

Ordinance No 183

An Ordinance to provide for the prevention of fires, and the protection of persons and property endangered thereby.

Ord 133
Rep 15-06
Ord 211, 338,
335, 303

The People of the City of Albany do enact as follows.

Section I. That the south half of block (3) three (4) four, and (5) five, and the north half of block (8) eight, (9) nine, and (10) ten, of the City of Albany according to the maps, plats and surveys of said City, now on file, and of record in the office of the clerk of Linn County Oregon, be and the same are hereby declared within the fire limits of the City of Albany.

Section II. All buildings hereafter erected within the said fire limits, shall have their outside walls, party walls, and partition walls, made of brick, stone, or other noncombustible material, and such outside walls and party walls shall extend from the foundation to the top of, and through the roof of said buildings; and the roof shall be covered with tin or some other noncombustible material, and the walls shall be so constructed, as to separate all woodwork thoroughly and completely, of the interior and exterior of such building from all and every part of the interior and exterior of any adjoining building. The term building as used in this section, shall be held to mean all structures covered with a roof of any kind, but shall not include porches, porches or blast furnaces shall be erected or operated within the fire limits specified in this ordinance. The term partition wall shall be held to mean all walls running through the entire length of the building.

Section III. All repairs of buildings constructed of brick, stone, or other noncombustible material within the fire limits shall be made to conform to this ordinance.

Section IV. No wooden building within said fire limits shall be altered or changed without the written permission of the Chief Engineer, approved by the committee on fire and water, which permit shall specify fully the alteration or change required, and no such permit shall be given if any increase will be made by the proposed change or alteration in the size of any wooden building within the fire limits, or if such repairs or alterations, will increase the value of such buildings more than twenty five percent. The application there for and a copy of such permits shall be kept on file, in the

office of the Recorder provided that not more than one permit per year shall be issued to repair any one building, except to repair damages caused by fire.

Section V. no building within said fire limits shall be removed except to a position on the same lot on which it may have stood, to make room for more permanent improvements, or to a point outside of the fire limits.

Section VI. Whenever any building shall be by any means so much injured, as to be in the judgement of the Chief Engineer and Committee on Fire and Water, a dangerous nuisance, or where any wooden building, within the fire limits, shall in the judgement of the Chief Engineer, and Committee on Fire and Water, be damaged by fire to the extent of one half or more of the actual value, the Chief Engineer shall immediately cause to be served upon the owner or person having control thereof, a notice requiring such owner or person to remove the same forthwith, and the person receiving such notice, shall within ten days after receiving the same comply with the requirements thereof.

Section VII. all buildings over one story in height hereafter erected in the fire limits, shall have scuttle frames and doors, or bulkhead leading to the roof, made of or covered with some fire proof material, and shall have ladders or stairways leading to the same, and such scuttles and stairways shall be kept so as to be ready for immediate use at all times, and all scuttles shall be not less in size than two by three feet.

Section VIII. That every chimney or flue, that may hereafter be built in any frame building, within the City shall have walls of a good quality of brick or stone, at least four (4) inches in thickness, of the same material which shall commence at the ground, and be laid in good lime mortar, and be plastered on the outside, provided that when chimneys or flues shall not be commenced at the ground, they shall be commenced on some solid foundation, and provided further that patent chimneys may be used when desired. No chimney or flue shall be built which shall have any joint or timber resting on, or entering into the same. They shall be well secured, and shall extend four (4) feet above the roof of the building to which they are attached, measuring from the point where each chimney or flue passes through such

roof, and should such chimney or flues be deemed unsafe to the building or buildings adjoining, by the Chief Engineer, and committee on Fire and Water, they shall be carried up to such a height as may be deemed necessary, not to exceed forty feet above the extreme height of said building or buildings adjoining.

Section 17. No smoke pipe in any building with wooden or combustible floors and ceilings, shall enter any flue unless said pipe shall be at least eighteen (18) inches from either floors or ceilings, and in all cases when smoke pipes pass through wooden partitions of any kind, whether the same be plastered or not, they shall be guarded by a double collar of metal, with at least four (4) inches of air space and holes for ventilation, or by a soap stone not less than three (3) inches in thickness and extending through the partition, or by a solid coating of plaster of paris three (3) inches thick, or by an earthen ware ring three inches thick. No stove, pipe, or smoke pipe, shall pass through any window sash or roof of any building. No owner, proprietor, superintendent, agent or occupant of, or other person using or managing, or having control of any steam saw or planing mill, or factory of any kind, or any foundry or machine shop, or any other establishment where steam power is used, shall use or continue the use of, maintain or erect any smoke stack or chimney in connection with any such establishment of less height than twenty (20) feet above the adjoining buildings or those adjacent thereto, all owners or occupants of any building within the city in which there is a smoke pipe shall when notified by the Marshal comply with the foregoing requirements, and also replace a bad or defective smoke pipe with a new one when ordered to do so.

