

ORDINANCE NO. 557

AN ORDINANCE ADOPTING A UNIFORM FIRE CODE TO PRESCRIBE REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; ESTABLISHING A BUREAU OF FIRE PREVENTION AND DEFINING THE POWERS AND DUTIES OF ITS OFFICERS; PROVIDING AN EFFECTIVE DATE; AND REPEALING ORDINANCE NO. 446.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: ADOPTION OF UNIFORM FIRE CODE. There is hereby adopted by the Canby City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain Code known as the Uniform Fire Code, 1971 Edition, recommended by the Western Fire Chief's Association and the International Conference of Building Officials, save and except such portions of said Code as are hereinafter deleted, modified or amended. Not less than three (3) copies of the Uniform Fire Code, 1971 Edition, as hereby adopted are to be kept on file in the office of the Chief of the City's Fire Department, and one (1) copy of the Uniform Fire Code, 1971 Edition, shall be kept on file in the office of the Canby City Recorder as a part of this Ordinance. The Uniform Fire Code, 1971 Edition, and any amendments thereto, is hereby adopted by reference as if the same were fully set out at length herein and from the effective date of this Ordinance, it shall take effect, and the provisions thereof shall be controlling within the limits of the City of Canby.

Section 2: ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

a. The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Canby 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 Canby City Council on the basis of examination to determine his qualifications. The Council shall also establish the salary or other compensation which is to be paid

to the appointed Fire Marshal.

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.

Section 3: DEFINITIONS:

a. Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the City of Canby, Clackamas County, State of Oregon.

b. Wherever the term "corporation counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the City of Canby.

c. Wherever the words "Chief of the Bureau of Fire Protection" are used, they shall be held to mean "Fire Marshal."

Section 4: ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS TO BE PROHIBITED.

a. The limits referred in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside above ground tanks is prohibited are hereby established as follows: All zones in the City of Canby designated in the City's Zoning Ordinance No. 452 adopted July 15, 1963, and amendments thereof, and as designated in the City's "Zoning Map" as General Commercial Zone C-1 and Highway Commercial Zone Designated C-2.

b. The limits referred to in Section 15.601 of the Uniform Fire Code in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows: All zones in the City of Canby designated in the City's Zoning Ordinance No. 452 adopted July 15, 1963, and amendments thereof, and as designated in the City's "Zoning Map" as General Commercial C-1, Highway Commercial Zone C-2, Low Density Residential Zone R-1 and Medium Density Residential Zone R-2.

Section 5: ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in Section 20.105 (a) of the Uniform Fire Code in which bulk storage of liquified petroleum gas is restricted are hereby established as follows: All zones in the City of Canby designated in the City's Zoning Ordinance No. 452 adopted July 15, 1963, and amendments thereof, and as designated in the City's "Zoning Map" as General Commercial Zone C-1 and Highway Commercial Zone designated C-2.

Section 6: ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED. The limits referred to in Section 11.106 (b) of the Uniform Fire Code in which storage of explosives and blasting agents is prohibited are hereby established as follows: All zones in the City of Canby designated in the City's Zoning Ordinance No. 452 adopted July 15, 1963, and amendments thereof, and as designated in the City's "Zoning Map" as General Commercial Zone C-1 and Highway Commercial Zone designated C-2.

Section 7: PERMITS. Permits covered by Section 1.301 of the Uniform Fire Code and required in various articles of said Code shall be available by application approved by the Fire Chief. Permits granted may be obtained at the City Fire Chief's office after paying a permit fee of FIVE DOLLARS (\$5.00) and shall be valid for a period of one (1) year from the date of issuance, unless such permit shall be revoked for cause by the Chief of the Fire Department; and the permits issued shall be renewable each year on their anniversary date. Permits issued shall not be transferrable and any change in use, occupancy, operation or ownership shall require a new permit.

Section 8: APPEALS. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or

when it is claimed that the provisions of the Uniform Fire 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 Fire Chief to the Canby City Council in writing within thirty (30) days from the date of the decision appealed.

Section 9: NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The City Attorney, Chief of the Fire Department and the Fire Marshal in charge 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 which shall require permits in addition to those now enumerated in the Uniform Fire Code, 1971 Edition, or any amendments thereto. The Fire Marshal shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Section 10: PENALTIES. Any person who shall violate any provision of this Ordinance, including the Uniform Fire Code adopted by reference, or who shall 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 hereunder, 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 Canby City Council 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 a fine of not less than \$100 nor more than \$500, or by imprisonment in the County Jail for not less than two (2) days nor more than thirty (30) days, or by both such 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 or permitted to exist shall constitute a separate offense.

The application of the penalties prescribed in the foregoing paragraph shall not be held to prevent the enforced removal of prohibited conditions.

Section 11: NON-LIABILITY FOR DAMAGES. The adoption of the Uniform Fire Code, 1971 Edition, and any amendments thereto, as the Fire Code for the City of Canby shall not be construed to hold the City of Canby, its officers, agents or employees, responsible for any damage to persons or property by reason of the inspection or reinspection authorized by the Uniform Fire Code, or for failure to inspect or reinspect on a permit issued or denied for use of any equipment for which a permit is required.

Section 12: VALIDITY. The Canby City Council hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Uniform Fire Code hereby adopted be declared for any reason to be invalid, it is the intent of the Canby City Council that it would have passed all other portions of this Ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

Section 13: REPEAL OF CONFLICTING ORDINANCES. Ordinance No. 466 enacted by the Canby City Council July 6, 1964, and any amendments thereto, and all other Ordinances or parts of Ordinances in conflict herewith, or inconsistent with the provisions of the Uniform Fire Code hereby adopted, are hereby repealed.

Section 14: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

Passed on first reading of the Canby City Council at a regular meeting thereof on the 15th day of May, 1972; ordered posted

in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof on the 5th day of June, 1972, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.



CARL A. BRAMAN - Mayor

ATTEST:



J. R. RICHARDSON - City Recorder

Passed on second and final reading of the Canby City Council at a regular meeting thereof held on the 5th day of June, 1972, by the following vote: Yeas 5. Nays 0.



CARL A. BRAMAN - Mayor

ATTEST:



J. R. RICHARDSON - City Recorder