

## **CHAPTER 7 PUBLIC PROTECTION**

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## CHAPTER 7 PUBLIC PROTECTION

*[Sections 7.000 through 7.040 replaced in its entirety by Ordinance 12-01, passed January 3, 2012.]*

### **FIRE PROTECTION**

**7.000**    **Adoption of Oregon Fire Code.** There is hereby adopted by the City of Astoria for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain Code and Standards known as the Oregon Fire Code as directed in ORS 476.060 and OAR Chapter 837, Division 39 with the Oregon amendments, as adopted by the State of Oregon, including Appendix Chapters I-C, I-D, I-E, I-F, I-G, II-A, II-C, II-D, II-E, II-F, II-H, II-I, II-K, III-A, III-B, III-C, III-D, III-E, V-B, and VI-C, being particularly the most current B, and VI-C, being particularly the most currently adopted State of Oregon Fire Code edition and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, one (1) copy of which Code and Standards have been and are now filed in the office of Community Development/Building Inspection Department of the City of Astoria and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Astoria.

**7.005**    **Establishment and Duties of Bureau of Fire Prevention.**

- (a) The Oregon Fire Code shall be enforced by the bureau of fire prevention in the Fire Department of the City of Astoria which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The Fire Marshal in charge of the bureau of fire prevention shall be appointed by the City Manager on a recommendation by the Fire Chief on the basis of examination to determine his/her qualifications. The Fire Marshal shall regulate and enforce the provisions of the Oregon Fire Code after the original occupancy approval has been issued by the Building Official and monitor the continued performance and maintenance of these requirements in the City of Astoria after the final occupancy has been approved by the Building Official.

- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.
- (d) The Chief of the Fire Department shall authorize and defer the responsibility to the City of Astoria Building Official to perform all related Oregon Fire Code interpretations, plan reviews, inspections, approvals and certificates of Occupancy as it relates to the requirements of the Oregon Fire Code for all City of Astoria building permit plan reviews and inspections as required for compliance with all applicable Oregon Specialty Codes and the Oregon Fire Code as regulated under ORS Section 455 and under the authority of ORS 478.927 and 479.165.  
*[Section amended by Ordinance No. 18-12, passed Dec. 17, 2018]*

**7.010** **Definitions.** For the purposes of this code and wherever the word is used in the Oregon Fire Code, the following definitions shall apply:

- (a) **Jurisdiction.** The City of Astoria.
- (b) **Building Official.** The officer or other designated authority charged with the administration and enforcement of the Oregon Structural Specialty Codes as defined in Section 9.020 of the code.

**7.015** **Establishment of Limits of District in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is Prohibited.** The limits referred to in Section 7902.2.2.1 and 7904.2.5.4.2 of the current Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by provisions of this code and zoning maps of the City.

**7.020** **Establishments of Limits in Which Storage of Liquefied Petroleum Gases is to be Restricted.** The limits referred to in Section 8204.2 of the current Oregon Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.

**7.025** **Establishments of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited.** The limits referred to in Section 7701.7.2 of the current Oregon Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: the entire area within the City limits, except that the City Manager and Fire Chief may provide for the temporary storage of explosives and blasting agents.

**7.030 Establishment of Limits of Districts in Which the Storage of Compressed Natural Gas is to be Prohibited.** The limits referred to in Section 5204.5.2 of the current Oregon Fire Code in which the storage of compressed natural gas is prohibited, are established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.

**7.035 Establishment of Limits of Districts in Which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are to be Prohibited.** The limits referred to in Section 3-1.5 of current Oregon Fire Code Standard 80-3 in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.

**7.040 Establishment of Limits of Districts in Which the Storage of Hazardous Materials is to be Prohibited or Limited.** The limits referred to in Section 8001.1.1 of the current Oregon Fire Code in which the storage of hazardous materials is prohibited or limited is hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.

**7.045 Amendments Made in the Uniform Fire Code.** The current Oregon Fire Code is amended and changed in the following respects: *[Sentence amended by Ordinance No. 12-01, passed January 3, 2012.]*

(Section 105.8.) A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

- a.2 Aircraft refueling vehicles.
- f.4 Fumigation or thermal insecticidal fogging.
- h.3 Hot work operations. Permits are required for hot work
- i.2 Liquid or gas-fueled vehicles or equipment in assembly buildings.
- o.1 Open burning.
- p.3 Pyrotechnical special effects material.

(Section 902.4) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be a type and shall contain keys to gain necessary access as required by the chief:

- (a) Pedestrian security gates where installed must be approved by the fire marshal. All such approved gates must be capable of being opened by a fire department with the equipment normally carried on their fire apparatus.

