

A RESOLUTION APPROVING THE )  
LEBANON FIRE PREVENTION CODE )

RESOLUTION NO. 26  
for 1989

WHEREAS, the Lebanon Rural Fire Protection District has adopted by Ordinance 1-89 a uniform fire code which prescribes regulations governing conditions hazardous to life and property from fire or explosion; and,

WHEREAS, said ordinance was approved by the Lebanon Fire District Board on September 19, 1989; and,

WHEREAS, said ordinance has also been adopted and approved by the Linn County Board of Commissioners on the 20th day of September, 1989; and,

WHEREAS, Oregon Revised Statute 478.924 provides that the provisions of a fire prevention code adopted by a district shall not apply within any city unless the governing body of the city approves the fire code by resolution; and,

WHEREAS, such code is deemed to be reasonable and necessary for the protection of life and property from fire or explosion within the City of Lebanon;

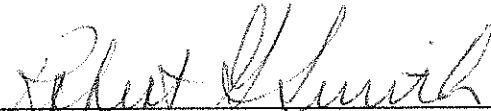
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

Ordinance No. 1-89, the Lebanon Rural Fire Protection District ordinance, adopted by the Lebanon Fire District Board on September 19, 1989, and thereafter adopted and approved by the Linn County Board of Commissioners on September 20, 1989, and attached to this resolution as Exhibit


"A", is hereby approved.

The provisions of this Resolution supercede and take precedence over conflicting portions of previous ordinances and resolutions.

Passed by the Council of the City of Lebanon by a vote of   5   for and   0   against and approved by the Mayor this  11th  day of  October , 1989.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Administrator

LEBANON RURAL FIRE PROTECTION DISTRICT ORDINANCE

ORDINANCE NO. 1-89

AN ORDINANCE ADOPTING THE STATE OF OREGON FIRE CODE BASED ON THE UNIFORM FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE LEBANON RURAL FIRE PROTECTION DISTRICT DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Uniform Fire Code.

(a) There is hereby adopted by the Lebanon Rural Fire Protection District (hereinafter and elsewhere referred to as the Lebanon Fire District or Fire District), for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the codes and standards known as the 1988 Edition of the State of Oregon Fire Code, which is based upon the 1988 Edition of the Uniform Fire Code recommended by the Western Fire Chief's Association and the International Conference of Building Officials, including any future additions, modifications and changes thereto, save and except those portions as have been deleted, modified or amended by Section 7 of this Ordinance. Provided further, however, that the Board of Directors of the Fire District, with the concurrence of the Linn County Board of Commissioners, may elect not to adopt all or any part of such future additions, modifications or changes to the State of Oregon Fire Code by Resolution adopted one-hundred eighty (180) days after the effective date of a particular addition, modification or change to the State of Oregon Fire Code. Such a resolution adopted by the Fire District shall become effective thirty (30) days after adoption by the Fire District and the Linn County Board of Commissioners, or on such other date as these governing bodies may specify.

(b) Not less than three (3) copies of this Ordinance together with the State of Oregon Fire Code shall be filed in the office of the Fire District Bureau of Fire Prevention. The State of Oregon Fire Code is incorporated herein as if fully set forth in its entirety. From the date that this Ordinance takes effect, the provisions thereof shall be effective within the territory of the Fire District.

Section 2. Establishment and Duties of Bureau of Fire Prevention.

(a) The Uniform Fire Code may be enforced by the Bureau of Fire Prevention in the Fire Department of the Fire District which is hereby established. It shall operate under the supervision of the Chief of the Fire District.

(b) The Fire Marshall shall manage and direct activities of the Bureau of Fire Prevention, and shall be appointed by the Fire Chief in accordance with Fire District policy and procedures.

(c) The Chief of the Fire District may detail members of the Fire Department as Inspectors as may be necessary periodically.

(d) A report of the Bureau of Fire Prevention shall be submitted annually by the Fire Chief to the Chairman of the Lebanon Fire District Board. It shall contain such statistics and information related to the mission of the Bureau of Fire Prevention as the Chief of the Fire District deems appropriate, together with any recommendations for amendment to this Ordinance, which, in the Fire Chief's judgment, would be desirable.

