

AN ORDINANCE adopting a Uniform Fire Code, Explosives Code, and the State Fireworks Law, repealing all prior Ordinances pertaining to Fire Prevention and declaring an emergency.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1. Adoption of Fire Prevention Code. The Uniform Fire Code 1973 edition, 1975 Supplement to the Uniform Fire Code, Uniform Code for Abatement of Dangerous Buildings 1973 edition, State of Oregon Explosives and Blasting Agents Code and State Fireworks Laws is hereby adopted by the City of Stayton for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion as a Fire Prevention Code, save and except such portions are herein after deleted, modified or amended by sections 9 and 10 of this Ordinance. Together with prescribed regulations and standards consistent with nationally recognized good practice are by reference made apart of the Code with the same force and effect as through set out herein in full. All Codes and regulations referred to therein and in this Ordinance as amended, are on file and open to public inspection in the office of the Fire Department.

SECTION 2. Short Title. In this code and any ordinance or resolution of the City where the phrase "Uniform Fire Code" or "Fire Code" appears, such phrases shall be deemed to refer and apply to the Uniform Fire Code as adopted and amended by this ordinance.

SECTION 3. Establishment and Duties of Bureau of Fire Prevention.

- A. The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Stayton, 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 Common Council of the City of Stayton.
- 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 who, when such authorization is made, shall be selected through an examination to determine the fitness for the position. The examination shall be for an indefinite term with removal only with cause.

SECTION 4. Definitions.

- A. Wherever the word jurisdiction is used in the Uniform Fire Code it shall be held to mean the incorporated limits of the City of Stayton.
- B. Wherever the term Corporation Counsel is used in the Uniform Fire Code it shall be held to mean the Attorney for the City of Stayton.

SECTION 5. Establish of Limits of Districts in which Storage of Flammable or Combustible Fluids in Outside above-ground Tanks is to be Prohibited.

- A. The limits referred to in Section 15.201 (a) of the Uniform Fire Code in which storage of Class 1 flammable liquids in outside above-ground tanks is prohibited, are hereby established as follows:

The entire City except areas zoned as IP, Industrial Parks, per Ordinance #420.

- B. The limits referred to in Section 15.601 of the Uniform Fire Code in which no new bulk plants for flammable liquids shall be constructed are as follows:

The entire City except areas zoned as IP, Industrial Parks, per Ordinance #420.

SECTION 6. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted or Prohibited. The limits referred to in Section 20.105 of the Uniform Fire Code in which bulk storage of liquefied petroleum gas is restricted or prohibited are hereby established as follows:

- A. No person shall install or maintain a liquefied petroleum gas service station within Fire Zone 1.
- B. 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, or within any zone in the City of Stayton, except IP, Industrial Park District, per ordinance #420.

SECTION 7. New Materials, Processes or Occupancies which may require permits. The City Recorder, the Fire Chief and the Mayor of the City of Stayton 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 enumerated in the Fire Code.

This committee shall adopt rules for the conduct of such hearings. The committee shall use reasonable discretion in their deliberations regarding the requirement for new permits.

SECTION 8. Adjusted Loss Reports. To facilitate accuracy of the loss records required by Section 1.213 of the Fire Code, all persons making an adjustment occasioned by any fire loss in the City of Stayton shall send to the Fire Chief of said City a copy of final adjusted loss report immediately after same has been made. Said report shall be in form acceptable to the Fire Chief and shall be signed by the person making the adjustment. It shall name the insuring company or companies and shall be complete with regard to the name or names of the insured, the location and amount of the loss, the values involved and the amount of insurance coverage carried.

SECTION 9. Delections from the Uniform Fire Code. The following pages, sections or parts of the Uniform Fire Code, are hereby specifically deleted and shall not form a part of such code as adopted by the ordinance.

- A. Delections will include sections 3.104, 13.307, 13.314, 27.101, 27.105, 27.106, 27.107, 27.110, 27.112, 27.114, 27.115.
- B. Articles 11, 12, 28 in their entirety.

(section 9 continued)

- C. Subsection F, of Section 15.704.
- D. Subsection A, of Section 26.115.
- E. The three numbered paragraphs under the heading exceptions in Section 13.311.
- F. The last sentence of Section 35.109.
- G. Appendices C and F in their entirety.
- H. Subsection A of Section 29.102.