- (b) Vehicular security gates where installed must be approved by the fire marshal. Such approval will not be granted unless a minimum opening of 12 feet (for one direction of travel) is provided. If two travel lanes are to be enclosed by one gate, the minimum opening size must be 24 feet. In addition to the normal opening devices, a method for the fire department to obtain entry must be provided by one of the following:
  - (1) A padlocked chain with chain links no larger than 1/4 inch in diameter (manually operated gates); or
  - (2) A key switch override installed at a convenient and conspicuous location; or
  - (3) Lock-box installed by the approval of the chief with keys to padlocks or a key switch.
- (c) Each lock box shall be installed and fastened in a place approved by the chief.
- (d) It shall be the responsibility of each property owner to inform the fire marshal's office whenever access systems are changed, keys are lost or where a change in business use occurs.
- (e) Liability: The City of Astoria and their representatives shall not be liable for any loss resulting from the use of the lock box system.

The current Oregon Fire Code Article 49 – Hot Work is amended to include the following language for Hot Work on Vessels: *[Sentence amended by Ordinance No. 12-01, passed January 3, 2012.]*

A Hot Work permit will be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the city of Astoria.

- A. Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in dry-dock, or ashore.
- B. General Definition for this Section: For the purpose of this regulation, the following words have the meanings set forth below:
  - 1. **Adjacent Spaces** - Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.
  - 2. **Department** - The City of Astoria Fire Department.

3. **Competent Person** - The holder of a valid Certificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S. Department of Labor (OSHA) as a designated Competent Person by their respective employer.
4. **Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type space which by its small size and confined nature can readily create or aggravate a hazardous exposure.
5. **Fire Watch** - A person designated by the supervisor of the welding operation to watch for signs of fire. Such persons will be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, this person will be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.
6. **Designated Piers** - Those piers or berths designated by the Astoria Fire Department and by virtue of their construction, location, fire protection and fire hydrant availability, are suitable to permit certain repairs to vessels alongside.
7. **Enclosed Space** - Any space other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.
8. **Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks, and brows. A gangway will have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, will have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain will be kept taut at all times.
9. **Hazardous Materials** - Any material which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is likely to cause injury.

10. **Hot Work** - Per NFPA 306; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations will be considered hot work unless deemed otherwise by a Certified Marine Chemist.
  11. **Marine Chemist** - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."
  12. **Powder Actuated Fastening Tool** - A tool or machine which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.
  13. **Ship Repair** - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.
  14. **Shipyard** - An operating facility, engaged in ship repair, doing business in the City of Astoria or adjacent Columbia River , meeting the requirements of the Building and Fire Codes.
  15. **Vessel** - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.
- C. Hot Work Permits: Hot Works Permits for Hot Work on Marine Vessels will be divided into three categories:
1. Level I - Those permits for hot work operations that are minor in nature. (See below for further definitions.)
  2. Level II - Those permits for hot work operations that are moderate in nature. (See below for further definition.)
  3. Level III - Those permits that involve major hot work operations. (See below for further definition.)
  4. Violation of Condition:

- (a) No welding or cutting will be done on a dock or ship within the City's jurisdiction without first obtaining a hot work permit authorized by the Fire Department. If welding or cutting is done on a dock or ship within the City's jurisdiction without first obtaining the permit or permits required by this Chapter, the welding or cutting will cease immediately and not begin again until the Fire Marshal has inspected the work site, the inspection fee has been paid and the Fire Marshal has issued a permit for welding or cutting. The person(s) must also obtain any Coast Guard or other required permits for the hot work, before the commencement of such work.
- (b) Violation of any of the following permit conditions will be cause for immediate revocation of the "Hot Work Permit for Vessels". Permits that are revoked require all discrepancies corrected immediately and may require payment of a fee before issuance of a new permit. In the event that a fire occurs as the result of a violation of these permit conditions, the Chief of the Fire Department may prepare a statement setting forth the costs of extinguishing the fire and the permit holder will pay such costs.

#### D. Level I Hot Work

1. Definition: Level I hot work is work which involves repairs or modifications which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.
2. Level I hot work includes that work which is minor in nature. Examples of such work include:
  - a. Standing rigging
  - b. Replacement of cleats and pad eyes
  - c. Work involving deck machinery
  - d. Similar repairs or modifications
3. Level I hot work must *not* involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to:
  - e. Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping).
  - f. Compartments, which are insulated with combustible or flammable insulation, including insulation that has a fire resistive barrier, installed over the surface.



- g. Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms.
- h. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).
- i. Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space that might expose the insulation to heat).

4. Requirements:

a. Permits Required:

- (1) A U.S. Coast Guard Hot Work Permit.
- (2) A "Hot Work Permit for Vessels," authorized by the Fire Department will be obtained before the commencement of any hot work operations aboard any marine vessel.

b. Authorized Locations: Level I hot work may be performed at the normal berth of the vessel. Exception: Level I hot work will not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Fire Marshal, and a NFPA certified Marine Chemist.

c. Vessel's Fire Protection Systems: During hot work operations, all of the fire protection systems of the vessel will remain in service.

d. Gangways Required: At least one gangway will be provided for access to the vessel.

e. Prohibited Activity: The following activities are prohibited during hot work operations, unless specifically approved by a Marine Chemist.

