

Repealed by Ord. 1587
Amended by Ord. 723
Repealed by Ord. 1289
Repealed by Ord. 992

ORDINANCE NO. 417

Relating to Fire Limits, Buildings within, etc.

Ord 417
Relating
to Fire
Limits
Buildings
within

An ordinance to provide for the prevention of fires and the protection of persons and property endangered thereby; and to establish and define the fire limits of the City of Albany; and to repeal all ordinances and parts of ordinances in conflict therewith.

The People of the City of Albany do ordain as follows:

Amend
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424 - 511

Sec 1. The fire limits of the City of Albany shall be bounded by a line commencing where the center line of Water Street intersects the center line of Washington Street, and running thence southerly following the center line of Washington Street to a point equidistant from the center lines of Second and Third Streets, thence easterly parallel with the center line of Second Street to the center line of Lyon Street, thence northerly following the center line of Lyon Street to its intersection with the center line of Second Street, thence easterly following the center line of Second Street to its intersection with the center line of Baker Street, thence northerly following the center line of Baker Street to a point equidistant from the center line of First and Water Streets, thence westerly parallel with the center line of First Street to the center line of Lyon Street, thence northerly following the center line of Lyon Street to the center line of Water Street, thence westerly following the center line of Water Street to the place of beginning.

Sec 2. All buildings hereafter erected within the fire limits of the City of Albany shall be made and constructed of brick or natural or artificial stone, or both, and shall have their outside walls, party walls and partition walls so constructed and not less than twelve inches thick; and all such side walls and party walls shall extend from the foundation to the top of and through the roof of said buildings, and that portion of said walls extending through or above the roof of said buildings, being termed "fire walls," shall not be less than eight inches thick and shall extend not less than three feet above the roof, and shall be constructed of the same materials as the main walls; and said roof shall be covered with such material as will afford protection against fire; and said walls shall be so constructed as to separate all woodwork of the interior and exterior of such buildings thoroughly and completely from all and every part of the interior or 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 privies; providing, that no blast furnace shall be erected or operated within the fire limits specified in this ordinance. The term partition walls, as used in this section, shall be held to mean all walls running through the entire length of the building.

Sec 3. All repairs of buildings constructed of brick, stone or other non-combustible material within the fire limits of the City

This is amended by Ordinance 1139

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of Albany shall be made to conform to this ordinance.

Sec. 4. It shall be unlawful for any person, firm or corporation to erect, enlarge or materially repair any building within the fire limits of the City of Albany without first obtaining a permit therefor; and every person, firm or corporation desiring such permit shall file with the City Recorder a copy of the plans and specifications of the proposed work; and when such plans and specifications have been approved by the City Council and the Chief Engineer of the Albany Fire Department the City Recorder shall thereupon issue a permit therefor; no such permit shall be given if any increase will be made by the proposed work in the size of any wooden building within the fire limits, or if such repairs or alterations will increase the value of any wooden building more than twenty-five per cent. The application therefor and a copy of such permit shall be kept on file in the office of the City Recorder, and not more than one permit per year shall be issued to repair any one building, except to repair damages caused by fire.

Sec. 5. No building within the fire limits shall be removed, except to some point outside the fire limits, without the written permission of the City Council and Chief Engineer obtained as above provided.

Sec. 6. - Whenever any building shall be by any means so much injured as to be in the judgment of the Chief Engineer and Committee on Fire and Water a dangerous nuisance, or where any building within the fire limits shall in the judgment of the Chief Engineer and Committee on Fire and Water be damaged by fire to the extent of one-half or more of its actual value, the Chief Engineer shall immediately caused 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; and in case of total loss all unburned portions of said building and debris remaining on the land shall be removed by and at the expense of the owner of the land.

