

CITY OF SHERWOOD, OREGON

ORDINANCE No. 573

*Repealed by
Ordinance 97-1027*

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE, PRESCRIBING REGULATIONS COVERING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION, ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the City Council of Sherwood, Oregon, 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, together with the October 1966 revision of Article 16, Division VI, "Service Stations," save and except such portions as hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and are now filed in the office of the Recorder of the City of Sherwood, Oregon, and the same are hereby enacted, adopted and incorporated by reference as fully as if set out at length herein, and to the same legal force and effect, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Sherwood, Oregon.

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

A. The Fire Prevention Code shall be enforced by such officers of the Fire Prevention Bureau of the City of Sherwood, Oregon, as the Mayor shall by order prescribe under the general supervision of the Chief of the Fire Department.

B. The Fire Marshal in direct charge of Fire Prevention shall be appointed by the Mayor with the approval of the Council of the City of Sherwood. His appointment shall continue during good behavior and satisfactory service, and he may be removed from office by the Mayor for cause.

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 Common Council the employment of technical inspectors.

D. A report of the Fire Department shall be made annually and transmitted to the Mayor and Common Council of the City of Sherwood; 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 Sherwood, Oregon.

B. Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of Sherwood, Oregon.

C. Wherever the words "Chief of the Fire Prevention" are used in the Fire Prevention Code, they shall be held to mean the Fire Marshall.

SECTION 4. STORAGE OF FIREWORKS, EXPLOSIVES AND BLASTING AGENTS PROHIBITED - EXCEPTIONS.

No person shall store or manufacture fireworks, explosives, and/or blasting agents at any time within the City of Sherwood, except as may be authorized in Section 12.5 and Section 12.6 of the Fire Prevention Code, and in strict conformity therewith, and no manufacturing of fireworks, explosives or blasting agents, or storage thereof, shall be permitted, unless the storage location and facilities have been approved by the Chief of the Fire Department, or his subordinants, or under his supervision, and a storage permit is issued.

SECTION 5. STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE, ABOVE-GROUND TANKS PROHIBITED - EXCEPTIONS.

A. No person shall at any time store Class I liquids as defined in the Fire Prevention Code above ground at any point or location within the City of Sherwood, except as follows:

1. Within Bulk Petroleum Storage Plants utilizing approved storage facilities.
2. When the location and storage facilities have been first approved and a storage permit issued for such storage by the Chief of the Department, or his subordinate, or under his direction.

SECTION 6. STORAGE OF LIQUIFIED PETROLEUM GASSES RESTRICTED OR PROHIBITED - EXCEPTIONS.

No person shall store or handle liquified petroleum gasses, or install liquified gas equipment at any time within the City of Sherwood, Oregon, except as may be authorized by Section 21 of the Fire Prevention Code and in strict conformity thereto.

Bulk storage facilities for liquified petroleum gas within the limits referred to in Section 21.6 (a) of the Fire Prevention Code shall be restricted only to areas designated by the Chief of the Fire Department.

SECTION 7. AMENDMENTS MADE IN THE FIRE PREVENTION CODE.

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

- A. Section 1.1 is amended by adding the following:

Where the requirements imposed by provisions of this code differ from the requirements imposed by the provisions of State law, or other ordinances of the City, having application to the subject matter, the applicable provisions which are more restrictive shall

govern in the circumstances.

B. Section 13.1 (b) - The last sentence shall be amended to read "Such wholesalers, Dealers, and Jobbers shall store their supplies of fireworks in accordance with Section 12.6 and/or Table 12.6 and Section 13 through 13.6 inclusive, or in accordance with the requirements of the laws of the State of Oregon.

C. Section 14.4 (c) shall be added to Article 14, and shall read as follows:

Existing hazard risks shall have three (3) years from the effective date hereof in which to comply with Section 14.4 (a).

D. Appendix C is amended to include the following publications:

1. Add the words "Building Code for Small Cities 1964 Revision" to the building code and delete the word "National."
2. Add the following publications under the National Fire Protection Association: National Fire Codes, Volumes I, II, III, IV, V, VI, VII, VIII, IX, X, - 1965-1966 editions.

SECTION 8. MODIFICATIONS.

The Chief of the Sherwood Fire Department shall have the power to limit the enforcement of any provision of the Fire Prevention Code upon application in writing by the owner or lessee, or by 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 modifications when granted or allowed and the decision of the Chief of the Sherwood Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicants.

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 Council of the City of Sherwood, Oregon, within ten (10) days from the date of the decision. The complaint or appeal shall set forth the specific grounds of the complaint or appeal and no other ground shall be considered thereafter.

SECTION 10. NEW MATERIALS, PROCESSES, OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Mayor, the Chief of the Fire Department, and the Fire Marshall 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 Fire Department shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

SECTION 11. PENALTIES.

A. Violations of any provisions of this ordinance is punishable, upon conviction, by a fine of not less than \$10.00 nor more than \$100.00 for each offense. Each day's refusal to remove fire hazards after notice by the inspecting officer to the owner of the premises whereon the hazard exists 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. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 13. VALIDITY.

Should any section, paragraph, sentence or word of this ordinance or of the Fire Prevention Code hereby adopted be declared for any reason invalid, it is the intent of the Council of the City of Sherwood that all other portions of this ordinance independent of the elimination here-from of any such portion as may be declared invalid, would have been approved and all other portions shall be and remain in full force and effect.

SECTION 14. DATE OF EFFECT.

This ordinance shall take effect on the 13 day of March, 1968, after its passage by the Council and approval by the Mayor of the City of Sherwood.

Marjorie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor, this 13 day of March, 1968.

Paul E. Schellinger
Mayor - City of Sherwood