

## ***CHAPTER 58. FIRE PREVENTION CODE<sup>1</sup>***

### **Sec. 58.001. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fire Chief* means the Chief of the Fire Department of the City.

*Fire Code Official* means the Fire Chief or the Fire Chief's designee.

*Fire Prevention Code* means those provisions of the Oregon Fire Code, and any modifications thereof, as adopted by this chapter, and all other provisions of this chapter.

*Fire Prevention Program* means the Fire Department Program for regulation of building use and occupancy and the administration and enforcement of the Fire Prevention Code and other fire safety laws, ordinances and regulations.

*International Fire Code* means the 2024~~1~~ International Fire Code (International Fire Code Council, Inc., 2024~~1~~).

*Jurisdiction* means the City of Salem, Oregon.

*Oregon Fire Code* means the International Fire Code, as adopted by the State at OAR 837-040-0010, and filed with the Oregon Secretary of State on October 1, 2025~~2~~, as the Oregon Fire Code 2025~~2~~ Edition, subject to the exclusions therefrom and amendments thereto as set forth in OAR 837-040-0020. The Oregon Fire Code is also known as "Oregon Fire Code 2025~~2~~ Edition," or by the initials "OFC."

*Permittee* means the person holding any permit authorized by this chapter, or that person's authorized representative.

*Person* means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, or other entity in law or fact.

*Red Flag Warning* means the term used by fire-weather forecasters to call attention to limited weather conditions of particular importance that may result in extreme burning conditions.

*State Fire Marshal* means the Fire Code Official.

(Prior Code, § 58.001; Ord. No. 191-73; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 20-10; Ord. No. 1-15, § 1, 9-28-2015; Prior Code, § 58.001; Ord. No. 191-73; Ord. No. 35-

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06; Ord. No. 102-07; Ord. No. 20-10; Ord. No. 1-15, § 1, 9-28-2015; Ord. No. 13-23, § 1(Exh. A), 9-11-2023)

### **Sec. 58.003. Deletions from Oregon Fire Code.**

The following sections of the Oregon Fire Code are hereby deleted and shall not form a part of the Fire Prevention Code:

- (a) Operational permits: 105.5A Fireworks, Animal Control; 105.56D Fireworks, wholesale; 105.56E Institutions; 105.5A.54 Carnivals and fairs; 105.5.12 Cutting and welding; 105.5.187 Fire hydrants and valves; 105.5.374 Open burning; 105.5.375 Open flames and torches; 105.5.396 Open flames and candles; 105.5.441 Private fire hydrants.
- (b) Section 1098.1.1 Interference.
- (c) Sections 11219.1. ~~Board of Appeals established General~~; 11219.2 Limitations on Authority; 1121.3 Qualifications; 112.4 Administration.

(Prior Code, § 58.003; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 20-10; Ord. No. 1-15, § 2, 9-28-2015; Prior Code, § 58.003; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 20-10; Ord. No. 1-15, § 2, 9-28-2015; Ord. No. 13-23, § 1(Exh. A), 9-11-2023)

### **Sec. 58.004. Modifications to the Oregon Fire Code.**

The following sections of the Oregon Fire Code, or parts thereof, are not adopted as written, but are hereby modified, and adopted as set forth in this section:

- (a) 105.1.1 Permit Required. Permit fees in an amount set by resolution of the Council shall be paid prior to the issuance of the permit.
- (b) 1110.1 Authority to Disconnect Service Utilities. Any disconnection that is ordered or caused to be made by the Fire Code Official pursuant to this section shall be at the sole cost and expense of the owner of the building or premises.
- (c) 105.5.198 (2) Flammable and Combustible Liquids. The first sentence in Paragraph 2, is amended to read: "To store, handle or use Class I liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except that a permit is not required for the following:\*\*\*"
- (d) 105.5.165 is amended to read; "Event Permit-Exhibits ad Trade Shows An operational permit is required for an event or activity of a temporary nature and open to the public, which involves one or more uses for which an operational permit is otherwise required, including, but not limited to, the Oregon State Fair; a special event as defined in SRC 30.005; an event for which a parks use permit is issued under SRC 94.200; firework sales, firework

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displays, temporary kiosks, pyrotechnical special effect materials; tents and canopies; and temporary display of motor vehicles".

