or portion of a street as "No Parking" where the street width is less than 32 feet and:
 - 1. The Chief determines that site-specific conditions such as roadway alignment impedes access of fire apparatus, or
 - 2. Actual emergency response experience clearly demonstrates that emergency vehicles cannot reasonably provide service.
- B. When required by the Chief the street shall be marked with permanent "No Parking" signs.

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 No. 181956, effective June 25, 2008.)

- 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

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EXHIBIT A

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.
- 31.40.020 Activities Requiring Temporary Permits.
- 31.40.030 Applications.
- 31.40.040 Inspection of Permitted Work.
- 31.40.050 Revocation and Suspension of Permits.
- 31.40.060 General Requirements for Explosives, Blasting Agents, Pyrotechnics and Fireworks.
- 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 No. 181956, effective June 25, 2008.)

- 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.

- 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

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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.

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2016 PORTLAND FIRE CODE

BASED ON THE 2012 INTERNATIONAL FIRE CODE®
& 2014 OREGON FIRE CODE



EFFECTIVE DATE: xxxx 2016

ADOPTED IN PORTLAND CITY CODE
TITLE 31 – FIRE REGULATIONS

ORDINANCE No. XXXXXXX



55 SW ASH STREET
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**PORTLAND FIRE & RESCUE
AMENDMENTS TO THE 2014 OREGON FIRE CODE**

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Portland Fire Code, herein after referred to as “this code.”

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises as authorized by ORS 476.030 and the Portland City Code Title 31 and to provide safety to fire fighters and emergency responders during emergency operations.

ORS 476.030 and PCC Title 31 are not part of this code but are reproduced or paraphrased here for the reader’s convenience.

ORS 476.030 defines the duties and powers of the State Fire Marshal to adopt a state fire code.

PCC Title 31 defines the fire regulations of the Portland City Code and the authority granted to the Portland Fire Marshal.

SECTION 102 APPLICABILITY

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws, 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 *fire code official* to determine compliance with codes or standards for those activities or installations within the *fire code official’s* jurisdiction or responsibility.

SECTION 103 DEPARTMENT OF FIRE PREVENTION

103.1 (Not adopted. See PCC 31.10) General. *The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.*

103.2 (Not adopted. See PCC 31.10) Appointment. *The fire code official shall be appointed by the chief appointing authority of the jurisdiction; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.*

103.3 (Not adopted. See PCC 31.10) Deputies. *In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.*

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader’s convenience.

PCC 31.10.040 details the organizational structure of the Fire Prevention Division.

PCC 31.10.050 details the authority of the Fire Prevention Division.

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General. The *fire code official* is hereby authorized to enforce the provisions of this code as directed in ORS 476.060, OAR Chapter 837, Division 39 and PCC Title 31 and shall have the authority to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Modifications to this code shall not be less stringent than the minimum fire code adopted by the State Fire Marshal unless previously approved by the State Fire Marshal. Such policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

**PORTLAND FIRE & RESCUE
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ORS 476.060, OAR Chapter 837, Division 39 and PCC Title 31 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.060 designates local fire marshals, local fire chiefs and chief of police as assistants to the State Fire Marshal by virtue of office held.

OAR Chapter 837, Division 39 regulates the administration of fire prevention programs.

OAR 837-039-0015(2)(b) allows a governmental subdivision to adopt a code that is consistent with state fire protection statutes and, is equal to or more stringent than, the fire code promulgated by the State Fire Marshal.

PCC Title 31 defines the fire regulations of the Portland City Code and the authority granted to the Portland Fire Marshal.

104.10 (Not adopted. See PCC 31.10.40) 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 or processes shall not be made part of the public record except as directed by a court of law. Also see ORS 476.030(4) and ORS 476.210(1).*

ORS 476.030(4), ORS 476.210(1) and PCC Title 31.10.40 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.030(4) gives the State Fire Marshal the authority to investigate or cause an investigation to determine the probable cause, origin and circumstances of any fire.

ORS 476.210(1) requires the municipal fire marshal, fire department chief, constables and other officers referred to in ORS 476.060 to investigate the cause, origin and circumstances of each fire occurring in their respective jurisdictions.

PCC 31.10.040 establishes the Arson Investigation Unit, describes their duties, and outlines their authority.

SECTION 105 PERMITS

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.16. Also see PCC 31.40.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. (Referred to as a *Temporary permit* in **PCC Title 31.40.020.**) An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.40. provides details and requirements for special use permits.