Sec. 7. All buildings over one story in height hereafter erected in the fire limits shall have scuttle frames and doors or bulkheads leading to the roof, made of or covered with some fireproof material, and shall have ladders leading to the same, and such scuttles and stairways shall be kept so as to be ready for immediate use at all times, all such scuttles to be not less than three

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feet by two feet in size. Every building of more than two stories in height used or occupied, hereafter constructed to be used or occupied as a theatre, hospital, academy, college, hotel, rooming house, lodging house, lodge room, or for a factory, mill or manufactory, or for public entertainments or assemblages, and expressly including the County Courthouse, within the city limits, shall be provided and equipped with metallic fire escapes in such a way that the same shall be accessible, safe and adequate for the escape of the inmates in case of fire, all such fire escapes to be constructed to the approval of the City Council and the Chief Engineer of the Fire Department, and to be at all times kept in good repair and free from all obstructions. If the owners of buildings wherein public halls are located refuse or fail to comply with the provisions of this section, such buildings or halls shall be condemned by the Council and closed to public use.

Sec 8. That every chimney or flue that may hereafter be built in any frame building within the fire limits shall have walls of a good quality of brick or stone at least four inches in thickness, shall commence at the ground and be laid in good lime mortar, and be plastered on the inside, and when passing through or near woodwork shall be plastered on the outside. 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 at least four feet above the roof of the building to which they are attached, measuring from the point where each chimney or flue passes through the roof; and should such flues or chimneys 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 four feet above the extreme height of said building or buildings adjoining.

Sec. 9. No smoke pipe in any building inside the fire limits with wooden or combustible floors and ceilings shall enter any flue unless said pipe shall be at least eighteen inches from such floors or ceilings; and in all cases where 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 inches of air space and holes for ventilation, or by a soapstone ring not less than three inches in thickness and extending through the partition, or by a solid coating of plaster of paris three inches thick, or by an asbestos cover ring three inches thick. No stone pipe or smoke pipe shall pass through any window, side or roof of any building.

Sec 10. When any flue, smoke-pipe, smoke-stack or chimney shall be deemed by the chief engineer and committee on fire and water to be unsafe, the marshal shall notify in writing the owner or occupant of the building that the same must be repaired or removed within ten days; and if the parties so notified shall persist in using any flue, smoke-pipe, smoke-stack or chimney which endangers the building to which it is attached or adjoining buildings, the chief engineer and the 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.

Sec 11. No stove-pipe shall stand less than two feet from any wooden or cloth wall, unless such wall is fully protected by tin or zinc plates fastened thereon; and all persons using fire in stoves shall cause to be placed under such stoves zinc or other non-combustible material sufficient to protect the floors from fire.

Sec 12. 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 own or other premises nearer than ten feet from any wooden work.

Sec 13. Any person making or using shavings, 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 stored so as to be safe from fire, and when not so stored the marshal may direct the removal of the same, or cause the same to be protected from fire, at the expense of the owner or occupant of the premises. No owner or occupant of any livery stable in the city shall, by himself or those in his employ, use therein or in any place containing hay, straw or other combustible material, any lighted candle or other portable 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 piles without having the same enclosed or secured so as to protect it from flying sparks of fire.

Sec 14. Spark-catchers shall be placed upon all chimneys or smoke-pipes or smoke-stacks, and upon the stacks of any steam engine or boiler, whenever deemed necessary for the safety of adjoining property by the chief engineer and the committee on fire and water.

Sec 15. That any person or persons who shall wilfully or maliciously make a false alarm of fire shall, upon conviction thereof before the Recorder, be fined not less than twenty dollars nor more than fifty dollars, or be imprisoned in the city jail not more than twenty-five days, as the Recorder may determine.

Sec 16. All buildings used for public assemblies, in whole

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or in part, shall have the doors that are used for the ingress and egress of the public to the portion so used for such assemblies 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. Such doors and the main halls or passageways leading thereto shall be not less than six feet wide, and such doors shall be so constructed as to open with ease and afford an easy exit. All such buildings and halls shall have all main aisles at least four feet wide. All exits to such buildings and halls shall be constructed and arranged to the approval of the chief engineer and the committee on fire and water.

