

ORDINANCE NO. 750

AN ORDINANCE AMENDING TITLE 8 OF THE TROUTDALE MUNICIPAL CODE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City's practices in addressing matters of general health and safety have evolved over time.
2. In some situations, the City contracts with Multnomah County for services. As the County regulations have changed, and state laws have been updated, the City's provisions in Title 8 have become outdated.
3. The provisions in Title 8 regarding health and safety need to be updated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 8.04 is hereby amended to read as set forth in Attachment A.

Section 2. Chapter 8.08 is hereby amended to read as set forth in Attachment B.

Section 3. Chapter 8.12 is hereby amended to read as set forth in Attachment C.

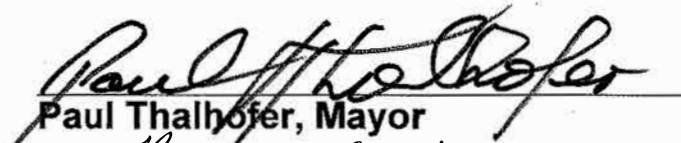
Section 4. Chapter 8.16 is hereby repealed.

Section 5. Chapter 8.20 is hereby amended to read as set forth in Attachment D.

Section 6. Chapter 8.24 is hereby amended to read as set forth in attachment E.


Section 7. Chapter 8.32 is hereby amended to read as set forth in Attachment F.

YEAS: 4
NAYS: 0
ABSTAINED: 0



Paul Thalhofer, Mayor
May 27, 2004

Date



Debbie Stickney, City Recorder

Adopted: May 25, 2004

Chapter 8.04 ADULT CARE HOMES

8.04.010 County Regulations Applicable.

The city consents to have Multnomah County Human Services administer and enforce the Multnomah County adult care home licensure laws within the city as those regulations are articulated in Multnomah County Ordinance No. 974, also known as Multnomah County Code Chapter 23.600 adopted by the Multnomah County board of commissioners on January 31, 2002.

Chapter 8.08 EMERGENCY MEDICAL SERVICES

8.08.010 County regulations applicable.

The city consents to have Multnomah County administer and enforce the Multnomah County Emergency Medical Services and Ambulance Law within the city as those regulations are articulated in Multnomah County Ordinance No. 910, also known as Multnomah County Code Chapter 21.400, adopted by the Multnomah County board of commissioners on July 1, 1998.

Chapter 8.12. BURGLARY AND ROBBERY ALARMS

8.12.010 Title.

This chapter shall be known as “the burglary and robbery alarm ordinance.”

8.12.020 Purpose and scope.

- A. The purpose of this chapter is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and insuring the proper use of alarm systems to prevent unnecessary police emergency responses to false alarms and thereby to protect the emergency response capability of the county from misuse.
- B. This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for fines for excessive false alarms, provides for no response to alarms, provides for punishment of violations and establishes a system of administration.
- C. Revenue generated in excess of costs to administer this chapter shall be allocated to the use of participating law enforcement agencies.

8.12.030 Definitions.

- A. “Alarm business” means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- B. “Alarm system” means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention to which police are expected to respond.
- C. “Alarm user” means the person, firm, partnership, association, corporation, company or organization of any kind which owns, controls or occupies any building, structure or facility wherein an alarm system is maintained.
- D. “Automatic dialing device” means a device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response. Such a device is an alarm system.
- E. “Bureau of emergency communications” is the city/county facility used to receive emergency and general information from the public to be dispatched to the respective police departments utilizing the bureau.
- F. “Burglary alarm system” means an alarm system signaling an entry or attempted entry into the area protected by the system.