Section 18. When any flue smoke pipe or chimney shall be deemed by the Chief Engineer and committee on fire and water unsafe, the Marshal shall notify in writing the owner or occupant of the building that the same must be repaired or removed within ten (10) days, and if the parties so notified shall persist in using any flue, smoke pipe or chimney, which endangers the building to which it is attached or adjoining buildings, the Chief Engineer and committee on fire and water, shall cause the same to be repaired or removed, and the costs of such repairs or removal shall be made at the expense of the owner or occupant of the building.

Section XI. No stove pipe shall stand within two (2) feet of any wooden or cloth wall, unless such wall is fully protected by tin or zinc plates, fastened thereon; and all persons using fires in stoves shall cause to be placed under such stoves zinc or other noncombustible material sufficient to protect the floors from fires.

Section XII. It shall be unlawful for any person to deposit any ashes in any wooden vessel or on any wooden floor in the city, or deposit them in any place on their or other premises, that will be nearer than ten feet to any wooden work.

Section XIII. Any person making or mowing strawings, shall at the close of each day, cause the same to be safely stored or disposed of so as to be safe from fire. All hay, straw or other combustible material shall be so stored as to be safe from fire, and when not used or stored, the Marshal may direct the removal of the same, or cause the same to be protected from fire, and at the expense of the owner or occupant of the premises. No owner or occupant of any living stable in this city shall by himself or those in his employ use there in or any place containing, hay, straw or other combustible material, any lighted candle or other openable light, except the same be protected by a lantern. No person in this city shall have put or keep any straw or hay in stacks, or pile without having the same enclosed or secured so as to protect it from flying sparks of fire.

Section XIV. Spark catchers shall be placed upon all chimneys or smoke pipes, or stacks of any ~~stove~~ boiler or steam engine when ever deemed necessary for the safety of the adjoining property by the committee on fire and water and the chief engineer or a majority of them.

Section XV. The Marshal, Chief Engineer and committee on fire and water of this city, shall at all times have the right to enter any building within the city, for the purpose of discovery or ascertaining any violation of this ordinance.

Section XVI. That it shall be the duty of each fireman to notify the Chief Engineer of any violation of this ordinance which may come to his knowledge.

Section XVII. That any person or persons who shall willfully or maliciously make a false alarm of fire shall, of conviction, hereof, before the Recorder be fined not less than twenty,

(20) dollars, over more than fifty (50) dollars or be confined in the city jail not more than twenty five (25) days for each and every offence, as the Recorder may determine; provided that one half of any of his fine collected for the violation of this section shall be paid by the Recorder to the person making the complaint.

Section XVIII. All buildings hereafter erected to be used for public assemblages, in whole or in part, shall have doors that are used for the ingress and egress of the public, to the portions used for such assemblages, so constructed, that they shall open outwardly or inwardly and outwardly, and in no case shall they be constructed, so as to open inwardly only, or to slide and all such buildings hereafter to be altered for the use of the public assemblages, shall be made to conform with this section, and all buildings hereafter erected altered or changed, and intended for the above purposes shall have the main aisles and passageways at least four feet in width.

Section XIX. No person shall for sale, within the fire limits herein before described, more than two hundred gallons of kerosene oil the same to be kept in metallic cans or tanks.

Section XX. No person shall keep for private use in any house in the city of Albany, more than two (2) barrels of gun powder at any one time, and no person doing business in the city of Albany, shall keep for sale in any store house, or warehouse or place of business, except in a fire proof building erected for that purpose, more than one hundred (100) pounds of gun powder at any one time, and such powder shall be kept in cans or kegs near the entrance of such house or place of business convenient of access, in a secure tin or sheet iron box, plainly marked on the upper side, in letters not less than six inches long, "Powder"; and any person, keeping powder in a store for sale, shall report to the Chief Engineer, and the foreman of each fire company the exact locality where the same is kept and he shall not move the same, unless to sell, without the consent of the Chief Engineer.

Section XXI. The the Chief Engineer and the assistant Engineer, and city marshal are required to see that the requirements and provisions of this ordinance are enforced, and to make complaint in recorder's court for all violations thereof.

Section XXII. All violations of this ordinance shall be deemed a nuisance and all persons convicted thereof shall

be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars or imprisoned in the city jail not less than five (5) days, nor more than twenty five (25) days.

Section XXIII. All ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed.

Section XXIV. This ordinance to take effect and be in effect five days from and after its publication

Passed the Council May 12 = 1885

Approved May 13 = 1885

Attest:

J. H. Henton

W. H. Ketchum Mayor -

Recorder of the City of Albany.

J. H. Henton, Recorder of the City of Albany do hereby certify that the foregoing ordinance, was published in the Herald disseminator, in newspaper published in Albany Linn County Oregon, on the 15th day of May 1885

Witness my hand and the seal of the City of Albany this 16th day of May 1885 =

J. H. Henton
City Recorder -