- (1) All hot work operations will be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.
- (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. A Competent Person will carry out monitoring of such areas.

- f. Inspection Required: Before the commencement of hot work operations, an inspection will be made of the area in which the work is to occur to assure that:
- (a) The work to be performed does not involve an area of the vessel prohibited for Level I hot work.
  - (b) Prohibited activity is not taking place elsewhere on the vessel.
  - (c) The area is safe for the hot work to take place. The Competent Person and the person in charge of the repairs or modifications will make such inspection. Such inspections will include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.
- g. Fire Watches: Whenever hot work operations are taking place, a responsible individual will be appointed as fire watch and will be on duty continuously during such operations. Such persons will have no other duties other than to watch for fire. Fire watches will be equipped with, or have immediate access to emergency fire protection equipment (charged fire extinguishers and/or fire hoses). Fire watches will remain on duty for not less than 30 minutes after hot work operations are completed.
- Persons performing hot work may not serve as their own fire watch. Persons appointed as fire watch may be a member of the crew of the vessel or other person designated by the individual in charge of the work.
- As determined by a responsible, trained supervisor, the number and location of fire watch personnel will be based on all existing conditions and potential fire hazards.
- Fire watches are to be readily identifiable.
- Fire Watches will be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.
- h. Fire Extinguishing Devices Required:
- (1) Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, will be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A-60BC, Dry Chemical, 2A 10 BC, CO<sup>2</sup> or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.

- (2) A fire hose of not less than 1-1/2 inch diameter, with nozzle attached, will be laid out and suitably charged in the vicinity of the hot work operations. Such hose shall be of sufficient length to reach the compartment or space being worked on or protected.
- i. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor will be installed before performing any work below deck or inside a confined or enclosed space.
- j. Other Precautions against Fire:
  - (1) Flammable or combustible liquids may not be stored within 50 feet of hot work operations.
  - (2) Combustible materials will not be located within 25 feet of hot work operations. (Including the opposite side of surfaces on which welding or cutting is being performed.)
  - (3) Hot work will not be done in or near compartments or spaces where flammable liquids or vapors, lint, or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

#### E. Level II Hot Work

1. Definition: Level II hot work includes that work which is moderate in nature or any hot work on or near areas of the vessel which are hazardous in nature.
2. Such hazardous areas include:
  - a. Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping.
  - b. Compartments which are insulated with combustible or flammable insulation.
  - c. Engine rooms, fire rooms, boiler rooms, and auxiliary machinery rooms.
  - d. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).
  - e. Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.

3. Examples of Level II hot work include:
  - a. Removal or replacement of major components of the vessel's propulsion system.
  - b. Removal or replacement of major components or sections of any shipboard piping systems.
  - c. Replacement of deckhouses or other major structural components.
  - d. Replacement of hull or deck plating.
  - e. Work is less than 30 days in duration.
  
4. Requirements:
  - a. Permits Required:
    - (1) U.S. Coast Guard Hot Work Permit.
    - (2) "Hot Work Permit for Vessels," authorized by the Fire Marshal will be obtained before the commencement of any hot work operations aboard any marine vessel.
  
  - b. Authorized Locations:
    - (1) Level II hot work may only be performed at designated Port facility piers or at shipyards.
    - (2) Crane service must be immediately available whenever work is being performed. Such cranes must be capable of lifting not less than 10,000 pounds with a boom of sufficient length to reach the middle of the ship on the largest vessel at the pier.
  
  - c. Vessel's Fire Protection System: During hot work operations, all of the fire protection systems of the vessel will remain in service.
  
  - d. Gangways Required: Two gangways will be provided for access to the vessel, unless physical limitations dictate otherwise.
  
  - e. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
    - (1) All hot work operations will be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

- (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. A Competent Person will carry out monitoring of such areas.
- f. Shipyard Personnel Required: Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both before commencement. Full-time safety persons will meet the requirements for Competent Persons.
  - g. Marine Chemist Certificate Required:
    - (1) No person will engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates will be valid only if a Marine Chemist certified by the National Fire Protection Association (NFPA) issues them.
    - (2) A Marine Chemist Certificate will be required before Hot Work operations on any vessel:
      - (a) Within or on the boundaries of cargo tanks that have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
      - (b) Within or on the boundaries of fuel tanks.
      - (c) On pipelines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
      - (d) Within the boundaries of engine rooms, fire rooms and boiler rooms.
      - (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
      - (f) Marine Chemist Certificate will be issued in strict accordance with the requirements of NFPA 306 Standard for the "Control of Gas Hazards on Vessels."