- G. "Coordinator" means the individual designated by the sheriff to issue permits and enforce the provisions of this chapter.
- H. "False alarm" means an alarm signal, eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- I. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- J. "Primary trunk line" means a telephone line serving the bureau of emergency communications that is designated to receive emergency calls.
- K. "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery.
- L. "Sheriff" means the sheriff of Multnomah County or his designated representative.
- M. "No response" means peace officers will not be dispatched to investigate a report of an alarm signal.
- N. "Chief of police" means the chief of police of the law enforcement agency of the municipality in which the alarm has occurred, or his designated representative, and in municipalities which do not have a chief of police, the mayor of the municipality or his designated representative.
- O. "Sound emission cutoff feature" means a feature of an alarm system, which will cause an audible alarm to stop emitting sound.
- P. "System becomes operative" means when the alarm system is capable of eliciting a response by police.
- Q. "Economically disadvantaged person" means a person receiving public assistance and/or food stamps.

8.12.040 Alarm users permits required--Fees.

- A. Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office within thirty days of the time when the system becomes operative. Users of systems using both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglar or robbery alarm user's permit and a twelve dollar fee for each shall be filed with the coordinator's office each year. Each permit shall bear the signature of the Sheriff and be for a one year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the sheriff.
- B. If a residential alarm user is over the age of sixty-two and/or is an economically disadvantaged person and is a resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office according to subsection A of this section without the payment of a fee.
- C. A twenty-five dollar charge will be charged in addition to the fee provided in subsection A of this section to a user who fails to obtain a permit within thirty days

after the system becomes operative, or more than thirty days delinquent in renewing a permit.

8.12.050 Fines for excessive false alarms.

A. Fines will be assessed by the coordinator for excessive false alarms during a permit year as follows:

1. No charge for the first false alarm.
2. Second false alarm will be assessed a \$75.00 fine.
3. Third false alarm will be assessed a \$100.00 fine.
4. Fourth false alarm will be assessed a \$200.00 fine.
5. Fifth and any additional false alarms will be assessed a \$300.00 fine.

B. The coordinator will notify the alarm user and the alarm business by regular mail of a false alarm and the fine and the consequences of the failure to pay the fine. The coordinator will also inform the alarm user of his/her right to appeal the validity of the false alarm to the sheriff, as provided in Section 8.12.110. If the fine has not been received in the coordinator's office within thirty days from the day the notice of fine was mailed by the coordinator and there is no appeal pending on a validity of the false alarm, the coordinator will send the notice of fine by mail along with a notice of late fee of twenty-five dollars. If payment is not received within ten days of the day the notice of late fee was mailed, the coordinator will initiate the no-response process and may initiate the enforcement of penalties.

8.12.060 No response to excessive alarms.

A. After the first false alarm the coordinator shall send a notification to the alarm user by mail, which will contain the following information:

1. That the first false alarm has occurred;
2. That if three or more false alarms occur within the permit year the police will not respond to any subsequent alarms without the approval of the sheriff or the chief of police;
3. That the approval of the sheriff or chief of police can only be obtained by applying in writing and within ten days of receipt of the notice of alarm from the coordinator (Section 8.12.100(A)).

B. After the fourth false alarm within the permit year there will be no police response to subsequent alarms without approval of the sheriff or the chief of police. The coordinator shall send a notification of the police response suspension to the alarm user.

C. The suspension of police response to an alarm shall begin ten days after the date of delivery of the notice of suspension of service to the alarm user unless a written request for a false alarm validity hearing has been made in the required time period as listed in Section 8.12.100.

8.12.070 Special permits.

A. An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to this chapter; provided:

1. A permit shall be designated a special alarm user's permit;
2. A special alarm user's permit for a system which has four false alarms in a permit year shall not be subject to the no response procedure and shall pay the regular fine schedule;
3. The payment of any fine provided for in subdivision 2 of this subsection shall not be deemed to extend the term of the permit.

B. An alarm user which is a governmental political unit shall be subject to this chapter.

8.12.080 User instructions.

A. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time. The alarm business shall also inform each alarm user of the requirement to obtain a permit and where it can be obtained.