PCC 31.40.20 details activities requiring temporary permits.

105.6 Required operational permits. An operational permit as authorized by law or regulation shall be obtained from the State Fire Marshal for the operations set forth in Sections 105.6A through 105.6E. When a governmental subdivision has enacted regulations, the local fire code official may issue operational permits for the operations set forth in Sections 105.6A through 105.6.46. Also see PCC 31.40.

105.6A Fireworks, agricultural. An operational Agricultural Fireworks Permit is required to use or explode fireworks to scare or repel birds or animals under ORS 480.122.

105.6B Fireworks, public display of. An operational Public Display of Fireworks Permit is required to hold a display of fireworks under ORS 480.130. Also see PCC 31.40.020.

105.6C Fireworks, retail sales. An operational Retail Sales of Fireworks Permit is required to sell fireworks at retail to individual members of the general public as described in ORS 480.127. Also see PCC 31.40.020.

105.6.1 (Not adopted) Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

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PORTLAND FIRE & RESCUE
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105.6.2 (Not adopted) Amusement buildings. An operational permit is required to operate a special amusement building.

105.6.3 (Not adopted) Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

105.6.4 (Not adopted) Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

105.6.5 (Not adopted) Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 (Not adopted) Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing *combustible dusts* as defined in Chapter 2.

105.6.7 (Not adopted) Combustible fibers. An operational permit is required for the storage and handling of *combustible fibers* in quantities greater than 100 cubic feet (2.8 m³).

105.6.8 (Not adopted) Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of *compressed gases* in excess of the amounts listed in Table 105.6.8.

105.6.9 (Not adopted) Covered mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

105.6.10 (Not adopted) Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense *cryogenic fluids* in excess of the amounts listed in Table 105.6.10.

105.6.11 (Not adopted. See 105.6.23) Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.

105.6.12 (Not Adopted) Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 (Not adopted. See PCC 31.40.020) Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, transportation, sale or use of any quantity of *explosives, explosive materials*, fireworks or pyrotechnic special effects within the scope of Chapter 56. Also see PCC 31.40.020.

105.6.15 (Not Adopted) Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

105.6.16 (Not Adopted) Flammable and combustible liquids. An operational permit is required:

105.6.17 (Not Adopted) Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

105.6.18 (Not Adopted) Fruit and crop ripening. *An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.*

105.6.19 (Not Adopted) Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 (Not Adopted) Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

Note: Table 105.6.20 is applicable when referenced elsewhere in the code.

105.6.21 (Not Adopted) HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

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105.6.22 (Not Adopted) High-piled storage. An operational permit is required to use a building or portion thereof as a *high-piled storage* area exceeding 500 square feet (46 m²).

105.6.23 Hot work operations. An operational permit is required for hot work ~~including, but not limited to~~ only when cutting or welding is performed in restricted areas, including:

1. Areas where the sprinkler system is impaired.
2. Areas where there exists the potential of an explosive atmosphere, such as locations where flammable gasses, liquids or vapors are present.
3. Areas with readily ignitable materials, such as storage of large quantities of bulk sulfur, baled paper, cotton, lint, dust or loose combustible materials.
4. On board ships at dock or ships under construction or repair.
5. At other locations as specified by the Fire Marshal.

105.6.24 (Not Adopted) Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

105.6.25 (Not Adopted) Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8333 ft³) (236 m³).

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display ~~four or more motorized vehicles in a building other than an automotive dealership when not associated with a permitted event, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.~~ Also see PCC 31.40.020.

105.6.27 LP-gas. An operational permit is required for:

1. Storage or use of LP-gas in excess of 17 ounces.
Exception: Storage or use of LP-gas as allowed in Section 6103.
2. Storage or use of LP-gas in outdoor market with gatherings of 50 or more people.
1. ~~Storage and use of LP-gas.~~
Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.
2. ~~Operation of cargo tankers that transport LP-gas.~~

105.6.28 (Not Adopted) Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 (Not Adopted) Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Also see PCC 31.40.020.

105.6.31 (Not Adopted) Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

105.6.32 (Not Adopted) Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.33 (Not Adopted) Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

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105.6.34 Places of assembly. An operational permit is required for ~~to operate a place of assembly~~ the following:

1. Festivals, celebrations and special events of a temporary nature with an 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. Trade shows with six or more vending booths or display tables.
4. Outdoor gatherings of 50 or more people confined by fences, walls, or similar structures.

