

ORDINANCE NO. 59

AN ORDINANCE RELATING TO EXPLOSIVES; AND PROVIDING PENALTIES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. PURPOSE. It is the intention of the council that this ordinance shall supplement and shall be uniformly interpreted with the laws and regulations of the United States and the state of Oregon, so far as possible, to avoid an undue burden on commerce.

SECTION 2. DEFINITIONS. As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter. Except where the context clearly indicates a different meaning, the following words shall mean:

(1) Person. An individual, firm, partnership, corporation, company, or association or the assignees, vendees, lessees, trustees, or receivers of any of them.

(2) Explosives. Chemical compounds, mixtures, or devices, the primary or common purpose of which is to function by explosion with substantially instantaneous release of gas or heat, including but not limited to Class A and Class B explosives as classified by the Interstate Commerce Commission, nitro-carbo-nitrates and fireworks as defined by ORS 480.110, but excluding dangerous articles such as flammable liquids, flammable solids, compressed flammable or nonflammable gases, oxidizing materials, corrosive liquids, poisonous liquids or gases, radioactive materials, and small arms ammunition.

SECTION 3. Applicability.

(1) Except as this ordinance may conflict with the regulations, laws, and constitution of the United States and the state of Oregon, it shall apply to interstate and intrastate commerce.

(2) This ordinance shall not apply to:

(a) The armed forces of the United States or the militia of any state.

(b) The transportation of explosives by rail or by water.

(c) The use of explosives.

Storage Regulations

SECTION 4. PERMIT REQUIRED. No person may store any explosives unless a permit is first obtained from the marshall. A revocable permit valid for one (1) year may be issued.

SECTION 5. APPLICATION FOR PERMIT AND RENEWAL. Written application for a permit or for renewal of a permit to store explosives shall be made to the marshall on forms provided by the city. The application shall be accompanied by a permit fee of \$ 10.00, which shall be returned to the applicant if the application is denied.

SECTION 6. CONSIDERATION OF APPLICATION. The marshall may either grant or deny the application for a permit, taking into consideration:

(1) The congestion of persons, the type of buildings, the volume of vehicular traffic, and the topography in the vicinity of the storage area.

(2) The condition and construction of the structure or magazine used or to be used for storage of explosives and the applicable fire zone regulations.

(3) The adequacy of water supply in the storage area.

(4) The American Table of Distances for Storage of Explosives, published by the Institute of Makers of Explosives, September 30, 1955.

(5) Any other factors relevant to public safety.

SECTION 7. ISSUANCE OF PERMIT. In granting a permit, the marshall may limit the quantity of explosives which may be stored by the applicant and may prescribe in the permit the terms and conditions the marshall considers necessary for the protection of the public from the dangers of explosion.

SECTION 8. OVERNIGHT STORAGE. No permit may be granted to store or keep over 50 pounds of explosives or over 500 blasting caps any place within the city between the hours of 6:00 p.m. and 7:00 a.m. of the following day.

SECTION 9. REVOCATION OF PERMIT. The marshall may revoke a permit:

(1) If conditions considered in granting the permit change at the storage area or in the vicinity and the public is endangered by the storage of explosives as authorized by the permit.

(2) If the permittee is convicted of a violation of this ordinance.

(3) If the permittee is convicted for violation of federal or state laws or regulations relating to safety in storing and transporting explosives.

SECTION 10. HEARING ON DENIAL OR REVOCATION OF PERMIT. Before denying or revoking a permit, the marshall shall give written notice of his proposed action to the applicant or permittee. If, within 10 days after the date of such notice, a hearing is requested by the applicant or permittee, the council shall fix a time within the next 30 days in which it shall hear the objections of the applicant or permittee to the denial or revocation of the permit. Thereafter the decision of the council shall be final.

SECTION 11. INSPECTIONS. It shall be the duty of the marshall to enforce the provisions of this ordinance relating to storage, and he shall regularly inspect buildings where explosives are stored to determine whether storage practices conform to the provisions of this ordinance and the limitations imposed by the permit.

Transportation Regulations

SECTION 12. GENERAL APPLICABILITY. Every motor vehicle transporting explosives shall be operated in compliance with this ordinance unless federal or state laws and regulations impose a greater affirmative obligation or a greater restraint, or unless compliance with this ordinance would prevent full compliance with federal or state laws or regulations by persons subject thereto.

SECTION 13. OPERATION OF THE VEHICLE. Persons shall operate motor vehicles transporting explosives with the highest degree of care to decrease the probability of danger to life and property in the following manner:

(1) The vehicle shall be driven only upon the Columbia River Highway or Troutdale Road, except when delivering or receiving explosives off such truck routes, in which event the vehicle shall be driven upon a route pre-arranged with the marshall to avoid, whenever possible, congested streets; heavy traffic; bus routes; viaducts; dangerous crossings; and any dwellings, buildings, or places where persons work, congregate, or assemble.

(3) Except when passing, the vehicle shall be kept at least 300 feet behind other motor vehicles transporting explosives moving in the same direction.

(4) The vehicle shall not be driven near fires of any kind burning on or near a street until passage can be made safely.

SECTION 14. COMPETENT PERSON TO ATTEND VEHICLE. When transporting explosives the vehicle shall be attended by a competent person whose primary duty is to attend the vehicle. Such person shall be within sight of and in close proximity to the vehicle and shall have on his person the appropriate keys for starting the vehicle. Vehicles are deemed unattended when left in care of a person on duty in the regular course of another business such as service station attendants, motel operators, or merchant patrolmen. The marshall is authorized to move unattended vehicles to a safe place, and to enter premises at any time to remove an unattended vehicle loaded with explosives.

SECTION 15. PARKING AND STOPPING RESTRICTED.

(1) Except as provided in this section, no person may park a vehicle loaded with explosives in the city for any purpose, and no person may stop such a vehicle for any reason except momentarily to comply with moving traffic laws.

(2) A person may park an attended vehicle for the sole purpose of, and while physically engaged in, loading or unloading explosives from the vehicle, or changing drivers.

(3) No person may refuel a vehicle within the city except in extreme emergency and then only with enough fuel to enable it to proceed to the first refueling point beyond the city. The engine of the vehicle shall be stopped during refueling.

SECTION 16. DISABLED VEHICLES.

(1) If a vehicle transporting explosives is disabled, the driver shall immediately cause notice to be given to the marshall.

(2) The marshall shall determine whether or not the vehicle may be moved, and where it may be repaired when loaded.

(3) If the disabled vehicle is moved when loaded with explosives, it shall be moved with an escort to a location where repairs can be made without endangering life or property.

(4) If transfer of the explosives is imperative, persons making the transfer shall employ adequate safety measures under the supervision of the marshall.

General

SECTION 17. PENALTY. Any person, violating any of the provisions of this ordinance shall, upon conviction, be punished by imprisonment for not to exceed five (5) days or by a fine not to exceed \$500.00, or both.

SECTION 18. SEVERABILITY. If a part of this ordinance is declared invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, that part shall remain in effect in all valid applications that are severable from invalid applications.

Passed by the Common Council of the Town of Troutdale this 9 day of July, 1960.

YEAS: 3

NAYS: 0

Walter D. Varnum
MAYOR

ATTEST:

J. Stanley Guffer
RECORDER