- h. Inspection Required: Before the commencement of hot work operations, an inspection will be made of the area in which the work is to occur to assure that:
  - (a) The work to be performed is not prohibited for Level II hot work.
  - (b) Prohibited activity is not taking place elsewhere on the vessel, unless approved by a Certified Marine Chemist. (See section entitled "Prohibited Activity" above.)
  - (c) The area is safe for the hot work to take place and Hot Work Permit Conditions are being complied with:
  - (d) Regular inspections will be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
  - (e) The types and amounts of fuel oils and other flammable or combustible liquid in all cargo, bunker, deep, settler and double bottom tanks will be determined. Such determination will include associated piping systems. Such information will be readily available to the Fire Department in the event of a fire or inspection by the Fire Marshal.
  - (f) Such inspection will be made by the Competent Person or Certified Marine Chemist. Such inspection will include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.
- i. Fire Watches: Whenever hot work operations are taking place, a responsible individual will be appointed as fire watch and will be on duty continuously during hot work operations.
  - (1) Such persons will have no other duties other than to watch for fire.
  - (2) Fire watches will be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
  - (3) Fire watches will remain on duty for not less than 30 minutes after hot work operations are completed and/or breaks taken.
  - (4) Persons engaged in Hot Work operations may not serve as their own fire watch.
  - (5) Persons appointed as fire watch may be a member of the crew of the vessel or other person designated by the individual in charge of the work.

- (6) As determined by a responsible, trained supervisor, the number and location of fire watch personnel will be based on all existing conditions and potential fire hazards.
  - (7) Fire watches are to be readily identifiable.
  - (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch will be maintained on all sides of the bulkhead or deck.
  - (9) Fire Watches will be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.
- j. Fire Extinguishing Devices Required:
- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Works Permit will be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical, 1A 10/12 BC CO<sup>2</sup>, or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
  - (2) Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, will be stretched out and suitably charged before the commencement of Hot Work operations. One such hose will be stretched to the area where the Hot Work is to occur. Hose(s) will be tested before commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed and/or breaks taken.
  - (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Fire Marshal or his designated representative.
  - (4) Designated emergency "Red Head" fire boxes will be supplied and available. Each fire box will be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes will be suitably charged and positioned at intervals to maximize

- (5) adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on, will be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes will be used for emergency use only.
  - (6) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches will be equipped with CO<sup>2</sup>, or other acceptable portable extinguisher(s). Fire hose(s) strung out will remain dry, but in a state of readiness, in the event portable extinguishers are not effective.
- k. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor will be installed before performing any work below deck or inside a confined space.
- l. Removal of Materials: Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:
- (a) Refrigerant gases (including gases within the system).
  - (b) Compressed gas cylinders except those needed for hot work.
  - (c) Drums of flammable and combustible liquids.
  - (d) Explosives.
- m. Other Precautions against Fire:
- (1) Unless approved by a Certified Marine Chemist, solid combustible materials will not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed)
  - (2) Hot Work will not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.



- (3) Where floor (deck) openings or cracks cannot be closed, precautions will be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions will be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)

F. Level III Hot Work:

1. Definition: Level III hot work is that work which is major in nature or work which is moderate in nature and which will require more than 30 days to complete or work which will place the vessel's fire protection systems out of service.
2. Requirements:
  - a. Permits Required:
    - (1) U.S. Coast Guard Hot Work Permit.
    - (2) "Hot Work Permit for Vessels," authorized by the Fire Marshal, will be obtained before the commencement of any hot work operations aboard any marine vessel.
  - b. Authorized Locations: Level III repairs will only be performed in a shipyard.
  - c. Vessel's Fire Protection System: Whenever hot work operations are to occur, the vessel's fire protection systems will remain in service or other steps will be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person will obtain the Fire Marshal's approval of alternate measures.
  - d. Gangways Required: Not less than two gangways will be provided for access to the vessel.
  - e. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
    - (1) All hot work operations will be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

- (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. A Competent Person will carry out monitoring of such areas.
- f. Special Personnel Required: Level III hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both before commencement. Full-time safety persons will meet the requirements for Competent Person.
  - g. Marine Chemist Certificate Required:
    - (1) No person will engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipelines until a certificate is issued setting forth that such work can be done safely. Such certificates will be valid only if a Marine Chemist certified by the National Fire Protection Association (NFPA) issues them.
    - (2) A Marine Chemist Certificate will be required before Hot Work operations on any vessel:
      - (a) Within or on the boundaries of cargo tanks that have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
      - (b) Within or on the boundaries of fuel tanks.
      - (c) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
      - (d) Within the boundaries of engine rooms, fire rooms and boiler rooms.
      - (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
    - (3) Marine Chemist Certificates will be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."
  - h. Inspection Required:
-

- (1) Before the commencement of hot work operations, an inspection will be made of the area in which the work is to occur to assure that:
    - (a) Prohibited activity is not taking place elsewhere on the vessel.
    - (b) The area is safe for the hot work to take place and Hot Work Permit conditions are being complied with.
  - (2) Regular inspections will be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
  - (3) The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double bottom tanks will be determined. Such determination will include associated piping systems. Such information will be readily available to the Fire Department in the event of a fire or inspection by the Fire Marshal.
  - (4) The Competent Person or a Certified Marine Chemist will make such inspection.
  - (5) Such inspections will include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.
- i. Fire Watches:
- (1) Whenever Hot Work operations are taking place, a responsible individual will be appointed as fire watch and will be on duty continuously during hot work operations.
  - (2) Such persons will have no other duties other than to watch for fire.
  - (3) Fire watches will be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
  - (4) Fire watches will remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.
  - (5) Persons engaged in Hot Work operations may not serve as their own fire watch.