105.6.35 (Not Adopted) Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

105.6.36 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. Also see PCC 31.40.020.

105.6.37 (Not Adopted) Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.38 (Not Adopted) Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.39 (Not Adopted) Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

105.6.40 (Not Adopted) Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.41 (Not Adopted) Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or *combustible liquids* or the application of combustible powders regulated by Chapter 24.

105.6.42 (Not Adopted) Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

105.6.43 Temporary membrane structures and tents. An operational permit is required for a temporary membrane structure or tent if any of the following applies: ~~to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).~~

1. Used for the gathering of 50 or more people and are confined by fences, walls, tents with sides or similar structures.
2. Individual membrane structures or tents that are in excess of 700 square feet (65 m²).
3. The aggregate area exceeds 700 square feet (65 m²) of multiple membrane structures or tents that are placed side by side without a fire break clearance of at least 12 feet (3658 mm).

Exceptions:

1. ~~Tents used exclusively for recreational camping purposes.~~
2. ~~Tents open on all sides, which comply with all of the following:~~
 - 2.1. ~~Individual tents having a maximum size of 700 square feet (65 m²).~~
 - 2.2. ~~The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.~~
 - 2.3. ~~A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.~~

105.6.44 (Not Adopted) Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.6.45 (Not Adopted) Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.46 (Not Adopted) Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

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105.6.47 Theatrical firearms. Use of blanks associated with a live performance. Also see PCC 31.40.020.

105.7 Required construction permits. The *fire code official* as authorized by law or regulation may issue construction permits for work as set forth in Sections 105.7.1 through 105.7.16. Any construction permits required for the removal of systems or equipment listed in Sections 105.7.1 through 105.7.16 shall only be issued after first receiving approval from the *building official*. Also see **PCC 31.30.040**.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.30.040 details activities requiring permits.

105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation, modification or removal of an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation modification or removal of fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.7 Fire pumps and related equipment. A construction permit is required for installation, modification or removal of fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.10 (Not adopted) Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30.

105.7.11 Liquefied natural gas (LNG) or compressed natural gas (CNG). A construction permit is required for installation, modification or removal of LNG or CNG of any size that is connected to a system. Also see **PCC 31.30.40**.

105.7.12 Private fire hydrants. A construction permit is required for the installation, modification or removal of private fire hydrants.

105.7.14 Spraying or dipping. A construction permit is required to install, modify or remove a spray room, dip tank or booth.

105.7.16 (Not adopted) Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).

SECTION 106 INSPECTIONS

106.1 (Not adopted. See PCC 31.50.010) Inspection authority. The *Fire Code official* is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with section 104.3 for the purpose of enforcing this code. Also see ORS 476.150(1).

ORS 476.150(1) and PCC Title 31.50.010 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 476.150(1) grants permission to the State Fire Marshal and deputies, at all reasonable hours, to enter into all buildings and upon all premises, except private residences, for the purpose of inspection to ascertain if fire hazards exist therein thereon

PCC 31.50.010 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.

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SECTION 108 BOARD OF APPEALS

108.1 (Not adopted. See PCC 31.10.080) Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* 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 governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall have no 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 *fire code official*.

108.2 (Not adopted. See PCC 31.10.080) 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 shall have no authority to waive requirements of this code.

108.3 (Not adopted. See PCC 31.10.080) 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.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.10.080 describes appeal process and procedures.

SECTION 109 VIOLATIONS

109.4 (Not adopted. See PCC 31.50) 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 fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.*

109.4.1 (Not adopted. See PCC 31.50) Violation penalties. Any owner or occupant of any building or premises, who fails to comply with an order to correct any fire safety deficiency or violation of this code not appealed from, shall be punished by a fine as provided by ORS 479.990.

SECTION 111 STOP WORK ORDERS

111.1 (Not adopted. See 31.30.040) 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.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

CERTIFICATE OF FITNESS. A written statement issued by the Fire Marshal certifying that the person to whom the certificate is issued has passed an examination as to his or her qualifications to perform the specifically identified work and that he or she has authority to perform such work during the term specified.

NIGHTCLUB. For the purpose of Section 903.2.1.6, Nightclub means an A-2 occupancy use which has areas for dancing or viewing performers and serves food or drink. Nightclub does not include houses of worship, theaters with fixed seating, banquet halls, or lodge halls.