SECTION 10. Amendments to the Uniform Fire Code. The following sections or parts thereof, of the Uniform Fire Code are not adopted as written, but are hereby amended as set forth in this section:

- A. Section 1.210 of the Uniform Fire Code adopted by this ordinance is amended by adding the following subsection:

(c) Whenever the Chief or his dully authorized representative find that a hazardous condition is created through the action of persons or their failure to act regarding a specific thing or condition, he may affix a sign on or adjacent to the area of the hazard stating the prohibited act, requirement or condition. When affixed, it shall be unlawful to remove the sign without permission of the Chief. It shall be unlawful for any person to violate the conditions stated on the sign.

- B. Section 1.211 of the Uniform Fire Code adopted by this ordinance is amended by designating the existing paragraph as subsection (a) and adding the following:

(b) Whenever the Chief or his authorized representatives, upon inspection finds a tent, structure, building or room to be occupied by a number of persons in excess of the maximum capacity allowed by law, or when any condition existing in, on or adjacent to tent, structure, building, room, exit way, machine, equipment, device, or process which individually or in conjunction with other existing conditions creates a hazard which in the opinion of the inspecting officer is an eminent threat to life or property, he may order the tent, structure, building or any affected portion closed for use or occupancy until compliance has been made.

(c) When a closure order has been issued, it shall be unlawful for any owner or tenant to continue the use of occupancy or allow any public performance, game, gathering, assembly, residence, operation or process to continue within the affected tent, structure, building, room or area.

(d) The owner or tenant of any tent, structure, building or room closed under subsection (b) of this section shall have immediate access to the City Court for the City in which the tent, structure, or building is located for review of the order of closure. Such access may be in the form of a writ of review or other appropriate judicial proceeding and shall be given priority over all other cases on the court docket.

(section 10 continued)

- C. Section 1.212 of the Uniform Fire Code is hereby amended by adding thereto a new section. Which shall read as follows:

(e) Whenever compliance has not been made within the time limit set in the notice provided in subsection (b) of this section the Chief, personally and not through any representative may, by causing the posting of a conspicuous notice upon the building or other premises, declare such building or other premises unsafe and closed to use and occupancy. It shall be unlawful for any person to use or to occupy any building or other premises so posted without the express authority of the Chief. It shall be unlawful for any person to remove, move, deface, alter, tamper with or destroy any notice posted pursuant to this section without the express written authority of the Chief.

- D. Section 1.216 of the Uniform Fire Code is now amended by adding them to new (a) which shall read as follows and designating existing paragraph (b).

(a) Unless specifically provided for in other codes of the City, where requirements of this code do not provide for necessary regulations or are not fully detailed with regard to processes, methods, specifications, equipment testing and maintenance, standards of design, performance and installation, and other pertinent criteria, applicable standards are recommendations of the National Fire Protection Association as setforth in its National Fire Codes, 1975 Edition, volumes 1 through 15, shall apply. Said volumes are hereby incorporated in this code by reference as though setforth herein in full.

- E. Section 1.407 is amended by changing the definition of "explosive" to read as follows:

"EXPLOSIVE shall have the meaning setforth in the Explosives Code."

- F. Section 1.415 is amended by changing the definition of "magazine" to read as follows:

"MAGAZINE shall have the meaning setforth in the Explosives Code."

- G. Section 1.418 is amended by changing the definition of "public conveyance" to read as follows:

"PUBLIC CONVEYANCE shall have the meaning setforth in the Explosives Code."

- H. Section 1.421 is amended by changing the definition of "small arms ammunition" to read as follows:

"SMALL ARMS AMMUNITION shall have the meaning setforth in the Explosives Code."

- I. Delete article 11 in its entirety to be replaced with the "Explosives Code"

(a) Administrative Order number FM-47, promulgated and adopted by the State Fire Marshal and filed with the Secretary of State of the State of Oregon, is hereby adopted in its entirety except as hereinafter specifically modified, and by this reference is made a part of this ordinance, the same as if fully reproduced as modified herein.

(section 10 continued)

(b) The said order adopted by subsection (a) of this section shall be hereinafter known and may be cited as the "Explosives Code".

(c) Deletions from Explosives Code. The following parts and sections of the Explosives Code are specifically deleted and shall not form a part of such Code as adopted by this chapter:

(1) The definitions of "person", "railway" and "singular and plural" from paragraph 121.

(2) Paragraph 212 in its entirety.

(d) Amendments to Explosives Code. The following parts and sections of the Explosives Code are not adopted as written, but are hereby amended as set forth in this section.