- (6) Persons appointed as fire watch may be a member of the crew of the vessel or other persons designated by the individual in charge of the work.
  - (7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel will be based on all existing conditions and potential fire hazards.
  - (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch will be maintained on all sides of the bulkhead or deck exposed to heat.
  - (9) All Fire Watches will be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if Fire Watch is in a remote or confined area or tank.
- j. Fire Extinguishing Devices Required:
- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Work Permit will be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 2A-10 BC, CO<sup>2</sup> or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
  - (2) Hose(s) will be tested before commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.
  - (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Fire Marshal or his designated representative.
  - (4) Designated emergency "Red Head" fire boxes will be supplied and available. Each fire box will be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes will be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's

charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on will be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes will be used for emergency use only.

- (5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches will be equipped with CO<sup>2</sup>, or other acceptable portable extinguisher(s). Fire hose(s) strung out will remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- k. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor will be installed before performing any work below deck or inside an enclosed space.
- l. Removal of Materials:
  - (1) Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:
    - (a) Refrigerant gases (including gases within the system).
    - (b) Compressed gas cylinders except those needed for hot work.
    - (c) Drums of flammable and combustible liquids.
    - (d) Explosives and pyrotechnics.
- m. Other Precautions against Fire:
  - (1) Unless approved by a Certified Marine Chemist, combustible materials will not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.
  - (2) Hot work will not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that

sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

- (3) Where floor (deck) openings or cracks cannot be closed, precautions will be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions will be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).

Uniform Fire Code Appendix II-C – Marinas, is amended to include the following language for Harbors:

General Definition for this Section: For the purpose of this regulation, the following words have the meanings set forth below:

**Anchorage:** means any designated location where vessels or watercraft may anchor or moor.

**Authorized Emergency Vessel:** means any patrol vessel or watercraft owned and operated by the Fire Department, Sheriff of Clatsop County, State of Oregon, U.S. Coast Guard or any other agency having jurisdiction.

**City:** the City of Astoria.

**DOT:** the United States Department of Transportation.

**Master:** the captain, skipper, pilot, operator or person having charge of a vessel.

**Obstruction:** any vessel, watercraft, or any floating matter of any description which can't comply with the pilot rules and which may in any way blockade, interfere with or endanger any vessel or impede navigation or which does not comply with the United States Coast Guard "Rules of the Road: International-Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this amendment.

**Owner:** the legal or equitable owner of a vessel or watercraft, or the agent or employee of such owner or any other person lawfully in actual possession of a vessel or watercraft.

**Person:** any natural person, firm, co-partnership, association, or servant, employee, or agent of another; and the singular number includes the plural, and the plural of singular.

**Slip:** a ship's or boat's berth between two piers.

- A. Right to inspect. To the full extent permitted by law, the Fire Marshal or any duly authorized assistants, when engaged in fire prevention, and/or inspection work, is authorized and directed, at any and all reasonable times, to enter and examine any building, mill warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure, either fixed or floating, in the performance of their duties.
- B. Notification of Arrival of Ocean Going Vessels.
  - (1) The agent, owner or person in charge of any facility where an ocean-going vessel ties up shall immediately report to the Fire Department, the location, name and agent for the vessel.
  - (2) Reports to the Merchant Exchange may be allowed in place of the above requirement.
- C. Vessels Are Not to Be Blocked. No master, owner or person in charge of any vessel or watercraft shall block or hinder in any way the entrance or exit to any "Authorized Emergency Vessel" on either the land or water side.
- D. Rafts Not to Block Slips. Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects shall be moored in such a way that the navigation of any vessel or watercraft shall be endangered or hindered.
- E. Removal of Refuse. No refuse shall remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances shall combustible materials be allowed to accumulate at any loading terminal, dock or yard.
- F. Mooring Hazardous Vessels. No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there shall be sufficient water under the keel of any such vessel to float it at all times.
- G. Hazardous Materials.
  - 1. No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Fire Marshal, except in accordance with the regulations of the U. S. Department of Transportation (DOT) and U. S. Coast Guard.