8.12.090 Automatic dialing device--Certain interconnections prohibited.

It is unlawful for any person to program an automatic dialing device to select a primary trunk line and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

8.12.100 Hearing.

A. An alarm user who wants to appeal validity of a false alarm determination by the coordinator may appeal to the sheriff for a hearing. The appeal must be in writing and must be requested within ten days of the alarm user having received notice of the alarm from the coordinator. Failure to contest the coordinator's determination in the required time period results in a conclusive presumption for all purposes that the alarm was false.

B. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the sheriff by certified mail at least ten days prior to the date set for the hearing, which date shall not be more than twenty-one nor less than ten days after the filing of the request for hearing.

C. The hearing shall be before the sheriff. The coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the sheriff determines that the false alarms alleged have occurred in

a permit year, the sheriff shall issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record at his discretion. If false alarm designations are entered on the alarm user's record, the coordinator shall pursue fine collection as set out in Section 8.12.050.

D. The sheriff may appoint another person to be a hearings officer to hear the appeals and to render judgment.

8.12.110 Sound emission cutoff feature.

A. Alarm systems which emit audible sound which can be heard outside the building, structure or facility of the alarm user, shall be equipped with a sound emission cutoff feature which will stop the emission of sound fifteen minutes or less after the alarm is activated.

B. When an alarm system can be heard outside a building, structure, or facility for more than fifteen minutes continuously or intermittently, and the alarm owner or alarm company is not readily available or able to silence the device, it becomes a public nuisance and the sheriff is authorized to physically disconnect the sounding device. The county shall not be liable for any cost of, or associated with, disconnecting or reconnecting the alarm. The alarm owner shall be liable for such costs.

8.12.120 Confidentiality--Statistics.

A. All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to ORS 192.502(2) and any violation of confidentiality shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this chapter.

B. Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

8.12.130 Allocation of revenues and expenses.

A. All fines and forfeitures of bail collected pursuant to this chapter or an ordinance of a municipal corporation having the same purpose as this chapter and which is administered by Multnomah County officers or employees shall be general fund revenue of Multnomah County; provided, however, that Multnomah County shall maintain records sufficient to identify the sources and amounts of that revenue.

B. Multnomah County shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal-year basis the direct costs of administering this chapter and ordinances of municipal corporations having the same purpose as this chapter and which are administered by Multnomah County officers or employees, including salaries and wages (excluding the sheriff

individually), travel, office supplies, postage, printing, facilities, office equipment and other properly chargeable costs.

C. Not later than September 30th of each year, Multnomah County shall render an account to each municipal corporation having an ordinance having the same purpose as this chapter and which is administered by Multnomah County officers or employees, which account shall establish the net excess revenue or cost deficit for the preceding fiscal year and shall allocate that excess revenue, if any, or deficit, if any, to the county and any municipal corporation entitled to an account proportionately as the number of permits issued for alarm systems within the corporate limits of the respective municipal corporations and the unincorporated areas of Multnomah County bears to the whole number of permits issued in Multnomah County; provided, that no allocation shall be made if the net excess revenue or deficit is less than two thousand five hundred dollars.

D. Distribution by the county of any excess revenue or payment of allocated deficit amounts by a municipal corporation shall be made no later than September 30th of each fiscal year.

E. "Sound accounting principles" as used in this section, shall include, but not be limited to, practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of this chapter.

8.12.140 Interpretation.

This chapter and any ordinance of a municipal corporation have the same purpose as this chapter and which is administered by Multnomah County officers or employees shall be liberally construed to effect the purpose of this chapter and to achieve uniform interpretation and application of the respective chapter.

8.12.150 Enforcement and penalties.

A. Enforcement of this chapter may be by civil action or by criminal prosecution.

B. Violation of this chapter shall be punished upon conviction by a fine of not more than five hundred dollars.

C. The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph B of this section.

Chapter 8.20 ILLEGAL DUMPING AND LITTERING**8.20.010 Title and area of application.**

This chapter shall be known as the city illegal dumping and littering ordinance, and may be so pleaded and referred to as such and shall apply to all incorporated areas of the city.