(1) Paragraph 121 is amended by adding thereto the following new definition:

"AUTHORITY HAVING JURISDICTION means the Chief of the Fire Department of the City of Stayton."

"BULLET-RESISTANT means materials and construction methods capable of preventing penetration of a 180 grain, 30 caliber, soft nose, hunting type bullet, when propelled at a maximum velocity of 2700 feet per second."

(2) Paragraph 211 is amended by reading as follows:

"211" No person shall manufacture any explosive, including small arms ammunition, pyrotechnics and blasting agents as herein defined, nor shall any person package or re-package black powder. This section shall not apply to hand loading of small arms ammunition prepared for personal use and not for resale."

(3) Part 2 is amended by adding thereto two new articles 23 & 24, which reads as follows:

ARTICLE 23. PERMITS REQUIRED

"231" Permits, issued pursuant to UFC Section 1.301 through 1.308, shall be obtained:

1. To possess, store, sell or otherwise dispose of explosives or blasting agents.
2. To transport explosives or blasting agents.
3. To use explosives or blasting agents, other than the use of black powder in small arms ammunition.
4. To operate a terminal for handling explosives or blasting agents.
5. To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.

"232" No permit shall be issued for any forbidden or not acceptable explosives.

"233" No person shall keep or store, nor shall any permit be issued to keep or store any explosives except black powder at any place.

(section 10 continued)

"233" No person shall keep or store, nor shall any permit be issued to keep or store any explosives except black powder at any place of habitation or within 100 feet thereof.

"234" No person possessing a permit for storage of explosives at any place shall keep or store any greater amount or other kind of explosives than are authorized in such permit.

"235" No permit shall be issued for any activity mentioned in paragraph 231 where, in the opinion of the authority having jurisdiction, such activity would constitute an undue hazard to life or property.

"236" The authority having jurisdiction may require that any operations permitted under the provisions of paragraph 231 (2) or (3) shall be supervised at any or all times by officers or employees designated by such authority to see that all safety and fire regulations are observed. Where, in the opinion of the authority having jurisdiction, no undue hazard to life or property exists, the required supervision may be valved.

"237" As used in this Article 23, the term "explosives" does not include small arms ammunition, small arms primers or smokeless propellants, but does include black powder.

ARTICLE 24. BONDS REQUIRED

"241" Before any permit required by paragraph 231 (3) may be issued, the applicant shall file with the authority having jurisdiction a bond or policy of public liability insurance in the principle amount of \$100,000.00, provided however, that the City, the State of Oregon, the federal government, and any agency, commission, branch, unit or political subdivision of any of them shall be exempt from this requirement.

(4) Part 3, Article 31 is amended by adding a new paragraph, 319, which shall read as follows:

"319" Storage of explosives, other than smokeless propellants, small arms ammunition and small arms primers, shall be prohibited within the city where the quantity so stored exceeds 50 pounds, except that the authority having jurisdiction may permit the temporary storage of a larger quantity at the site of blasting operations where such amount constitutes not more than one day's supply for use in current operations, provided that any quantity of explosives in excess of 50 pounds remaining at the end of the day's operations shall not be stored within the City, and provided that any lesser quantity is returned to storage in compliance with part 3, Storage of Explosives.

(5) Paragraph 416 is amended to read as follows:

"416" Explosives shall not be transferred from one vehicle to another within the city without permission from the authority having jurisdiction. In the event of a breakdown or collision, the fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided.

(section 10 continued)

J. Article 12 of the Uniform Fire Code is deleted in its entirety to be replaced by State Fireworks Law. The following sections of Oregon Revised Statutes are, by this reference, incorporated as a part of this ordinance, with the exceptions herein noted: (See Apendices #1)

(a) ORS 480.110, except the subsection (2) is not adopted.

(b) Subsection (1) of ORS 480.120

(c) ORS 480.130

(d) ORS 480.140

(e) ORS 480.150

(f) ORS 480.170

K. Section 13.202 of the Uniform Fire Code as adopted by this ordinance is amended to read as follows:

Section 13.202 Removal

(a) No person shall remove, tamper with, injure, impair, meddle with, or interfere with any fire extinguisher, fire excape, fire hose, nozzle or any other fire control apparatus or equipment of fire detecting equipment or fire extinguishing equipment, or fire reporting system or equipment, public or private except for the purpose of extinguishing a fire, training purposes, recharging or making necessary repairs, or doing maintenance work.

