

ORDINANCE NO. 688

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 PREVENTION AND DEFINING THE POWERS AND DUTIES OF ITS OFFICERS; REPEALING ORDINANCE NO. 557; AND DECLARING AN EMERGENCY.

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, 1979 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 copies of the Uniform Fire Code, 1979 Edition, as hereby adopted are to be kept on file in the office of the chief of the City's Fire Department, and one copy of the Uniform Fire Code, 1979 Edition, shall be kept on file in the office of the Canby City Engineer as a part of this ordinance. The Uniform Fire Code, 1979 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 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 (prevention)" are used, they shall be held to mean either Fire Chief or Fire Marshal.

Section 4: Establishment of Districts Within Which Storage of Flammable or Combustible Liquids in Outside, Above-Ground Tanks is Prohibited.

- (a) The outside, above-ground storage of flammable or combustible liquids, as defined in Section 79.201 of the Uniform Fire Code is hereby prohibited in all areas of the City which are zoned for commercial development.
- (b) The development of new bulk plants for flammable or combustible liquids, as defined in Section 79.601 of the Uniform Fire Code, is hereby prohibited in all areas of the City which are zoned for residential or commercial development.

Section 5: Establishment of Districts in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits

referred to in Section 82.105(a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as including all areas of the City which are zoned for commercial development.

Section 6: Establishment of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The storage of explosives and blasting agents, as defined in Section 77.106(b) of the Uniform Fire Code, is hereby prohibited in all areas of the City which are zoned for residential or commercial development.

Section 7: Permits. Permits covered by Section 4.102 of the Uniform Fire Code and required in various Articles of said Code shall be available by application approved by the Fire Chief. Permits may be obtained at the City Fire Chief's office after paying a permit fee of \$5.00, and shall be valid for a period of one 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 transferable 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

by filing such an appeal in writing within 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, 1979 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 specification 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 \$100.00 nor more than \$500.00, or by imprisonment in the County

Jail for not less than two days nor more than 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 10 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: Nonliability for Damages. The adoption of the Uniform Fire Code, 1979 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. 557, enacted by the Canby City Council on June 5, 1972, 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. In view of the necessity to prescribe regulations concerning fire protection, to promote the safety, health and welfare of the citizens of the city of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

Submitted to the Council and read the first time at a regular meeting thereon on Wednesday, December 3, 1980; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof to be held on Wednesday, January 7, 1981, at the hour of 7:30 o'clock p.m. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

  
\_\_\_\_\_  
Harold A. Wyman, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 7th day of January, 1981, by the following vote: YEAS 6. NAYS 0.

  
\_\_\_\_\_  
Robert A. Swayze Mayor

ATTEST:

  
\_\_\_\_\_  
Harold A. Wyman, City Recorder