Section 3. Definitions.

(a) Where the word "jurisdiction" is used in the Uniform Fire Code, it shall be construed to mean the jurisdiction of the Fire District.

(b) Wherever the term "Corporation Counsel" is used in Uniform Fire Code, it shall be construed to mean the attorney for the Fire District.

(c) Wherever the words "Chief of the Bureau of Fire Prevention" are used they shall be construed to mean "Fire Marshall."

(d) Wherever the words "Building Code" are used they shall be construed to mean "State Building Code."

Section 4. Establishment of Limits Within the Fire District in Which Storage of Flammable Liquids in Outside Above Ground Tanks is Prohibited.

In addition to the standards, requirements and restrictions set forth in the State of Oregon Fire Code relating to flammable liquids, the following shall apply within any incorporated City of the Fire District:

All installations of tanks for the storage of flammable liquids which are outside above-ground tanks must be enclosed to prevent public access and must be self-contained dyke type tanks with a capacity not in excess of 600 gallons. Discharge nozzles shall not be equipped with lock open devices.

Section 5. Establishment of Limits of Fire Districts in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

In addition to the standards set forth in the Fire Code relating to liquefied petroleum gases, the following shall apply within any incorporated City in the Fire District:

(a) Notwithstanding any inconsistent provision in the State of Oregon Fire Code, no person shall install or maintain a facility or combination of facilities for bulk storage of liquefied petroleum gas with a capacity greater than 499 gallons water unless within an industrial district and authorized by State Fire Marshall permit.

(b) As established by the State of Oregon Fire Code restricting storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, added capacity of any one installation shall not exceed 499 gallons water capacity, provided that in a particular installation a higher capacity limit may be approved in the discretion of the Fire District Fire Chief, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private protection to be provided and facilities and capabilities of the Fire District.

Section 6. Establishment of a Fire District which Storage of Explosive and Blasting Agents is to be Prohibited.

Explosives including special high explosive material, and gun powder in quantities in excess of 100 pounds, shall not be stored within the territory of an incorporated City in the Fire District.

Section 7. Amendments Made in the Uniform Fire Code.

The Uniform Fire Code incorporated herein is amended in the following respects.

(A) Section 2.102 of the Uniform Fire Code adopted by this Ordinance is amended to read as follows:

The Chief, with approval of the Fire District Board, is authorized to make and enforce such rules and regulations for the prevention and control of fire hazards as periodically may be necessary to carry out the intent of this Code.

(B) Section 2.303 of the Uniform Fire Code adopted by this Ordinance is amended to read as follows:

The National Fire Code as is or hereafter amended shall be added to the list of publications specified in Section 2.303(b) of the Uniform Fire Code.

(C) Article IV of the Uniform Fire Code relating to permits is hereby deleted in its entirety.

(D) Section 12.104(a) of the Uniform Fire Code is amended, and new subparagraphs (f) and (g) are added as follows:

(a)(a) Doors and windows provided for egress purposes shall be maintained as provided in this Article.

(b)(f) Every sleeping room below the third story shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

(c)(g). All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of five and seven-tenths (5.7) square feet. The minimum net clear opening width dimensions shall be twenty-four (24) inches. The minimum net clear opening height dimensions shall be twenty (20) inches. Where windows are provided, as a means of egress or rescue, they shall have a finished sill height not more than forty-four (44) inches above the floor.

Section 8. The Fire District, its officers, and employees, are hereby authorized to conduct inspections in accordance with this Ordinance. However, notwithstanding any provision in the Uniform Fire Code relating to inspections, the Fire District and its employees shall not be required or obligated to conduct any inspection referred to or provided for. Inspection activity may be conducted within the capability and staff limitations of the Fire District as determined by the Fire Chief, or Fire Marshall, in his discretion. The Fire

District and its officials and employees, shall not be liable in damages or otherwise for any failure to inspect or license or hold drills, or for the manner or extent of any lawfully conducted inspection, or for any damages alleged to be caused or in fact caused by failure to inspect anything or any premises.