(b) Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it has been removed has been accomplished.

L. Section 13.301 of the Uniform Fire Code adopted by this ordinance is amended to read as added there to a new subsection (d) which shall read as follows:

(d) The requirements of section 3802 (b) of the Uniform Building Code concerning automatic fire extinguishing systems in basements and cellars shall apply to all buildings and structures within the scope of this code, whether or not building or structure was in existance at the time of enactment of this section.

M. Section 13.306 of the Uniform Fire Code adopted by this ordinance is amended to read as follows:

Section 13.306 Fire Extinguishers in Auto and Trailer Camps

(a) In all auto and trailer camps, trailer courts, mobile home parks, and recreational trailer and camp parks, there shall be installed and maintained in good repair, a sufficient number of portable fire extinguishers so that no building, trailer, mobile home, camper unit, or camp site is more than 75 feet travel distance from at least one such extinguisher.

(section 10 continued)

(b) One minimum rating for each such unit shall be 2A:10BC unless otherwise specified by the Chief.

(c) The extinguisher units shall be installed in locked cabinets equipped with break glass access panels. The location, signing and marking of the cabinets shall be such that the availability of this extinguishing unit shall be obvious to persons not familiar with the premises.

(d) Alternate means of providing protection may be installed when approved by the Chief.

N. Section 13.307 has been previously deleted and is replaced by the following section adopted as part of this ordinance. To read as follows:

Alarm Systems Required

(a) The following occupancy groups as defined by the Uniform Building code shall be equipped with a fire alarm system as follows:

(1) Group A Occupancy: A manually operated fire alarm system, coded to alert employees and attendants. Alarm sending stations must be provided on both sides of the procenium walls in locations designated by the Fire Chief.

(2) Group C Occupancy: Approved manually operated fire alarm facilities shall be provided in every Group C Occupancy having an occupancy load greater than 50 as determined by section 3301 of the Uniform Building Code. Such occupancy shall be provided with an approved fire alarm system having manual fire alarm sending stations located adjacent to each exit at each floor level with sufficient alarm bells, horns or other approved device to be sufficiently audible throughout the structure. Such fire alarm facilities shall be in substantial conformity with applicable provisions of National Fire Protection Standard No. 72-A, dated 1974, which provisions are hereby adopted and by reference made a part hereto.

(3) All Group D Occupancies: Shall be provided with an approved fire alarm system having manual fire alarm sending stations located adjacent to exit doors on each floor. Division 2 Occupancies: shall be provided with an approved, electrically supervised products of combustion other than heat detection and alarm system. All fire alarm systems shall be electrically supervised and provided with an auxiliary power supply, which will maintain the operational function of the system automatically in the event of failure in the normal operating power source.

(4) Group H Occupancies: More than one story in height having select- ing accomodations for more than ten people above the first floor above grade, must be provided with an electric fire alarm system meeting the approval of the fire chief. The fire alarm signal must be fully audible throughout each story and manual fire alarm sending stations must be located adjacent to the exits from each floor and where otherwise required by the fire chief.

(section 10 continued)

(b) Wherever reference is made to section 13.307 of the UFC, such reference shall be applicable to this section.

(c) The chief may issue permits to persons desiring to connect privately owned fire alarm systems to the city's radio alarm network upon such terms and with such requirements as he may deem necessary. No person shall cause or permit any fire alarm system or device to be in any way connected to the city's fire alarm network without first obtaining such a permit.

- O. There is added to Article 13 of the Uniform Fire Code as adopted by this Ordinance, a section to be numbered 13.316 and reading as follows:

Section 13.316 Limited Access Structures. Standard automatic fire extinguishing systems shall be installed and maintained in an existing or new building which has no access to a public street except by way of a pedestrian mall or to which access by fire fighting equipment is restricted by one or more structures or amenities in a public street or right-of-way, the requirement to apply one year after construction of the building or the making of the restriction, whichever time is the later.

- P. There is added to Article 13 of the Uniform Fire Code as adopted by this Ordinance a section to be numbered 13.317 and reading as follows:

Section 13.317 Fire Extinguishing Systems

(1) Every structure five or more stories or 45 feet in height shall have an approved automatic fire extinguishing system installed throughout the structure. For the purpose of this section the number of stories and the height of the structure shall be measured from the lowest level of the fire department vehicle access.

