

A BILL FOR AN ORDINANCE ADOPTING A  
FIRE PREVENTION CODE PRESCRIBING  
REGULATIONS GOVERNING CONDITIONS  
HAZARDOUS TO LIFE AND PROPERTY FROM  
FIRE OR EXPLOSION, AND ESTABLISHING  
A BUREAU OF FIRE PREVENTION AND PROVIDING  
OFFICERS THEREFOR AND DEFINING THEIR  
POWERS AND DUTIES, AND DECLARING AN  
EMERGENCY.

) ORDINANCE BILL NO. 23  
) for 1967  
)  
) ORDINANCE NO. 1254

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the City of Lebanon for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by Section 7 of this Ordinance), of which code not less than three copies have been and now are filed in the office of the City Recorder and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Lebanon.

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

(a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Lebanon which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(b) The Chief in charge of the Bureau of Fire Prevention shall be appointed by the Mayor on the basis of examination to determine his qualifications.

(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. The Chief of the Fire Department shall recommend to the Fire Committee the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

Section 3. DEFINITIONS.

(a) Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Lebanon.

(b) Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City.

Section 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: the City of Lebanon city limits.

Section 5. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

(a) The limits referred to in section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: Fire Zone One of the City of Lebanon.

(b) The limits referred to in section 16.51 of the Fire

Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: all residential zones and Fire Zone One.

Section 6.

Notwithstanding any provision in the Fire Prevention Code requiring inspections, the City, its officers, departments and employees, while retaining the right to do so, shall not be obligated to conduct any of the inspections referred to or provided for in said Code. The City, or any department, official or employee, shall not be liable in damages or otherwise for any failure to inspect or license, or hold drills, or for any damages alleged to be or in fact caused by a non-inspection or failure to inspect any thing or premises as provided in this Code.

Section 7. AMENDMENTS MADE IN THE FIRE PREVENTION CODE.

The Fire Prevention Code is amended and changed in the following respects:

- (a) Article 21, Liquid Petroleum Gases, is deleted.

Section 8. MODIFICATIONS.

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire <sup>P</sup>revention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the ~~Chief of the Bureau of Fire Prevention~~ <sup>city Council</sup> thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 9. APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is

claimed that the provisions of the 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 Chief of the Fire Department to the City Council within 30 days from the date of the decision appealed.

Section 10. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Chairman of the Fire Committee, the building officials, the Chief of the Fire Department and the Chief 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 said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 11. PENALTIES.

(a) Any person who shall violate any of the provisions of the code hereby adopted or 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 thereunder, 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 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. 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 shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 12. CONFLICTING ORDINANCES.

(a) The provisions of this Ordinance shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this Ordinance shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Chief of the Fire Department.

(b) It is expressly provided that in those cases where the provisions of Ordinance No. 740A, as amended on May 2, 1967, by Ordinance No. 1251, conflict with the provisions of this Ordinance, Ordinance No. 740A shall prevail and govern that area within the City limits of Lebanon as the same existed on May 1, 1967, and the provisions of this Ordinance (No. 1254) shall prevail and govern that area of the City of Lebanon which may be or may have been annexed to the City after May 1, 1967.

(c) Except as provided in subsection (b) above, all former Ordinances, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

Section 13. VALIDITY.

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

Section 14. EMERGENCY CLAUSE.

Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety

of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 2nd day of May, 1967.

Kimberly B. Hawes  
Mayor

ATTEST:

Van R. Howz  
Recorder