- (e) Section 307.1.1 Establishing a Burning Ban. When weather conditions remain dry, hot, windy, or any combination of these, for an extended period of time, the Fire Code Official may impose either a limited or total ban on recreational fires. The following criteria may be used to determine whether a recreational fire ban is established:
  - (1) Temperatures reach or are forecast 95 degrees Fahrenheit or above.
  - (2) Relative humidity reaches or is forecast 30 percent or below.
  - (3) Wind speeds reach or are forecasted to reach 15 miles per hour or above.
  - (4) Red flag weather warnings are issued locally.
  - (5) Marion or Polk County Fire Defense Board establishes burn ban declarations.
- (f) 503.1.2.1 Access to Educational (Group E) Occupancies. All buildings or structures with an occupant load greater than 100 persons and used for Group E occupancies (six or more persons at any one time for educational purposes through 12th grade and day care facilities for educational, supervision, or personal care services for six or more children older than 2.5 years of age) that are constructed in, moved into, or moved within the City shall be provided with at least two separate fire apparatus access roads. Exception: Buildings where one entire side is within 50 feet of an opened public through street that is sufficient for fire apparatus access.
- (g) 503.2.2.9 Fire Apparatus Access Road Turn-outs. Any fire department access road less than 32 feet in width that exceeds 400 feet in length shall provide a fire apparatus turn-out. Turn-outs shall be, at a minimum, 10 feet wide by 40 feet in length in addition to the required road width and shall be placed no more than 300 feet apart, unless otherwise approved by the Fire Code Official. These distances may be modified downward when visibility and sight distances are limited.
- (h) 503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the City of Salem Public Works design standard. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus\*\*\*
- (i) 503.2.7 Fire department Apparatus Access Roads-Grade. Fire apparatus roads shall not exceed an average grade of 12 percent with a maximum grade of 15 percent. Any grade above 12% shall not exceed distances of more than 200 feet unless all structures along the increased grade are protected by an approved fire sprinkler system.

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- (j) 503.3 Fire department access roads-Marking. Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire department access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Fire Department access roads that are 26 feet or less shall have signs posted on both sides of the roadway spaced no farther than 100 feet apart. Fire department access roads greater than 26 feet but less than 32 feet shall have signs posted on one side of the roadway and no greater than 100 feet apart. Where required, fire department access roadway curbs shall be painted red and marked NO PARKING-FIRE LANE at no greater than 50 foot intervals.
- (k) 507.5.1 Fire Hydrant Systems-Where required. \*\*\*\* and Any installation of a public or private fire service hydrant will require the permanent installation of 5 inch Stortz adaptors in accordance with the City of Salem Public Works design standard.
- (l) 507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with section 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections. (FDC) The hydrant to FDC shall have a route approved by the Fire Code Official that shall not have obstructions or barriers impeding the ability to make a quick connection.
- (m) ~~Section 603.9.6~~ 4102.1.6 Portable, electrical space heaters. Safety Devices. All portable electrical heaters shall have a high temperature limiting device and a tip-over switch.
- ~~(n) Appendix B104.2 Area Separation is amended to read "Portions of buildings which are separated by fire walls without openings, constructed in accordance with the International Building Code, are allowed to be considered as separate fire flow calculation areas."~~
- (~~n~~) Appendix D 103.5. Fire apparatus access road-gates;
9. Gates shall be set back a minimum of 30 feet from the intersecting roadway.
  10. Manual emergency operation shall be provided and approved by the Fire Code Official.
  11. Any gate obstructing fire apparatus access to a dwelling shall be equipped to open upon receiving a signal from a fire apparatus mounted traffic signal pre-emption device. (Opticom)
- (~~o~~) Appendix D 105.2. Aerial Fire Apparatus Road Access Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 30 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

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(Prior Code, § 58.004; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 49-08; Ord. No. 20-10; Ord. No. 1-15, § 3, 9-28-2015; Prior Code, § 58.004; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 49-08; Ord. No. 20-10; Ord. No. 1-15, § 3, 9-28-2015; Ord. No. 13-23, § 1(Exh. A), 9-11-2023)

**Sec. 58.190. Limits for above ground tank and bulk plants for flammable cryogenic fluids, flammable liquids, and combustible liquids.**

- (a) The geographic limitations for the storage of flammable cryogenic fluids, flammable liquids, or combustible liquids in outside above ground tanks, set forth in OFC 5806.2, 5704.2.9.6.1, and 5706.2.4.4, apply to every part of the City except those areas of the City zoned "EC - Employment Center," "IG - General Industrial," and "IP - Industrial Park" and ~~"II—Intensive Industrial"~~ outside that part of the City bounded on the north by Market Street, on the east by the right-of-way of the main line of the Union Pacific Railway Company, on the south by Mission Street, and on the west by the Willamette River.
- (b) The location and types of facilities for storage and bulk plants for flammable cryogenic fluids, flammable liquids, or combustible liquids shall be subject to prior review and approval by the Fire Code Official.

(Prior Code, § 58.190; Ord. No. 16-68; Ord. No. 124-71; Ord. No. 191-73; Ord. No. 13-81; Ord. No. 186-82; Ord. No. 35-06; Ord. No. 102-07; Ord. No. 1-15, § 8, 9-28-2015; Ord. No. 22-22, § 1(Exh. A), 11-28-2022; Ord. No. 13-23, § 1(Exh. A), 9-11-2023)

**Sec. 58.305. State Fireworks Law adopted.**

The following sections of Oregon Revised Statutes are, by this reference, incorporated as a part of this chapter, with the exceptions noted herein:

- (a) ORS 480.111.
- (b) ORS 480.120(1), with the following amendments:
  - (1) "The City" in lieu of "Oregon."
  - ~~(12)~~(b) "Fire Code Official" in lieu of "State Fire Marshal."
- (c) ORS 480.127, with the following amendments throughout: "Fire Code Official" in lieu of "State Fire Marshal."
- (d) ORS 480.130, with the following amendments:
  - (1) "Fire ~~chief~~ Code Official" in lieu of "State Fire Marshal."
  - (2) Delete the last sentence of subsection 2 ~~(2)~~.
  - (3) "Fire Code Official" in lieu of "State Fire Marshal."