(2) The use of any existing structure not conforming to the provisions of this Section 13.317 at the time of its enactment and to which the provisions of this Section would otherwise apply if it were proposed for construction after enactment may continue its present use providing the structure is maintained so as not to create a life or safety hazard to its occupants or if at any time the structure is remodeled to more than 25% of its true value it shall at that time be required to install an automatic fire extinguishing system throughout the structure as required in new construction.

- Q. Section 14.203, subsection F of the Uniform Fire Code adopted by this Ordinance is amended to read as follows:

(f) Each spray booth having an open front elevation larger in area than 9 square feet and which is not equipped with doors, shall have a fire curtain or metal deflector not less than 4" deep installed at the upper outer edge of the booth opening and shall also be provided with an approved automatic fire extinguishing sprinkler head for each fifty square feet of booth roof area.

Interior ducts shall be protected with sprinklers. Such sprinklers shall be installed not more than twelve feet apart in horizontal ducts and shall be accessible through duct access doors. Any such required sprinkler heads may be supplied by domestic water lines providing there be sufficient water to supply all of the heads in any one booth and duct system.

(section 10 continued)

R. Section 15.103 of the Uniform Fire Code is adopted by this ordinance amended to read as follows:

Section 15.103--(a). A person shall obtain a permit for the following:

- (1) Storage, handling or use of Class 1 flammable liquids in excess of 5 gallons in any building or occupancy other than dwellings and apartment houses; or in excess of 10 gallons outside any building; except that no permit shall be required for the following:
 - (i) For the storage or use of flammable liquids in the tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant.
 - (ii) For the storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
- (2) Storage, handling or use of Class II or III liquids in excess of 25 gallons in a building; or in excess of 60 gallons outside of a building, except for fuel oil used in connection with oil burning equipment.
- (3) Installation and use of equipment and premises for the storage, handling, use or sale of flammable or combustible liquids as herein stipulated. The required permit shall be obtained prior to the commencement of any work.
 - (b) Application for a permit required by this section for storage of Class I and II flammable liquids shall be accompanied by scaled plans and drawings in duplicate showing the size of the tank, size of the fill, location and size of venting and plumbing, depth of bury, type of bedding and method of cover.

S. Section 15.104 of the Uniform Fire Code is hereby amended by adding thereto a new subsection, b, which shall read as follows:

b. When making deliveries of Class I and II flammable liquids, the tank vehicle shall be within the property line. With existing tank locations, where it is impractical to make deliveries from within property lines, the Fire Chief may issue permits for deliveries from the street or alley under such restrictions as the fire chief may deem necessary. Unless impractical all tank vehicles shall proceed in and out of service stations in a forward direction; where such is impractical, the Fire Chief may grant special permits to cover particular situation, and as a condition to the insurance of such special permits, he may require such safety measures as he may deem necessary to protect the public and other users of the streets and ways. Such regulations may include the limiting of deliveries to specific hours or periods during the day or night.

T. Section 19.106 of the Uniform Fire Code, subsection (d) adopted by this Ordinance is amended by adding new paragraphs numbers 6 through 18 to read as follows:

d. Ammonium Nitrate

(6) Ammonium Nitrate in the form of crystals, flakes, grains, or prills shall include technical grade, fertilizer grade, nitrous oxide grade, dynamite grade, and other mixtures containing 60% or more ammonium nitrate; but shall not include blasting agents.

Fertilizer grade ammonium nitrate shall be as determined by N.P.F.I. Definition and Test Procedures for Ammonium Nitrate Fertilizer, 1961 edition, as published by the National Plant Food Institute, 1700 "K" Street, N.W. Washington D.C. 20006.

(7) Storage location for ammonium nitrate shall be subject to approval by the Chief with respect to nearness to dwellings, places of assembly, educational occupancies, institutional occupancies, railroads and public highways. Limitations on storable quantities shall be considered with regard to proximity of these exposures and congested commercial or industrial districts.

(8) Ammonium nitrate shall be stored away from all incompatible chemicals and contaminating and sensitizing materials. Ammonium nitrate shall be kept away from all heat-producing appliances and electrical devices and shall be protected from external heat, fire and explosion. Good housekeeping shall be maintained. Uncontaminated contents of broken or cracked bags, packages or other containers shall be transferred to new and clean containers before storing. Other spilled materials and discarded containers shall be promptly gathered up and destroyed in a approved manner. All electric bulbs shall be equipped with guards to prevent breakage. Open lights or flames and smoking shall be prohibited in or near storage areas.

