

ORDINANCE 06-805-O

AN ORDINANCE TO AMEND ORDINANCE #565 TITLED AN ORDINANCE OF THE CITY OF TALENT ADOPTING A UNIFORM FIRE CODE-DESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION-ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE-DEFINING POWERS AND DUTIES-EFFECTIVE DATE

The City of Talent ordains as follows:

“New Title of Ordinance” - AN ORDINANCE TO ADOPT AN OREGON FIRE CODE-DESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSIONS AND DEFINING POWERS AND DUTIES

Section 1. Adoption of Fire Prevention Code:

There is hereby adopted by the City of Talent, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the **2003 International Fire Code with Oregon 2004 amendments, hereafter referred to as the Oregon Fire Code Appendices B, C, D, H, I, K, L, SR** [Uniform Fire Code as recommended by the International Conference of Building Officials and the Western Fire Chiefs Association, being particularly the 1991 edition as hereinafter deleted, modified or amended, and the same] is hereby adopted and incorporated as fully as if set out at length herein.

Section 2. Application to New and Existing Conditions:

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

Section 3. Liability for Damage:

This code shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein; nor shall the City of Talent be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the permit issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

Section 4. Adoption of State Laws – Conflict:

All the provisions of ORS 479.010 to 479.200 and 479.256 to 479.300 (Smoke Detection) , inclusive, are hereby adopted as a part of this ordinance and, by reference, hereby made a part hereof as though fully set forth herein; provided, however, that if any regulation contained in any of said statutes conflicts with any other regulation contained in this ordinance, then the more restrictive regulation shall apply.

Section 5. Definitions: As used in this ordinance:

- (a) Agricultural Operation means the activity on land currently used or intended to be used primarily for the purpose of obtaining a profit by raising, harvesting and selling crops or by raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose.
- (b) Agricultural Waste means any material actually generated or used by an agricultural operation but excluding those materials described in Section 11 of this ordinance.
- (c) Fire District #5 means the Fire Department for the City of Talent as designated by the registered voters in the City of Talent with all of the authority and responsibilities thereto.**
- [(c) Municipality as used in the Uniform Fire Code means the City of Talent]
- (d) Open Burning means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.**
- [(d) Corporation Counsel as used in the Uniform Fire Code means the attorney of the City of Talent. (Amended by Ordinance #633 - adopted February 18, 1998)]

[Section 6. Establishment and Duties of Bureau of Fire Prevention:

There is hereby established a Bureau of Fire Prevention within the fire department of the City of Talent which shall be under the supervision of the chief of the fire department.]

Section 6 [7]. Delegation of Authority:

[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 city administrator the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. Such inspectors shall be appointed after examination and the appointment shall be for an indefinite term with removal only by the city council for cause.] **The City of Talent by election has designated the Fire District #5 to act in the City's behalf in all matters related to enforcement of the Oregon Fire Code.**

Section 7. [8]. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited:

[The limits referred to in Section 77.201 of the uniform fire code are as follows:

The planning commission, shall recommend to the city council a location for such if the location is outside of the principal business district, closely built commercial areas, and heavily populated areas; the code shall be enforced in full as detailed in Section 77.201. Prior to a permit being issued, the chief of the fire department, or designee, shall inspect and approve the location. Joint approval shall be obtained from all departments concerned.]

Provisions set forth in ORS 480.010 through ORS 480.095, ORS 480.200 through ORS 480.290 and OAR 837-012-1200 through OAR 837-012-1420 shall govern the manufacture, sale, possession, and transfer of explosives within the City limits.

Section [9] 8. Penalties:

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 permit or certificate 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, with the time fixed herein; shall severally for each and every such violation and noncompliance respectively be guilty of an infraction punishable by a fine of not less than \$25.00 nor more than \$100.00. The imposition of one (1) 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 (10) days that the prohibited conditions are maintained shall constitute a separate offense.

Section [10]9. Modifications:

The chief of the [fire department] **Fire District# 5** shall have power to modify any of the provisions of the fire prevention code, upon application in writing by the owner or lessee, or 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 fire department thereon, shall be entered upon the records of the department; and a signed copy shall be furnished the applicant.

Section 1[1]0.Amendments to the Oregon Fire Code:

The Oregon Fire Code **Chapter 3 Section 307 for City purposes** shall be amended as follows:

(a) Open Burning:

- (1) The purpose of this section is to minimize the accumulation of PM-10 air pollution resulting from open burning. [The public should be aware that open burning may also be restricted during the fire season (typically June through October) by the fire department or other fire regulating authorities. These authorities base their restrictions of open burning on such factors as low humidity, high winds, drought, or other conditions, which make outside burning unsafe.]
- (2) Open burning of any kind is prohibited throughout the incorporated limits of the City of Talent. [on all days of the year when the maximum ventilation index is below 400.]
- (3) [Open burning of any kind is prohibited within the incorporated limits of the City of Talent during November, December, January and February of each year due to generally poor smoke dispersion.]
- (4) [Open burning of any wet garbage, plastic, wire insulation, automobile parts, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors is prohibited

throughout the incorporated limits of the City of Talent.]
[(5)](3) The provisions of this section do not apply to open burning of agricultural wastes, which is necessary for disease or pest control.

(b) Permit Required:

Any permits issued for burning shall be issued by Fire District #5. [The city council shall adopt a burn program by resolution providing for permit procedures related to open burning within the City of Talent.]

(Amended by Ordinance #633 - adopted February 18, 1998)

[Section 12. Appeals:

Whenever the fire chief shall 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. Such appeal shall be made in writing within ten (10) days from the service of the order or denial of the permits; after a decision from the corporation counsel, the fire chief shall affirm, modify or revoke the decision; and the appealing person shall, within the time limit then set by the fire chief, comply with the order as affirmed or modified; provided, that if the decision of the fire chief is revoked, then the permit shall be forthwith granted or the order appealed from shall be deemed vacated.]

[Section 13. New Materials, Processes or Occupancies, which may Require Permits:

The corporation counsel, the chief of the fire department and the city building official 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.

Section 14. Repeal:

Upon the adoption of this ordinance, Talent Ordinance #366, as amended, adopted August 1977, is repealed.]

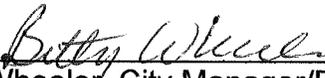
Section [15] 11. Validity: The city council hereby declares that should any section, paragraph, sentence or work of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the city

council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 1[6] 2. Effective Date Under the provisions of the Talent Charter [of 1958, Section 35, an emergency is hereby declared and the provisions of this ordinance shall take effect upon passage.] **this ordinance shall become effective 30 days from date of adoption.**

Duly enacted by the City Council in open session on June 21, 2006 by the following vote:

AYES: 5 NAYS: 1 ABSTAIN 0 ABSENT 0



Betty Wheeler, City Manager/Recorder and Custodian of City Record