2. No hazardous materials shall be received, handled, or stored at any dock or other facility within the Fire Marshal's jurisdiction not previously approved by the Fire Marshal, and the U. S. Coast Guard. All hazardous materials at these facilities shall be handled, stored, loaded, and unloaded in compliance with requirements of the Astoria Fire Code, National Fire Protection Association, and the U. S. Coast Guard.
3. All hazardous materials shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by DOT.
4. The Fire Marshal may limit the scope of activity, and/or specificity fire safety provisions, in addition to this Code, should he/she deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.
5. Permission from the Fire Marshal to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
  - a. Explosives 1.1, 1.2, 1.3, 1.4
  - b. Blasting agents 1.5
  - c. Poison gases 2.3
  - d. Poison liquids with inhalation hazards 6.1
  - e. Cryogenics 2.1, 2.2
  - f. Pyrophoric 4.2
  - g. Dangerous when wet 4.3
  - h. Ammonium nitrate and ammonium nitrate mixtures 5.1
  - i. Oxidizers 5.1 and organic peroxides 5.2
  - j. Etiological materials 6.2
  - k. Radioactive 7.
  - l. Flammable solids 5.2
6. The Fire Marshal must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:
  - a. Motor vehicles.
  - b. Hay/straw.
  - c. New wet batteries.
  - d. ORM/D (consumer commodities).



- H. Precautions in Mooring. All vessels when making fast to any dock or sea wall shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, shall be unsafe or dangerous or a menace to itself or to any other adjoining dock, it shall be the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition; and if the master or other person shall fail in such duty, the change shall be made by the Fire Marshal and all expenses thereby incurred shall be paid by and recoverable from such vessel or the master thereof to the City.
- I. Mooring of Vessels. It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any dock or shoreline within the City of Astoria Fire Department's jurisdiction, without first securing written permission from the Fire Marshal.
- J. Emergency Towing Lines (Fire Warps, Fire Wires). The Fire Marshal may require that a vessel, when berthed, moored or anchored, have emergency towing lines rigged. This is to ensure that in the event of a fire on a vessel or dock, the vessel may be moved readily if required. Typically this will be applied to vessels that are unmanned or for any reason unable to readily get under way in the event of an emergency. The emergency towing lines shall be securely fastened to the vessel and placed fore and aft (or bow and stern) on the offshore side in such a manner that the lower end, equipped with an eye, is located not more than 1 meter (3.28 ft) from the water.
- K. Street Ends.
1. No goods, lumber, logs, boats, vehicles, or other articles shall be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles shall be removed at once when so ordered by any member of the police or fire department.
  2. No sign shall be placed across or on any street end without written permission of the Fire Marshal. The area from the property line to the curb line shall be kept clear for pedestrian traffic at all times unless closed by the City Council. No combustible building or other fire hazard shall be allowed under bridge approaches.

- L. Equipment and Use of Docks. All docks where seagoing vessels are to be secured must be equipped with proper cleats, bollards, mooring posts, or similar devices for the ready and safe securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind shall be unloaded, loaded, or piled near such fastenings which might preclude quick access to them and no fastenings shall be made to any other part of any structure at any time which may endanger such structure in any way.
- M. Passenger Docks To be Fenced. No passenger carrying vessel shall be allowed to load or discharge any passengers at any dock within the City unless the proper gangways are in place.
- N. Heating Combustible Matter. It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel, except in places as shall be designated by the Fire Marshal.
- O. Obstructing Public Docks. It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft shall overlap or obstruct in any manner the free and easy entrance to or departure from any public dock by an Authorized Emergency Vessel.

**7.050** Appeals. Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the City of Astoria Fire Code Appeals Board within 30 days from the date of the decision appealed.

**7.055** New Materials, Processes or Occupancies Which May Require Permits. The City Manager, the chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code.

**7.060** Penalties.

- (a) Any person who shall violate any of the provisions of the Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans

submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City of Astoria or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by Astoria Code 1.010 with imprisonment not to exceed one year, or by a fine not to exceed \$1,000, or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue: and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.”

*[Sections 7.000 through 7.050 amended by Ordinance No. 86-02; passed January 20, 1986.]*

*[Sections 7.055, 7.060, and 7.065 repealed by Ordinance No. 86-11, passed May 5, 1986.]*

*[Sections 7.070 to 7.120 repealed by Ordinance No. 86-02, passed January 20, 1986.]*

*[Sections 7.000 to 7.045 repealed and replaced with Sections 7.000 to 7.060 by Ordinance No. 99-15; passed September 7, 1999.]*

### **CRIMINAL HISTORY RECORD CHECK POLICIES**

- 7.100** All liquor license applicants, applicants for employment and appointed volunteers with the City will be required to authorize the City to conduct a criminal offender information check through the OSP LEDS system.
- 7.102** Employees and fire service professionals engaged by Astoria 9-1-1 Rural Fire Department Subscribers will be required to authorize the City to conduct a criminal offender information check through the OSP LEDS system
- 7.105** The Emergency Communications Manager of the Police Department shall conduct these records checks and orally report to the City Manager’s Office, Human Resources Section, whether the applicant’s record indicates “no criminal record,” or “criminal record.” If the applicant’s record is reported as “criminal record,” the City will, under OAR 257-010-0025, request a written criminal history report from the OSP Identification Services Section. The City

Manager's Office, Human Resources Section, will make the written criminal history record available to the appropriate official for his or her consideration in making the selection.