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SECTION 308 OPEN FLAMES

308.2 (Not adopted) Permits required. Permits shall be obtained from the *fire code official* in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

SECTION 311 VACANT PREMISES

311.5 (Not Adopted. See FIR Policy 1.11) Placards. Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

SECTION 315 GENERAL STORAGE

315.2 (Not Adopted) Permit required. A permit for miscellaneous combustible storage shall be required as set forth in Section 105.6.

CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS

SECTION 403 PUBLIC ASSEMBLY AND EVENTS

403.1 (See PCC 31.20.060) Fire watch personnel. When, in the opinion of the *fire code official*, it is essential for public safety in a place of assembly or any other place where people congregate, because of the

number of *persons*, or the nature of the performance, exhibition, display, contest or activity, the *owner*, agent or lessee shall provide one or more fire watch personnel, as required and *approved*, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.20.060 describes temporary fire watch procedures.

CHAPTER 5 FIRE SERVICE FEATURES

SECTION 501 GENERAL

501.1 Scope. 501.1 Fire service features for buildings, structures and premises shall comply with this chapter and the Portland Fire & Life Safety Requirements for Fire Department Access and Water Supplies Design Guide (See FIR Policy 2.01). See also Oregon Revised Statutes (ORS) 92.044, 203, 221, 195.065, 368.039, 478.920 and Oregon Administrative Rule (OAR) 918-480-0100.

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SECTION 506 KEY BOXES

506.1 (See PCC 31.20.90) Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the *fire code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be of an *approved* type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the *fire code official*.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.20.090 Authority to require key boxes.

SECTION 507 FIRE PROTECTION WATER SUPPLIES

507.5.7 Control valve. To facilitate maintenance and repair, each newly installed hydrant shall be equipped with a separate control valve. The control valve shall be installed within 10 feet of the hydrant. Control valve access shall be by an approved assembly mounted in a permanent hard surface such as concrete or asphalt.

Exception: Alternatives may be approved where the distance or surface requirements are impractical.

SECTION 508 FIRE COMMAND CENTERS

508.1.5 Required features. The *fire command center* shall comply with NFPA 72 and shall contain the following features:

19. On-site fire protection water tank fill valve control switch, tank level indicators, tank low level alarm, and tank fill signals.

CHAPTER 6 BUILDING SERVICES AND SYSTEMS**SECTION 604 EMERGENCY AND STANDBY POWER SYSTEMS**

604.2.20 Refrigeration systems. If continuous ventilation, or alarm detection is required for refrigeration systems, such systems shall be provided with a standby source of power to supply electrical power in the event of loss from the primary source.

SECTION 606 MECHANICAL REFRIGERATION

606.8 Refrigerant ~~detector~~ detection system. Machinery rooms shall contain a refrigerant ~~detector~~ detection system with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the *International Mechanical Code* for the refrigerant classification. Detectors and alarms shall be placed in *approved* locations. The detector shall transmit a signal to an *approved* location.

606.17 Standby power. Where continuous ventilation or alarm detection is required, such systems shall be provided with standby power.

SECTION 609 COMMERCIAL KITCHEN HOODS

609.3.5 Certifications. Individuals, who service, inspect, test or maintain hoods, grease-removal devices, fans, ducts and other appurtenances shall obtain the proper *certificate of fitness* from the *fire code official* in accordance with PCC 31.20.120.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.20.120 defines activities that require a certificate of fitness.

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CHAPTER 9 FIRE PROTECTION SYSTEMS

SECTION 901 GENERAL

901.4.7 Tracer wire for underground piping. All non-conductive fire mains shall have a tracer wire, minimum 18 gauge copper, installed in the trench for locating the pipe. The tracer wire shall run the full length of the installed pipe, with ends terminating at the sprinkler riser, in the valve box, or an 18 inch tail terminating above grade at other locations such as at the FDC or a fire hydrant.

901.4.8 Certifications. Individuals, who install, inspect, test or maintain fire protection systems or portable fire extinguishers shall obtain the proper *certificate of fitness* from the *fire code official* in accordance with PCC 31.20.120.