8.20.020 Establishment and purpose.

- A. This chapter is intended to exercise the option in ORS 459.108 to establish and enforce civil penalties for refuse hauling, dumping and littering.
- B. Departmental enforcement responsibilities are established by this chapter.

8.20.030 Refuse hauling regulations.

No person, firm or corporation shall transport or carry, or direct another person, firm or corporation to transport or carry any rubbish, trash, garbage, debris or other refuse, or recyclable material, in or on a motor vehicle or trailer, upon a public road in the city, unless such refuse or recyclable material is either:

1. Completely covered on all sides and on the top and bottom thereof and such cover is either a part of or securely fastened to the body of such motor vehicle or trailer; or
2. Contained in the body of the motor vehicle or trailer in such a way as not to cause any part of the hauled refuse or recyclable material to be deposited upon any private or public roadway or private property in the city other than that of the concerned party.

8.20.040 Dumping and littering prohibited.

No person, firm or corporation shall throw or place, or direct another person, firm or corporation to throw or place, upon the private land or waters of another person, firm, or corporation, or upon public lands or waters, or upon any public place, any rubbish trash, garbage, debris or other refuse or material for recycling, other than in receptacles provided therefore, without such parties' permission. Every twenty-four hours after adjudication of a violation of this subsection during which the violator permits the rubbish, trash, garbage, debris, or other refuse or material for recycling to remain is an additional violation of this subsection.

8.20.060 Departmental enforcement.

- A. Enforcement of the regulatory enactments and policies set forth in this chapter shall be the responsibility of the public works department, community development department and police department.

B. These departments shall:

1. Investigate refuse hauling, dumping and littering violations;
2. Issue citations or summons and complaints;
3. Reach written settlement, signed by the city and any alleged violator;
4. Represent the city before the municipal court; unless prohibited by state law.

Chapter 8.24 Noise Control

8.24.010 Title.

This chapter shall be known as “The City of Troutdale Noise Control Ordinance.”

8.24.020 Definitions.

As used in this chapter:

“Chief of police” means the Troutdale chief of police, or the chief’s designee.

“Construction, street work, street repair, drilling or demolition tools or equipment” means machines or mechanically-powered items that are typically used on commercial construction projects and involve more than routine repairs or work on residential property.

“Community event” means any event the city of Troutdale has approved prior to its occurrence and that is sponsored or attended by a local organization or group of people.

“Domestic power tool” means a mechanically-powered saw, sander, drill, grinder, lawn or garden tool, snow blower, leaf blower or similar device that is used in residential areas for work that is typically done by or for residential occupants.

“Noise sensitive unit” means any building, structure, or portion thereof that has the doors and windows closed and that is used as a church, day care center, hospital, nursing care center or school, or place of overnight accommodation, including, but not limited to, individual homes, apartments and mobile homes.

“Outdoor activity” means an athletic, entertainment or similar activity.

“Person” means an individual person, association, trust, partnership, firm or corporation.

“Permit, permitting or permission” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

“Plainly audible” means any sound, the content of which can be clearly heard by a listener or ordinary hearing capabilities.

8.24.030 Purpose.

The council has determined it necessary to control and abate noises which unreasonably annoy, disturb, injure or endanger the comfort, repose, health, peace, safety and welfare of the people of the city, and this chapter shall be construed to effectuate that purpose.

8.24.035 Unreasonable noises prohibited.

No person shall make, assist in making, permit or allow to continue any unreasonable noise in the city. A noise is unreasonable when the noise is made between the hours of ten p.m. and seven a.m.; the noise is plainly audible within a

noise sensitive unit that is not the source of the noise; and the noise is abnormally high or low.