(9) Approval of large quantity storage shall be subject to due consideration of fire, explosion and possible toxic vapors from burning or decomposing ammonium nitrate. Ammonium nitrate shall be considered capable of undergoing detonation with about half the blast effect of explosives, if heated under confinement that permits high pressure buildup, or if subjected to strong shocks, such as from an explosion.

(10) Bulk storage of various grades of ammonium nitrate shall be permitted only after due consideration has been given to location in regard to heavily populated and built-up centers, including marine terminals and other waterfront facilities, and after specified approval by the Chief.

(11) Ammonium nitrate shall be stored in an isolated location; in bins in warehouses, away from incompatible materials; or in silo-type or other detached outdoor enclosed structures. Such storage facilities shall be well ventilated.

(12) Height or depth of pile shall be limited by the pressure setting tendency of the product. The range of humidity and temperature changes, and the pellet quality of the product in the storage space shall be considered in determining the pressure setting tendency. Temperature cycles through 90°F. and high atmospheric humidity shall be considered undersirable for storage in depth. Pile height shall be at least 36 inches below ceilings or roof structural members with a minimum of 18 inches from sprinklers and shall be so sized and arranged that all material is moved out periodically.

(section 10 continued)

- (13) Galvanized iron, copper, lead and zinc shall not be used in bin structure unless suitably protected. Wooden bins or aluminum bins protected against impregnation by ammonium nitrate may be permitted. Bins and storage areas shall be clear and free of materials which may contaminate ammonium nitrate. Suitable provisions shall be made to prevent conveyor-system lubricants from dripping onto storage areas.
- (14) If a facility in a permitted location provides a low hazard exposure through isolation, it may be considered acceptable without sprinkler protection when all other fire protection safeguards are met.
- (15) Dynamite, other explosives and blasting agents shall not be used to break up or loosen caked ammonium nitrate.
- (16) All electrical wiring and equipment shall be installed in accordance with the Electrical Code and shall be designed to minimize damage from corrosion by any means, including ammonium nitrate dust.
- (17) All internal combustion motor vehicles, lift trucks, tractors, and other specialized bulk-handling and cargo-conveying equipment shall not be permitted to remain overnight in a building where ammonium nitrate is stored, unless parked in an area approved exclusively for such parking purposes. All such vehicles shall be refueled in a safe outside location.
- (18) All points of entry to commercial warehouses storing ammonium nitrate shall be identified with a prominently displayed, durable sign worded "Ammonium Nitrate," with letters at least 2 inches high in colors contrasting with the background, with a caution notice about open light, flames and smoking near such storage areas.

U. Section 20.102 of the Uniform Fire Code adopted by this Ordinance is amended to read as follows:

Subsection (a) No person shall install or maintain any L.P. Gas container, or operate any tank vehicle which is used for the transportation of L.P. Gas without a permit. Where a single container or the aggregate of interconnected containers is over 499 gallons water capacity, the installer must 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.

V. Subsection (a) of Section 20.105 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 areas, 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 fire protection to be provided and facilities of the local fire department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinance.

(section 10 continued)

- W. Section 20.109 of the Uniform Fire Code adopted by this ordinance is amended to read as follows:

Safety Devices

- (a) No person shall tamper with or make ineffective the safety devices of any liquefied petroleum gas container.
- (b) No person shall install, maintain, or employ the use of a pump with an electrical switching device for the transfer of liquefied petroleum gas in the liquid stage unless such switching device is of the momentary contact, normally open type, and no method shall be employed to hold the switch contacts in the closed position except by the hand pressure of the operator.
- X. Section 27.201 of the Uniform Fire Code adopted by this ordinance is amended by adding the following:
- (d) Waste material containers shall be provided at construction sites for the safe accumulation and removal of combustible waste materials.
- (e) Waste material containers shall be provided for the safe accumulation of combustible wastes at storage sites in the open except where such accumulation meets the requirements of Section 27.203 (b), paragraph 2.
- (f) Portable wheeled containers and roll-off-boxes for the accumulation of waste materials shall not be located in such a manner that a fire occurring in a container would create a threat to persons, buildings, automobiles, exit ways, utilities, vegetation, or adjacent property and its contents.

SECTION 11. SEVERABILITY If any provision of this code shall be held void and unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void and unconstitutional shall continue in full force and effect.