Sec 17. No person, firm or corporation, nor any person as the agent or employee of any person, firm or corporation, shall keep for sale or storage within the fire limits of the City of Albany more than two hundred gallons of kerosine oil, or more than fifty gallons of gasoline, or more than ten gallons of naphtha, the same to be kept in metallic cans or tins. And no person, firm or corporation, nor any person as the agent or employee of any person, firm or corporation, shall keep for sale or storage within the City of Albany and outside the fire limits any kerosine oil, gasoline or naphtha, unless the same shall be securely contained in metallic cans or tins and in a fire proof building.

Sec 18. No person shall keep for private use in any house in the City of Albany more than two pounds of gun powder at any one time; and no person shall keep for sale or use in any store-room, house or ware-room in the City of Albany, except in a fire proof building erected for that purpose, more than one hundred 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 to 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 every person keeping powder for sale, or in quantities larger than five pounds, 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, except to sell, without the consent of the chief engineer. No person shall keep powder in larger quantities than one hundred pounds, or dynamite in any quantity, unless it is deposited in an iron covered box placed in some prominent place outside of a building, said box to have painted upon the front or top thereof in letters not less than six inches high the word "POWDER," said box to be provided with handles so that it can be removed to a place of safety in case of fire.

Sec 19. It shall be the duty of the chief engineer and the

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assistant engineer to report to the City Council all violations of this ordinance; and the city council may by resolution authorize and direct the chief engineer or the assistant engineer or the city marshal to tear down, remove or destroy any building or structure erected in violation of the provisions of this ordinance, and to tax the cost of tearing down, destroying and removing the same to the owner of the premises in the same manner as is provided for the enforcement of liens for street improvements in the City of Albany, provided that before such officers or any of them shall proceed to tear down or remove any such structure, said officer shall cause written notice to be given to the owner or occupant of said building or the ground upon which it stands of the resolution passed by the Council authorizing and directing said building or repairs to be torn down, removed or destroyed, in said notice describing with reasonable certainty the house or repairs to be torn down and removed, and requiring the same to be torn down and removed within five days from the date of the service of the notice.

Sec 20. That it shall be unlawful for any person or persons to make any open fire, or cause any such fire to be made on any of the avenues, streets or alleys within the fire limits of the city, for the purpose of burning rubbish or trash or combustible material of any kind, or for any purpose whatever.

Sec 21. Any person convicted of a violation of this ordinance shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned in the City jail not less than five days nor more than ten days, or shall be punished by both such fine and imprisonment at the discretion of the Court.

Sec 22. The Chief Engineer, assistant engineer and the City Marshal are required to see that the requirements and provisions of this ordinance are enforced, and to make complaint in the Recorder's Court for all violations thereof.

Sec 23. That it shall be the duty of each fireman to notify the Chief Engineer of all violations of this ordinance which may come to his knowledge.

Sec 24. All ordinances and parts of ordinances

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in conflict with this ordinance are hereby repealed.
Sec 25. This ordinance shall take effect and be in force
from and after its approval by the Mayor.
Approved this 24th day of May, 1906.

J. P. Wallace
Mayor of the City of Albany,

Attest: W. L. Thompson
Recorder of the City of Albany.

City Recorder's Certificate.

STATE OF OREGON.

COUNTY OF LINN.

W. L. Thompson
Recorder of the City of Albany, in Linn

County, and State of Oregon, do hereby certify that the foregoing and annexed copy of
Ordinance No 417

has been by me carefully compared with the original Ordinance No 449
now on file in my office, and that it is a true and correct copy of all and the whole of said
original Ordinance No 449, passed by the Common
Council of the City of Albany May 22, 1906

WITNESS, my hand and official signature and the seal of the City of Albany, this

24th day of May 1906

W. L. Thompson
Recorder of the City of Albany.