8.24.040 Specific noises prohibited.

A. The following acts are presumed unreasonable noises in violation of this chapter:

1. The use, operation or playing of any radio, television, phonograph, compact disc player, tape player, loudspeaker, musical instrument, or other similar machine or device that is used for the production of noise between the hours of ten p.m. and seven a.m. when the noise is plainly audible within a noise sensitive unit that is not the source of the noise;
2. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of ten p.m. and seven a.m. when the noise is plainly audible within a noise sensitive unit that is not the source of the noise;
3. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger signal;
4. The use of any automobile, motorcycle or other kind of vehicle in a manner that creates loud grating, grinding, revving, rattling or other similar noise;
5. The use of exhaust brakes, except when used in an emergency to stop or slow a vehicle so as to avoid a collision;
6. The discharging of exhaust from any steam engine, stationary internal combustion engine, motor boat, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises;
7. The making of, or assisting with the making of, noise on a public beach or in a public park when the noise is plainly audible within a noise sensitive unit that is not the source of the noise and is not authorized pursuant to a permit;
8. The use of construction, street work, street repair, drilling or demolition tools or equipment during the following hours: Monday through Friday before seven a.m. or after nine p.m., Saturdays before eight a.m. or after seven p.m. and Sundays before ten a.m. or after seven p.m.;
9. The use of domestic power tools during the hours of ten p.m. and seven a.m.;
10. Noise created by animals when it violates the standards adopted by Multnomah County in Chapter 13 of the Multnomah County Code. See Chapter 6.04 of the Troutdale Municipal Code.

B. The enumeration of unreasonable noises in subsection A of this section shall not limit the city from investigating and declaring other noises unreasonable as provided for in Section 8.24.035 of this chapter.

8.24.050 General exceptions.

A. The following acts are not unreasonable noises in violation of the prohibition in 8.24.035:

1. Noise emanating from aircraft and aircraft operations, railway locomotives and nonstationary farming equipment;

2. Noise created by the normal operation of construction, street work, street repair, drilling or demolition tools or equipment provided the construction, street work, street repair, drilling or demolition work occurs during the following hours: Monday through Friday seven a.m. to nine p.m., Saturday eight a.m. to seven p.m., or Sunday ten a.m. to seven p.m.;
3. Noise created by the operation of any domestic power tool provided that operation of the domestic power tool occurs during the hours of seven a.m. and ten p.m.;
4. Noise created by an outdoor activity or community event conducted on public parks, playgrounds, and public or private school grounds in accordance with a permit;
5. Noise created by an animal that does not violate Section 8.24.040(A)(10);
6. Noise that constitutes constitutionally protected speech when the noise occurs during the hours of seven a.m. and ten p.m. and is not so loud that it is plainly audible within a noise sensitive unit that is not the source of the sound.

8.24.060 Exception due to emergency situation.

It shall be a defense to violation of this chapter that at the time of the violation there existed an emergency which compelled the person to cause the noise or sound in question.

8.24.070 Application for variance.

Provisions of this chapter are subject to a variance in accordance with the following:

- A. The chief of police shall decide whether to approve, approve with conditions, or deny an application for a variance.
- B. The application for a variance shall be in writing on a form provided by the city and shall include an application fee in the amount determined by council resolution. The applicant shall submit information regarding the date, time and location of the activity or event that will generate the noise for which a variance is being sought, the reasons the variance is being requested and any other information requested by the chief of police. The application shall not be received until all the requested information and application fee has been submitted.
- C. No more than fourteen calendar days after the date an application is received, the chief of police shall mail a written notice to occupants of the properties that are within three hundred feet of the potential source of the noise, notify in writing any officially recognized neighborhood organizations within whose geographical boundaries the involved sound is likely to be heard and post a notice on the property that is the potential source of the noise. The notice shall inform occupants and interested parties that a variance application has been filed and that they may submit written comments to the chief of police for consideration in deciding whether to approve or deny the application. The notice shall inform occupants and interested parties that their written comments must be submitted within seven calendar days of the date the notice was mailed or they may not be considered.