Section 9. Appeals. Whenever a correction order is issued, and it is claimed that the provisions of the code do not apply or that the code has been misinterpreted or construed improperly, the person adversely affected may appeal the decision to a Board of Appeals within ten (10) days from the date of the enforcement action. The Board of Appeals shall constitute those individuals listed in Section 10 of this Ordinance. Such person may appeal a decision of the Board of Appeals to the Fire District Board within ten (10) days of that decision. Each appeal shall be by written submission which shall set forth all matters deemed relevant by the applicant. A person who submits a written appeal may appear personally before the Board of Appeals and the Fire District Board upon request. Notwithstanding the right to appeal, a person who appeals an adverse order must immediately abate and correct any condition which poses a threat to life or personal safety if the person has received a 24-hour correction order.

Section 10. New Materials, Processes, Procedures or Occupants.

Upon request the Chairman of the Fire District Board, the Fire Chief, the Chief of the Bureau of Fire Prevention and the Building Official shall act as a Committee to determine and specify any acceptable alternative, to the requirements of this Code, in the use of new materials, processes, procedures or occupancies, to meet the intent of this Code.

Section 11. Penalties.

(A) Any person who violates any of the provisions of this code or fails 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 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 Board of Appeals, the Fire District Board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectfully, be guilty of a Class C misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or be construed so as to 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 allowed to continue after notice of the offense to the violator shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent judicial process to force the removal of prohibited conditions.

Section 12. Validity. The Fire District Board and the Board of Commissioners for Linn County hereby declare that should any section, paragraph, sentence, or word of this Ordinance or of the code hereby adopted be declared invalid for any reason, it is the intent of the Fire District Board and Board of Commissioners for Linn County that it would have passed all other portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

Section 13. Date of Effect. This Ordinance shall take effect and be in force from and after its approval as required by law.

Section 14. Emergency Clause. That inasmuch as the provisions of the Ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the Fire District, an emergency is hereby declared to exist. This Ordinance shall be in full force and effect immediately upon its passage by the Fire District Board and approval by the Linn County Board of Commissioners.

ORDAINED, PASSED AND ADOPTED BY THE DISTRICT BOARD FOR THE LEBANON FIRE DISTRICT BY A VOTE OF 5 FOR AND 0 AGAINST ON THIS 19th DAY OF Sept. 1989, SUBJECT TO THE APPROVAL OF THE LINN COUNTY BOARD OF COMMISSIONERS IN ACCORDANCE WITH LAW.

LEBANON FIRE DISTRICT BOARD

V. W. Bill Tacy  
V. W. Bill Tacy, Chairman

Ron Nelson  
Ron Nelson, Board Secretary

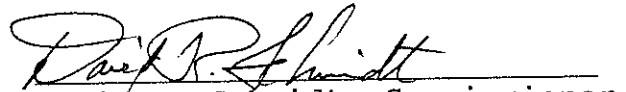


ADOPTED AND APPROVED BY THE LINN COUNTY BOARD OF  
COMMISSIONERS THIS 20th DAY OF September, 1989.

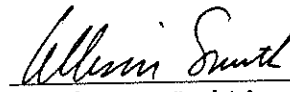
BOARD OF COUNTY COMMISSIONERS

  
Larry J. Johnson, Chairman

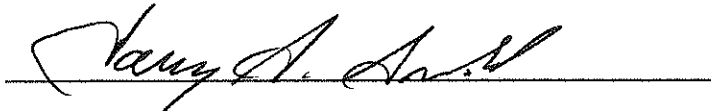
  
Richard Stach, Vice-Chairman

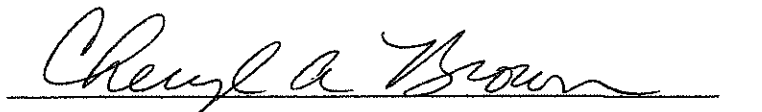
  
David R. Schmidt, Commissioner

APPROVED AS TO FORM:

 #89-571  
Allison Smith, Legal Counsel  
for Linn County

CERTIFIED TRUE COPY OF LEBANON  
FIRE PROTECTION DISTRICT ORDINANCE  
# 1-89

  
Larry A. Arnold, Fire Chief  
Lebanon Fire District

  
Cheryl A. Brown, Notary State of Oregon