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- (e) ORS 480.140(1).
  - (f) ORS 480.150, with the following amendments throughout: "Fire Code Official" in lieu of "State Fire Marshal."
  - (g) ORS 480.158.
  - (h) ORS 480.160.
  - (i) ORS 480.165. (1), amended to read: In addition to any other penalty provided by law, any person who violates any provision of ORS 480.111 (Definitions for ORS 480.111 to 480.165) to 480.165 (Civil penalty for fireworks law violations), or any rule adopted by the Fire Code Official pursuant thereto, is subject to a civil penalty imposed by the City in an amount not to exceed \$500 per violation. However, an individual member of the general public who possesses fireworks of a retail value less than \$50 is not subject to a civil penalty. Each day a violation continues shall be considered a separate offense.  
(2) "The City" in lieu of "State Fire Marshal."

(Prior Code, § 58.305; Ord. No. 80-91; Ord. No. 35-06; Ord. No. 1-15, § 10, 9-28-2015)

#### **Sec. 58.455. False fire alarms.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*False alarm* means the activation of a fire alarm system, where there is no evidence of a fire, through the mechanical failure, malfunction, improper installation, improper maintenance of the fire alarm system, or through the negligent or intentional acts of the owner or the owner's employees or agents.

*Owner* means person having legal control over a premises, including, but not limited to, an owner in fee and a lessee.

- (b) *False alarm fee.* The owner of any premises that has generated a false alarm shall pay a false alarm fee. The false alarm fee shall be due and payable ten days after invoice by the Fire Code Official~~Chief~~. The false alarm fee shall be set by resolution of the Council.
- (c) *Waiver of false alarm fee.* The Fire Code Official ~~Chief~~ may waive a false alarm fee assessed under subsection (b) of this section upon finding that:
- (1) The alarm system has been regularly inspected by experienced technicians familiar with its design and operation and the environment in which it is installed.

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- (2) All repairs, replacements, and preventive maintenance recommended by the service personnel who inspected the system have been performed.
  - (3) The cause of the false alarm was not the result of misuse or neglect in the use or maintenance of the system and the cause cannot be identified despite thorough inspection, testing and analysis by experienced technicians familiar with its design, operation, and the environment in which it is installed.
  - (4) Experienced technicians familiar with the alarm system's design, operation, and the environment in which it is installed have provided a written opinion that the system is unlikely to produce another false alarm from the same cause.
  - (5) The false alarm was not the result of owner error or neglect. As used in this subsection, the term "owner" means the owner of the premises and the owner's employees and agents.
  - (6) The cause of the false alarm has been positively identified and corrected.
  - (7) The false alarm was caused by unauthorized tampering with a fire alarm system by someone other than the owner or the owner's employees or agent.
- (d) *Limitation on waiver.* No more than two false alarms may be waived during any consecutive 365-day period, unless the owner provides satisfactory evidence that, in the case of system failure, each component of the fire alarm system whose malfunction or failure produced the false alarm have been replaced or repaired by competent technicians, or, in the case of negligent or intentional acts of the owner or the owner's employees or agents, that the owner has adequately trained all employees and agents in practices that will prevent the accidental triggering of the fire alarm system.
- (e) *Appeal.* An owner who has been assessed a false alarm fee may appeal the fee in the manner provided for contested cases in SRC chapter 20J.

(Prior Code, § 58.455; Ord. No. 27-12)

State law reference(s)—False fire alarms, ORS 162.375.

**Sec. 58.457. Penalties; civil penalty.**

- (a) Violation of SRC 58.450(d), OFC section 104.11.2 (Obstructing Operations), OFC ~~110.607.5~~ (Overcrowding), OFC 401.5 (Making false report), or OFC 901.8 (Removal of or tampering with equipment) is a misdemeanor.
- (b) In addition to any fines, penalties, remedies or other enforcement powers authorized by the Fire Prevention Code, and except as provided in subsection (a) of this section, violation of any other provision of the Fire Prevention Code or any rules adopted under SRC 58.002 is an infraction punishable by a maximum penalty of \$250.00. Each day that a violation continues shall constitute a separate violation.

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- (c) Whenever in the Fire Prevention Code a general obligation not specifically addressed to a public official or public agency is expressed in the passive voice (e.g., "signs, tags ... shall not be mutilated..."), it shall be unlawful for any person to do or fail to do any act which would violate that obligation, and such violation is an infraction or a misdemeanor as provided in this section.
  - (d) Civil penalty. Any person who fails to comply with the requirements of this chapter, or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without first obtaining a permit, or who fails to comply with a stop work order issued pursuant to this chapter, shall also be subject to a civil penalty, not to exceed \$2,000.00 per violation. Each day that a violation continues shall constitute a separate violation.
  - (e) Civil penalties against agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty.

(Prior Code, § 58.457; Ord. No. 35-06; Ord. No. 20-10)