D. No more than seven calendar days after the date the written comments are due, the chief of police shall make a decision to approve or deny the application. The decision shall be based on the information provided in the application and written comments. The variance application shall be approved if the chief of police finds that the following standards will be met:

1. The benefits of allowing the activity or event that will cause unreasonable noise outweigh the disruption or harm caused by the unreasonable noise;
 2. The duration and volume of the noise is the minimum amount necessary to achieve the purpose of engaging in the activity or event that will cause the noise;
- and
3. The applicant will minimize the noise that is produced between the hours of ten p.m. and seven a.m.

E. The chief of police shall mail a copy of the decision to the applicant and any party who provided written comments.

F. An applicant, or any party who provided written comments, may appeal the chief of police's decision to the city council. The appeal must be in writing and filed with the city administrator no more than seven calendar days after the date the decision was mailed. Any party filing a written appeal shall:

1. Identify themselves as the applicant or a party that submitted written comments;
2. Include a copy of the decision that is being appealed and the application or written comments they submitted;
3. State with specificity the reasons why the decision is being appealed; and
4. Explain why they believe the decision is inconsistent with the standards in Section 8.24.070(D).

G. Upon receipt of a timely and complete appeal, the city administrator shall place the appeal on a city council meeting agenda and shall mail written notice to applicant and any person who submitted written comments informing them of the date the city council will consider the appeal.

H. At the appeal hearing, the city council shall review the application, written comments, and written appeal, and decide whether to affirm, reverse or modify the chief of police's decision. The city council's decision shall be reduced to writing and mailed to the appellant and any party who participated in the hearing on appeal.

8.24.080 Chapter provisions not exclusive.

This chapter shall not affect the validity or enforceability of any other state law or county ordinance, which is or may in the future be in effect and which relates to the activities regulated by this chapter.

Chapter 8.32 EXPLOSIVES**8.32.010 Title.**

This chapter shall be known and may be cited as “The City of Troutdale Explosives Ordinance.”

8.32.020 Purpose.

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

8.32.030 Definitions.

As used in this chapter 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:

- A. “Person” means an individual, firm, partnership, corporation, company or association or the assignees, vendees, lessees, trustees or receivers of any of them.
- B. “Explosives” means 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 explosive as classified by the Interstate Commerce Commission, nitrocarbo-nitrates and fireworks as defined by Oregon Revised Statutes Section 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.

8.32.040 Applicability--Exemptions.

- A. Except as this chapter may conflict with the regulations, laws and Constitution of the United States and the state, it shall apply to interstate and intrastate commerce.
- B. This chapter shall not apply to:
 - 1. The armed forces of the United States or the militia of any state;
 - 2. The transportation of explosive by rail or by water;
 - 3. The use of explosives.

8.32.120 Inspection and enforcement.

It shall be the duty of the chief of police to enforce the provisions of this chapter relating to transportation of explosives.

8.32.130 Vehicles for transport--Operation regulations.

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

8.32.140 Vehicles for transport--Routes and driving restrictions.

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:

- A. 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 chief of police 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.
- B. Except when passing, the vehicle shall be kept at least three hundred feet behind other motor vehicles transporting explosives moving in the same direction.
- C. The vehicle shall not be driven near fires of any kind burning on or near a street until passage can be made safely.

8.32.150 Vehicles for transport--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. The chief of police 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.

8.32.160 Vehicles for transport--Parking and stopping restricted.

- A. Except as provided in this chapter, 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.
- B. 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.
- C. 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.

8.32.170 Vehicles for transport--Disabled vehicles.

- A. If a vehicle transporting explosives is disabled, the driver shall immediately cause notice to be given to the chief of police.
- B. The chief of police shall determine whether or not the vehicle may be moved, and where it may be repaired when loaded.
- C. 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.
- D. If transfer of the explosives is imperative, persons making the transfer shall employ adequate safety measures under the supervision of the chief of police.