- 7.110** Written criminal history records on persons who are not hired or appointed as volunteers will be retained in accordance with the requirements of OAR 166-200-0090 for a period of three years and thereafter destroyed. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed will become part of the personnel files of that employee or volunteer and only released according to law.”

*[Sections 7.100 through 7.110 added by Ordinance No. 13-02, passed February 4, 2013; Section 7.102 added by Ordinance No. 18-02, Passed February 26, 2018]*

## **BURGLARY AND ROBBERY ALARM ORDINANCE**

### **7.200 Burglary and Robbery Alarm Regulations.**

(1) Definitions.

- (a) Alarm business. The business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (b) Alarm System. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which an agency is expected to respond.
- (c) Alarm user. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.
- (d) Automatic dialing device. A device that is used to transmit an emergency message indicating a need for emergency response.
- (e) Burglary alarm system. An alarm system signaling an entry or attempted entry or any other activity requiring an emergency response into the area protected by the system.
- (f) Robbery (hold-up) alarm system. An alarm system signaling a robbery or attempted robbery.

- (g) False alarm. An alarm signal, eliciting a response by an agency when a situation requiring a response by an agency does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
  - (h) Interconnect. To connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a signal upon the activation of the alarm system.
  - (i) Fiscal period. The period from July 1 through June 30, inclusive.
- (2) Alarm user's permits required. Every alarm user shall obtain an alarm user's permit for each system and shall enter into an agreement with the city of Astoria for the use of such alarm. The permit shall be obtained from the office of the Chief of Police prior to the use of an alarm system. Systems in effect at the date of passage of this ordinance which do not currently have a permit shall have thirty (30) days to apply for a permit. Users of systems using both robbery and burglary alarm capabilities shall obtain separate permits for each function. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the City of Astoria Police Department. *[Paragraph (2) amended by Ordinance No. 95-01, passed January 3, 1995; and amended by Ordinance No. 10-08, passed July 19, 2010.]*

*[Paragraph (3) was repealed by Ordinance No. 10-08, passed July 19, 2010 and the subsequent sections renumbered accordingly.]*

- (3) Automatic direct dialing device. It is unlawful for any person to program an automatic dialing device to interconnect to any telephone line assigned to the City: and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Chief of Police that an automatic dialing device is so programmed.
- (4) User instructions. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain prompt service for the alarm system.

(5) False alarms.

- (a) Signals from an alarm system which are false are a nuisance.
- (b) The following schedule of penalties shall apply for all alarm users including residential, commercial, governmental and nonprofit organizations.

EACH FISCAL YEAR OCCURRENCE	PENALTY
First false alarm	No penalty if permit obtained within last 30 days. \$50 fine if permit on file for more than 30 days or no permit on file.
Second false alarm in fiscal year	\$50 fine and warning of increased fine.
Third false alarm in fiscal year	\$75 fine and warning of increased fine.
Fourth false alarm in fiscal year	\$100 fine and warning of increased fine and termination of police response to alarms.
Fifth false alarm in a fiscal year	\$150 fine and termination of police response to alarms unless customer requests continued service in writing and agrees to pay a \$250 fine for each subsequent police response to a false alarm in the fiscal year.

NOTE: The Chief of Police may restore police response if the permit holder can demonstrate exceptional circumstances. This would not be an automatic restoration of police response, and the termination would not be lifted by the beginning of a new fiscal period.

*[Paragraph (5) amended by Ordinance No. 10-08, passed July 19, 2010.]*

- (6) Termination of Police Response. Any alarm system in which there are reported false alarms and the owner makes no good faith effort to correct the deficiencies shall be subject to termination of police response. The Chief of Police shall notify the alarm user and the alarm business providing inspection to the user, by certified mail, of such action.  
*[Paragraph (6) amended by Ordinance No. 10-08, passed July 19, 2010.]*
- (7) Violations and Penalties. Any person violating the provision of this ordinance shall be deemed guilty of an offense; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continued, or

permitted; and, upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 [Section 7.200 added by Ordinance No. 77-11, passed August 1, 1977; amended by Ordinance No. 91-01, passed February 19, 1991; and amended by Ordinance No. 92-09, passed August 17, 1992.]

[Section 7.200 added by Ordinance No. 77-11, passed August 1, 1977; amended by Ordinance No. 91-01, passed February 19, 1991; amended by Ordinance No. 92-09, passed August 17, 1992, and amended by Ordinance No. 10-08 passed July 19, 2010.]

## **AUTOMATIC FIRE ALARM ORDINANCE**

### **Automatic Fire Alarm Regulations**

**7.210 Automatic Fire Alarm Ordinance.** Sections 7.210 to 7.255 shall be known as the automatic fire alarm ordinance.

**7.215 Purpose and Scope.**

- (a) The purpose of this ordinance is to protect the emergency service of the city from misuse.
- (b) This ordinance governs automatic fire alarm systems, requires permits, establishes fees, provides for revocation of permits and establishes systems of administration .