TABLE 901.6.1
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

| | |
|--|-----------------------------|
| Portable fire extinguishers | NFPA 10 |
| Carbon dioxide fire-extinguishing system | NFPA 12 ⁽¹⁾ |
| Halon 1301 fire-extinguishing systems | NFPA 12A ⁽¹⁾ |
| Dry-chemical extinguishing systems | NFPA 12A, 17 ⁽¹⁾ |
| Wet-chemical extinguishing systems | NFPA 17A ⁽¹⁾ |
| Water-based fire protection systems | NFPA 25 ⁽²⁾⁽³⁾ |
| Fire alarm systems | NFPA 72 |
| Water-mist systems | NFPA 750 ⁽¹⁾ |
| Clean-agent extinguishing systems | NFPA 2001 |

(1) Inspections and tests shall be performed by an individual with an appropriate certificate of fitness from the Portland Fire Marshal's office.

(2) At least once every 5 years all inspection and tests shall be performed by an individual with a certificate of fitness for Automatic Fire Sprinkler Systems. An individual designated by the owner or their representative may perform all other inspections and tests, except as noted in item (3) below.

(3) Annual tests of drypipe valves, pre-action valves, and antifreeze systems shall be performed by an individual with a certificate of fitness for Automatic Fire Sprinkler Systems.

901.7 Systems out of service. Where a required *fire protection system* is out of service, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shutdown until the *fire protection system* has been returned to service. Where utilized, fire watches shall be provided with at least one *approved* means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. Also see PCC 31.20.060.

SECTION 902 DEFINITIONS

902.1 Definitions. The following terms are defined in Chapter 2:

NIGHTCLUB

CERTIFICATE OF FITNESS

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SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

903.2.1.6 Nightclub. An automatic sprinkler system shall be provided throughout a Group A-2 *nightclubs* as defined in this code.

903.3.5.1.2 Residential combination Combined fire/domestic services. A single combination water supply shall be allowed for all types of sprinkler systems provided that the domestic demand is added to the sprinkler demand as required by NFPA 13R, or a fire service listed automatic shut-off valve that shuts off the domestic side upon fire sprinkler activation is provided.

903.3.3 Obstructed locations. Automatic sprinklers shall be installed ~~with due regard to obstructions that will delay activation or obstruct the water distribution pattern~~ in accordance with NFPA 13 obstruction criteria and the listing requirements of the sprinkler head.

903.3.5.2 Secondary water supply. An automatic secondary on-site water supply having a capacity not less than the most demanding hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings in Seismic Design Category C, D, E or F as determined by the *International Building Code*. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the pump supplying the *automatic sprinkler system*. The secondary water supply shall have a duration of not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13.

903.3.7 Nightclubs in Existing Buildings. Existing *nightclubs* with an occupant load greater than 100 shall be protected by an approved automatic fire sprinkler system designed and installed in accordance with Section 903.3.1.1 and 903.4 as follows:

1. Throughout the story containing the *nightclub*; and
2. Throughout all stories below the story containing the *nightclub*; and
3. In the case of a *nightclub* located below the level of exit discharge, throughout all stories intervening between that story and the level of exit discharge including the level of exit discharge.

SECTION 905 STANDPIPE SYSTEMS

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required *stairway*, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at ~~an intermediate~~ the main floor level landing between floors and must be consistent throughout the building, unless otherwise *approved* by the *fire code official*.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

907.3.1 Duct smoke detectors. Smoke detectors installed in ducts shall be *listed* for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is required by Section 907.2. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the *International Mechanical Code*. Duct smoke detectors shall not be used as a substitute for required open area detection and shall not activate the occupant notification system.

904.11.6.2 Extinguishing system service. Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspection shall be by qualified individuals, ~~and a certificate of inspection shall be forwarded to the *fire code official* upon completion.~~

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SECTION 909 SMOKE CONTROL SYSTEMS

909.12 Detection and control systems. Fire detection systems providing control input or output signals to mechanical smoke control systems or elements thereof shall comply with the requirements of Section 907. Such systems shall be equipped with a control unit complying with UL 864 and *listed* as smoke control equipment.

Control systems for mechanical smoke control systems shall include provisions for verification. Verification shall include positive confirmation of actuation, testing, manual override, the presence of power downstream of all disconnects and, through a preprogrammed weekly test sequence, report abnormal conditions audibly, visually and by printed report.

Exception: In lieu of weekly testing for stairway and hoistway pressurization systems, monthly testing will be approved. This approval may be revoked at the discretion of the Fire Marshal for reasons of non-compliance.

