

A BILL FOR AN ORDINANCE ADOPTING A UNIFORM)
FIRE CODE PRESCRIBING REGULATIONS GOVERNING) ORDINANCE BILL NO. 15
CONDITIONS HAZARDOUS TO LIFE AND PROPERTY) for 1974
FROM FIRE OR EXPLOSION, AND ESTABLISHING A)
BUREAU OF FIRE PREVENTION AND PROVIDING)
OFFICERS THEREFOR AND DEFINING THEIR POWERS) ORDINANCE NO. 1513
AND DUTIES, AND DECLARING AN EMERGENCY.)

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

Section 1. Adoption of Uniform Fire 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 Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials being particularly the 1973 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 (3) copies have been and are now 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 date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Lebanon.

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

(1) The Uniform Fire 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.

(2) The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Administrator of the City of Lebanon on the basis of examination to determine his qualifications.

(3) 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 the removal only for cause.

(4) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the City; 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.

(1) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the City of Lebanon.

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

(3) Wherever the words "Chief of the Bureau of Fire Prevention" are used they shall be held to mean "Fire Marshal".

Section 4. Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.

(1) The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: The entire City of Lebanon.

(2) The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: The entire City of Lebanon except Heavy Industrial Districts.

Section 5. Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted or prohibited, are hereby established as follows:

(1) No person shall install or maintain any facility or combination of facilities for bulk storage of liquefied petroleum gas with a capacity greater than 499 gallons water capacity within Fire Zone 1, as defined in Ordinance No. 1293, as amended, or within any zone in the City of Lebanon except Heavy Industrial Districts.

Section 6. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The entire City of Lebanon.

Section 7. Amendments Made in the Uniform Fire Code. The Uniform Fire Code is amended and changed in the following respects:

(1) Section 1.216 of the Uniform Fire Code adopted by this ordinance is amended to read as follows:

(a) Whenever this Code is inapplicable for any reason to any situation involving the protection of persons and property from the hazards of fire and explosion, the materials, methods of construction, installations, practices, or operations necessary to provide such protections shall, to a reasonable degree, be in accordance with nationally recognized and accepted standards, principles and tests and generally recognized and well established methods of fire prevention and control, as set forth in the following publications by recognized national authorities and technical or scientific organizations, which are adopted by reference as part of this Code as though set forth herein in full. (publications are listed in Section 1.216 of the Uniform Fire Code.)

(b) Where Federal or State laws, regulations or legally adopted standards duplicate, overlap or conflict the provisions of the Fire Code, the most stringent will supersede as though adopted and set forth herein in full.

(2) Section 12.101 of the Uniform Fire Code is amended and changed to read as follows:

(a) Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, the type of unmanned balloons which require fire underneath to propel the same, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance. The term "Fireworks" shall not include sparklers, any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(b) The term "Fireworks" shall not include snakes or similar smoke-producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no after-smoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.

(c) The term "Fireworks" shall not include sparklers consisting of materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other noncombustible central support, with such materials arranged in a cylindrical shape not more than ten inches in length nor more than one-quarter inch in diameter and which shall burn more rapidly than one inch in ten seconds, but not including materials encased within a container of any character.

(3) Section 20.102 of the Uniform Fire Code adopted by this ordinance is amended to read as follows:

(a) No person shall install or maintain any LP Gas container, or operate any tank vehicle which is used for the transportation of LP Gas without a permit. Where a single container or the aggregate of inter-connected containers is over 499 gallons water capacity, the installer shall submit plans to the Chief. A permit shall not be required for the installation or maintenance of portable containers of less than 120 gallon water capacity.

(b) Installers shall maintain a record of all installations, but not including installation of gas burning appliances and replacing of portable containers. Installation records shall be available for inspection by the Chief.

(4) Section 20.105, Subsection (a), of the Uniform Fire Code adopted by this ordinance is amended to read as follows:

(a) Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial area, the aggregate capacity of any one installation shall not exceed 499 gallons water capacity: except that in particular installations this capacity limit may be altered at the discretion of the 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 of the local Fire Department. The storage of liquefied petroleum gas shall conform to the provision of the local zoning ordinance.

(5) Section 27.101, Subsections (a) and (b), of the Uniform Fire Code adopted by this ordinance is amended to read as follows:

(a) Permit Required. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. During construction or demolition of buildings or structures no waste

materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

(b) Location Restricted. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private or public land unless the location is not less than 50 feet from any structure and adequate provisions are made to prevent fire from spreading to within 50 feet of any structure.

Section 8. Notwithstanding any provision in the Uniform Fire Code requiring inspections, the City, its officers, departments, and employes, 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 employe, 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 noninspection or failure to inspect any thing or premises as provided in this code.

Section 9. Modifications. The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Uniform Fire 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 City Council thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

Section 10. Appeals. Whenever the Chief 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 to the City Council within 30 days from the date the decision appealed.

Section 11. New Materials, Processes or Occupancies Which May Require Permits. The City Administrator, the Chief 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 12. Penalties.

(1) Any person who shall violate any of the provisions of this 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 Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment for more than six months 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 ten days that prohibited conditions are maintained shall constitute a separate offense.

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

Section 13. Repeal of Conflicting Ordinances. The following ordinances be and they are hereby repealed:

Ordinance No. 740A as amended by 1251 relating to
inflammable liquids.
Ordinance No. 1252 relating to liquefied petroleum gas.
Ordinance No. 1254 as amended by 1347 relating to a
fire prevention code.

Section 14. 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 15. Date of Effect. This ordinance shall take effect and be in force from and after its approval as required by law.

Section 16. 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 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 11th day of June, 1974.

Richard H. Fern
Mayor

ATTEST:

Zella M. Sawice
Acting Recorder