**7.220 Definitions.**

- (a) "Alarm business" means the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (b) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire or other emergency requiring urgent attention and to which firefighters are expected to respond.
- (c) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

- (d) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.
- (e) "Fire alarm system" means an alarm system signaling a fire or other emergency in the area protected by the system.
- (f) "Coordinator" means the individual designated by the city manager to issue permits and enforce the provisions of this ordinance.
- (g) "False alarm" means an alarm signal, eliciting a response by firefighters when a situation requiring a response by the firefighters does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- (h) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- (i) "Primary trunk line" means a telephone line serving the communication center that is designated to receive emergency calls.

**7.225 Alarm Users' Permits Required.** Every alarm user shall obtain an alarm user's permit for each system and shall enter into an agreement with the city of Astoria for the use of such alarm and maintenance thereof, and such permit shall be obtained from the coordinator's office prior to the use of an alarm system. Systems in effect at the date of passage of this ordinance shall have 60 days to apply for a permit. The coordinator is hereby given the authority and responsibility to select and designate permissible systems. Applications for fire alarm user's permit shall be accompanied by a one-time installation charge of \$40.00, with no additional yearly fee for those property owners within the city of Astoria limits. However, any alarm user who is connected to the city of Astoria system who is outside the city limits of Astoria shall be required to pay an annual fee of \$25.00 in addition to the one-time installation charge. Each permit shall bear the signature of the fire chief and shall expire on June 30th each year following the date of application. Fees may be pro-rated on a quarterly basis. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the city of Astoria fire department.



**7.230 Revocation.**

- (a) Any alarm system which has four or more false alarms in a permit year shall be subject to permit revocation. The fire chief shall notify the alarm user and the alarm business providing inspection to the user, by certified mail, of such revocation, and the revocation may be appealed to the city manager, in writing, within 10 calendar days of the receipt of the notice describing actions taken or to be taken in the revocation proceedings. The city manager shall review the case within 60 days after receipt of the written appeal, and then by certified mail notify the alarm user of his decision. The city manager's decision may be appealed to the city council, in writing, within 10 calendar days of the receipt of the above mentioned notice from the city manager. The decision of the city council shall be final. The alarm user shall immediately discontinue the use of the alarm system upon being notified by certified mail of the revocation of the permit by the fire chief.

**7.235 Senior Citizen Charges.** If a residential alarm user is over the age of 65 and is the primary resident of the residence, and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office without the payment of a fee.

**7.240 Governmental Units.** An alarm user which is a governmental, political unit shall be subject to this ordinance, but a permit shall be issued without payment of a fee. And further, governmental, political unit installations shall not be subject to revocation unless so directed by the city council.

**7.245 User Instructions.**

Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this ordinance shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

- (b) A set of instructions shall be submitted to the fire chief by the business selling alarm systems, and if the fire chief finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions so that they may be understood by the user.

**7.250 Automatic Dialing Device; Certain Interconnections Prohibited**

- (a) It is unlawful for any person to program an automatic dialing device to select a primary trunk line; and it is unlawful for an alarm user to fail to

disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the coordinator that it is so programmed.

- (b) Within 60 days after the effective date of this ordinance, all existing automatic dialing devices programmed to select a primary trunk shall be reprogrammed or disconnected.
- (c) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

**7.255 Alarm User's Agreements.** Before any alarm user connects to the city alarm system, he shall, along with the permit used to install the alarm, sign an agreement with the city of Astoria that will provide both the alarm user and the city with instructions concerning the installation of and the use of the alarm system. No alarm user shall proceed with the installation without signing such an agreement.

*[Sections 7.210 to 7.255 added by Ordinance No. 78-02, passed March 6, 1978.]*

## **ROCK AND GRAVEL QUARRIES**

### **Regulation of Quarrying**

**7.260 Area and Use Limitations.**

Except for a rock quarry, gravel pit or similar extraction business which may be operated within that part of the city designated and described in this section as an "Excepted Area," no person after September 1, 1944, may operate, permit or cause to be operated, any rock quarry, gravel pit or similar extraction business either by blasting, digging, excavating, shoveling or by any other means whereby rock, gravel or other substance is moved, removed, disturbed or crushed within the city.

- (2) The "Excepted Area" is defined as follows:

All that part of the city of Astoria lying south of a line which is 990 feet north of a line drawn east and west through the center of Sections 16 and 17, Township 8 North, Range 9 West, of the Willamette Meridian, and the extension easterly of such line, and also a line east of a line which is

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660 feet west of the west line of Section 16 in Township 8 North, Range 9 West, of the Willamette Meridian, in Clatsop County, State of Oregon.

- (3) No person may discharge explosives for quarrying purposes in the "Excepted Area" of the city unless such person first obtains a permit, provides a bond and complies with the terms and conditions required under Section 7.000 of this code.
- (4) No person may operate or permit a rock quarry, gravel pit or similar extraction business at the sites customarily referred to as the "High School" and "Shively" quarries. *[Section 7.260 added by Ordinance No. 94-13, passed November 7, 1994.]*