909.16 Fire-fighter's smoke control panel. A fire-fighter's smoke control panel for fire department emergency response purposes only shall be provided and shall include manual control or override of automatic control for mechanical smoke control systems. The panel shall be located in a *fire command center* complying with Section 508 in high-rise buildings or buildings with smoke-protected assembly seating. In all other buildings, the fire-fighter's smoke control panel shall be installed in an *approved* location adjacent to the fire alarm control panel. The fire-fighter's smoke control panel shall comply with Sections 909.16.1 through 909.16.3.

The smoke control panel for high-rise buildings shall include a visual depiction of the building showing typical floor plan(s) with locations of exit enclosures and elevator shafts. The panel shall also include section views of the building to show the extent of travel for each exit enclosure and elevator. Exit enclosures and elevator shafts shall be labeled on the plan section views to match the labeling used in the building itself.

SECTION 912 FIRE DEPARTMENT CONNECTIONS

912.4 Signs. A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the building is protected by a fire pump, signage shall also indicate the design pressure of the fire pump and the levels served. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.

CHAPTER 11 FIRE AND LIFE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1103 FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

1103.5.3 Nightclubs in Existing Buildings. Existing *nightclubs* with an occupant load greater than 100 shall be protected by an approved automatic fire sprinkler system designed and installed in accordance with Section 903.3.1.1 and 903.4 as follows:

1. Throughout the story containing the *nightclub*; and
2. Throughout all stories below the story containing the *nightclub*; and
3. In the case of a nightclub located below the level of exit discharge, throughout all stories intervening between that story and the level of exit discharge including the level of exit discharge.

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SECTION 1104 MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.24 Egress path markings. Existing high-rise buildings of Groups A, B, E, I, M and R-1 occupancies shall be provided with luminous *egress* path markings in accordance with Section 1024.

Exceptions:

1. Open, unenclosed stairwells in historic buildings designated as historic under a state or local historic preservation program.
2. Buildings equipped with an automatic sprinkler system designed and installed in accordance with Section 903.3.1.1.
3. Buildings equipped with egress illumination in interior exit stairways, interior exit ramps and exit passageways and that are connected to emergency power system.

CHAPTER 20 AVIATION FACILITIES**SECTION 2001 GENERAL**

2001.3 (Not Adopted) Permits. *For permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes and hotwork, see Section 105.6.*

CHAPTER 22 COMBUSTIBLE DUST-PRODUCING OPERATIONS**SECTION 2201 GENERAL**

2201.2 (Not Adopted) Permits. *Permits shall be required for combustible dust-producing operations as set forth in Section 105.6.*

CHAPTER 23 MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES**SECTION 2310 MARINE MOTOR FUEL-DISPENSING FACILITIES**

2310.1 General. The construction of marine motor fuel-dispensing facilities shall be in accordance with the *International Building Code*, PCC Titles 19, 28 and NFPA 30A. The storage of Class I, II or IIIA liquids at marine motor fuel-dispensing facilities shall be in accordance with this chapter and Chapter 57.

PCC Titles 19 and 28 are not part of this code but are reproduced or paraphrased here for the reader's convenience.

Title 19, 19.16.135 A through E (Harbor Code) provides details on fueling at other than marine motor fuel dispensing facilities.

Title 28, 28.06.050 E (Floating Structures Code), provides details on standpipes systems for moorages.

2310.6.1 Moorage Standpipes. Standpipes shall be installed, maintained, and tested annually as required by PCC Title 28, Floating Structure Code.

2310.6.1 Standpipe hose stations. Piers, wharves and floats at marine motor vehicle fuel-dispensing stations with any portion in excess of 250 feet (76 200 mm) from fire apparatus access shall be equipped with an approved wet standpipe system installed in accordance with Chapter 9.

Exception: Waterlines shall normally be dry where subject to freezing temperatures.

Fire hose, where provided, shall be enclosed within a cabinet, and hose stations shall be *labeled*: FIRE HOSE—EMERGENCY USE ONLY.

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CHAPTER 27 SEMICONDUCTOR FABRICATION FACILITIES

SECTION 2701 GENERAL

2701.5 (Not Adopted) Permits. Permits shall be required as set forth in Section 105.6.

CHAPTER 31 TENTS AND OTHER MEMBRANE STRUCTURES

SECTION 3103 TEMPORARY TENTS AND MEMBRANE STRUCTURES

3103.4 Permits. Permits shall be required as set forth in Sections 105.6, 105.7. Also see PCC 31.40.020.

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.
PCC 31.40.020 describes activities requiring temporary permits.