SECTION 12. BONDS AND INSURANCE, GENERALLY Whenever any bond or policy of insurance is required by any provision of this ordinance, it shall:

- (a) Be in the sum of at least one hundred thousand dollars for bodily injury or death to any one person, three hundred thousand dollars for all bodily injury or death arising from any one occurrence, and one hundred thousand dollars for damage to property, which minimum limits shall be provided notwithstanding any lesser sum set forth in the Uniform Fire Code;
- (b) Insure to the benefit of any person sustaining bodily injury, death or damage to property arising from or caused by the principal (named insured) or persons acting under his direction and control;
- (c) Be issued by an insurance underwriter or corporate surety company licensed to do business in the State of Oregon;
- (d) Be approved as to form and sufficiency by this city attorney.

SECTION 13. PENALTIES

(a) 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 there under, 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 noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$500.00 or by imprisonment not exceeding thirty (30) days, 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 day 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.

(c) In case of fire resulting directly or indirectly from failure or neglect to promptly comply with a notice issued by the Fire Prevention Bureau to abate a hazard within the time stipulated on the notice, the person or persons so notified shall be liable to a civil action for the payment of all expenses incurred by the City of Stayton in and about the use of the apparatus, materials and manpower in extinguishing any fire resulting from such cause.

SECTION 14. NONLIABILITY OF THE CITY FOR DAMAGE This ordinance shall not be construed to relieve from or lessen the responsibility of any person for damage to anyone injured or damaged by any hazard therein, nor shall the City or any agent thereof be held as assuming any such liability by reason of inspection or for failure to inspect or for failure to find a defect.

SECTION 15. FIRE ZONES For the purpose of this ordinance and the defined use of the Uniform Building Code the Fire Zones of the City of Stayton are hereby declared to be as described:

FIRE ZONE 1: Beginning at the southeast corner of Lot 6 in Block "A" of A. & C. Clark's Addition to Stayton, Oregon, and running thence north to the south bank of the stream known as the Salem Mill Race which is located along the north line of the Richardson block in the City of Stayton; thence in a westerly direction following the south bank of said Salem Mill Race to the point of intersection with the east line of Second Street in said City; thence south along the east line of said Second Street and the extension thereof to a point due west of the most westerly point of the north bank of the race known as the Power Ditch; thence east to the north bank of said Power Ditch and extending easterly along the north bank of said Ditch to a point due south of the point of beginning; thence north to the point of beginning.

FIRE ZONE 3: Excluding the area of Fire Zone 1 the City of Stayton in its entirety shall be a Fire Zone 3. The Fire Zones and Zoning referred to in this ordinance will be obtained and related to on the zoning map per ordinance #420 of which a copy is on file with the Chief of the Fire Department.

SECTION 16. REPEL OF CONFLICTING ORDINANCES The following ordinances or parts thereof conflicting or inconsistent with provisions of this ordinance or of the code hereby adopted are hereby repealed:

Ordinance #193 - Establishment of Fire Limits in Town of Stayton, providing for regulations for same, with enforcement and penalties for violations of same. April 1924.

Ordinance #215 - An ordinance for the prevention of Dangerous Buildings and Structures; defining the same; providing punishment for maintaining the same, providing for the abatement and removal thereof and charging the cost of removal and abatement thereof against the property and declaring an emergency.

Ordinance #258 - An ordinance to regulate the construction, use and operation of gasoline and oil pumps and gasoline tanks. April 20, 1942.

Ordinance #265 - An ordinance to regulate the use and sale of fireworks within the town of Stayton; to provide penalties for violation hereof, the repeal conflicting ordinances. June 5, 1948.

Ordinance #347 - An ordinance authorizing the Chief of Police to prohibit open fires and to declare Emergencies to prohibit of such fires, providing penalties for violations, repealing Ordinance #295 and conflicting ordinances relating thereto and declaring an Emergency.

SECTION 17. EMERGENCY CLAUSE. It is hereby adjusted and declared that existing conditions in the City of Stayton are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and as emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect from and after its passage.

Date of First Reading	<u>Dec.</u>	<u>15th</u>	<u>197 5</u>
Date of Second Reading	<u>Jan.</u>	<u>5th</u>	<u>197 6</u>
Date of Final Reading	<u>Jan.</u>	<u>19th</u>	<u>197 6</u>

Passed by Common Council this 19th day of January 197 6

Signed By Mayor this 23 day of JANUARY 197 76

ATTEST:

Wayne L. Lewis
Mayor of City of Stayton, Oregon

J. Campbell
Recorder of City of Stayton, Oregon

Apendice #1. FIREWORKS. 480.110 Definitions for Oregon Fireworks Law. For the purposes of ORS 480.110 to 480.160, which sections may be cited as the Oregon Fireworks Law, and unless otherwise required by the context:

(1) "Fireworks" means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound; but does not include:

(a) Sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, and when, the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any other components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

(b) 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 aftersmoldering, 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.

(3) For purposes of this section "sparklers" means 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 10 inches in length nor more than one-quarter inch in diameter and which shall not burn more rapidly than one inch in 10 seconds, but not including materials incased within a container of any character. "Explosive substance" or "explosive mixture" as used in this section shall mean any substance so arranged as to burn in less than one second. "Combustible substance" shall mean any substance so arranged as to burn in more than one second. (Amended by 1967 c. 417 23).

(Apendice #1 continued)

480.120 Sale and use of fireworks prohibited; exceptions; enforcement.

- (1) No person shall sell, keep or offer for sale, expose for sale, use, explode or have exploded any fireworks within Oregon, except as follows:
 - (a) Sales by manufacturers and wholesalers for direct out-of-state shipment.
 - (b) Sales to persons or organizations having obtained a permit from the State Fire Marshal for supervised public display.
 - (c) Sales to railroads, boats, motor vehicle or other transportation agencies, to be used for signal, warning or illumination purposes in connection with such business.
 - (d) Sale or use of blank cartridges for licensed shows or theaters or for signal or ceremonial purposes in athletics or sports.
 - (e) Experimental purposes by a manufacturer of explosives at such places where such experiments are normally conducted.
 - (f) Sale of blank cartridges for use by the militia or any organization authorized by law to parade in public a color guard armed with firearms.
 - (g) Sale of shells, cartridges, gunpowder or explosives for use in legally permitted firearms.
- (2) Law enforcement officers of the state, county or municipality shall enforce the provisions of ORS 480.110 - ORS 480,170

480.130 Permit of State Fire Marshal required for sale or use of fireworks for public display.

- (1) All persons, municipalities, associations or organizations or groups of individuals desiring to sell, discharge, fire off, explode or display fireworks for a public display, shall apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed sale or date or the display. The State Fire Marshal, upon receipt of such application, shall determine if the proposed sale or display will conform to law and any rules or regulations promulgated thereunder. If he finds that the applicant is qualified to conduct such sale or display and that the proposed sale or display is in accordance with the law and all rules and regulations, he shall issue a permit; otherwise he shall refuse to issue it.
- (2) The fee for a permit for the public display of fireworks shall be \$5 for each such display permit and \$5 for each permit for sale of fireworks. All fees collected shall be deposited to the credit of the State Fire Marshal Fund.
- (3) Fireworks sales permits shall not be valid for more than one year from date of initial display.
- (4) At the colse of each calendar year fireworks permit fees collected by the State Fire Marshal shall be paid by him out of the State Fire Marshal Fund to the fire departments within whose jurisdiction the permits were issued less 10 percent to be retained by the State Fire Marshal for costs of administration.

(Appendice #1 Continued)

(5) The permit fees required by this section shall not apply to the sale or use of approved model racket devices. (Amended by 1967 c. 417 24).

480.140 Fireworks displays to be under supervision of police and fire department chiefs or county court.

(1) Every such display held within the boundaries of any municipality shall be under the supervision of the chiefs of police and fire departments of the municipalities in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(2) Every such display held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the county court or of a county official duly authorized by the county court, after proper inspection, shall not be hazardous to property or endanger any person.

480.150 Permits for fireworks sales or displays; rules and regulations; bound.

(1) The State Fire Marshal may adopt reasonable rules and regulations for granting permits for supervised public displays or sales of fireworks by municipalities, fair associations, amusement parks, and other persons, organizations or groups of individuals. The governing body of any municipality, or the county, from any person, in a sum not less than \$500, conditioned for payment of all damages which may be caused either to a person or property by reason of the authorized display or sale and arising from any acts of any person, his agents, employees or subcontractors.

(3) Permit fees required by ORS 480.130 shall not be refunded in the event such permits are revoked. (Amended by 1967 c. 417 25).

480.170 Oversized firecrackers prohibited. No person shall sell, give away or in any manner dispose of to another, fire, explode or discharge in any manner, any cannon cracker, giant cracker, or other firecracker over two and one-half inches in diameter.