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 3304 PRECAUTIONS AGAINST FIRE

3304.5 Fire watch (Also see PCC 31.20.060). When required by the *fire code official* for building demolition, or building construction during working hours that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.

SECTION 3308 OWNER'S RESPONSIBILITY FOR FIRE PROTECTION

3308.2.1 Prefire plans for construction of 4 – and 5-story woodframe structures. Prior to combustible construction of 4- and 5-story woodframe structures the fire prevention program superintendent shall schedule a pre-construction meeting with the *fire code official* to review the approved prefire plan. The intent of the prefire plan is to specify measures and practices to be incorporated to minimize the potential for the occurrence and spread of fires, and to facilitate firefighting efforts during building construction. The prefire plan shall include, but not be limited to, a plan that addresses the following issues:

1. On-site perimeter fencing.
2. On-site after hours security.
3. What actions will be taken to minimize the size of fire compartments during construction and control radiant heat that could threaten buildings in close proximity.
4. What actions will be taken to control sources of ignition and provide for early detection including times when workers are not present.
5. What actions will be taken to control both horizontal and vertical fire spread.
6. How structural stability will be maintained during a fire to prevent early structural collapse.

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CHAPTER 35 WELDING AND OTHER HOT WORK

SECTION 3504 FIRE SAFETY REQUIREMENTS

3504.2 Fire watch (Also see PCC 31.20.060). Fire watches shall be established and conducted in accordance with Sections 3504.2.1 through 3504.2.6.

CHAPTER 55 CRYOGENIC FLUIDS

SECTION 5501 GENERAL

5501.2 (Not Adopted) **Permits.** *Permits shall be required as set forth in Section 105.6.*

CHAPTER 56 EXPLOSIVES AND FIREWORKS

SECTION 5601 GENERAL

5601.2 Permits required. Permits shall be required as set forth in Section 105.6 through 105.6D, 105.6.14 and 105.6.36 (Also see PCC 31.40)

PCC Title 31 is not part of this code but is reproduced or paraphrased here for the reader's convenience.

PCC 31.40.020 describes activities requiring temporary permits.

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

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

PCC 31.40.080 Additional Requirements for Blasting Activities.

CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 GENERAL

5701.6. (Not Adopted) Construction documents. Two sets of construction documents shall be submitted with each application for a plan review to store more than 1,000 gallons (3785 L) of flammable or combustible liquids outside of buildings in drums or tanks. Applications for such plan review shall be submitted to the State Fire Marshal on a form provided by the State Fire Marshal. The plans shall consist of a plot plan showing the location of any buildings, structures or tanks with relationship to the premises and the pertinent distances, piping and valves, tank capacities, diking, details of the design and construction, and fire protection. The plans shall also indicate the method of storage, quantities to be stored, distances from buildings and property lines, access ways, fire protection, and provisions for spill control, drainage control and secondary containment, along with any other information requested by the State Fire Marshal. In the event an installation includes buildings and related equipment in addition to tanks, separate construction plans, specifications, etc., shall be submitted to the building department having jurisdiction.

CHAPTER 61 LIQUEFIED PETROLEUM GASES

SECTION 6103 INSTALLATION OF EQUIPMENT

6101.3 Construction documents. Where a single LP-gas container is more than 2,000 gallons (7570 L) in water capacity or the aggregate water capacity of LP-gas containers is more than 4,000 gallons (15,140 L), the installer shall submit *construction documents* for such installation. The State Fire Marshal may collect a plan review fee as required by Oregon Administrative Rule, Chapter 837, Division 30. Also see PCC 31.30.40.

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APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B101 GENERAL

B101.1 Scope. The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix and the Portland Fire & Life Safety Requirements for Fire Department Access and Water Supplies Design Guide (See FIR Policy 2.01), ~~as required by the fire code official.~~ This appendix does not apply to structures other than buildings.

APPENDIX K

SECTION K103

K103.1 Requirements. Haunted houses and similar temporary installations shall comply with all the following:

11. If required by the fire code official, staff guides shall be provided with two-way communications that have been demonstrated to be capable of being heard throughout the entire facility. A central public address system or a portable system can be used in place of the two-way communications provided that it has the ability to be controlled in a central location. Communications shall be used for the purpose of giving directions during emergency situations.