

**ORDINANCE #101**

4-14-97

**AN ORDINANCE ADOPTING A UNIFORM FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES.**

Be it ordained by the CHARLESTON RURAL FIRE PROTECTION DISTRICT.

**Section 1. ADOPTION OF THE UNIFORM FIRE CODE**

There is hereby adopted by the Charleston Rural Fire Protection District for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the *Uniform Fire Code*, including Appendix Chapters 1-A to 6-G and Appendix Standards A-2-F-1 to A-2-F-3, published by the International Fire Code Institute, being particularly the 1994 edition (with Oregon Amendments) thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 8 of this ordinance, three (3) copies of which have been and are now filed in the office of the clerk of the Charleston Rural Fire Protection District 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 provision thereof shall be controlling within the limits of the Charleston Rural Fire Protection District.

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

**2.1** The Uniform Fire Code as adopted and amended herein shall be enforced by the Bureau of Fire Prevention in the Fire District of the Charleston Rural Fire Protection District which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

**2.2** The Chief or Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Fire Chief of the Charleston Rural Fire Protection District by authority of the Board of Directors of said District on the basis of examination to determine his or her qualifications.

**2.3** 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 Board of Directors of the Charleston Rural Fire Protection District 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.

**Section 3. DEFINITIONS**

**3.1** Wherever the word "Jurisdiction" (Section 211-J) is used in the 1994 Uniform Fire Code, it shall be held to mean the Charleston Rural Fire Protection District.

**3.2** Wherever the term "Chief of the Bureau of Fire Prevention" (Section 204-C) is used in the 1994 Uniform Fire Code, it shall be held to mean "Fire Marshal."

**3.3** Wherever the words "Administrator" (Section 202-A), or "Chief Engineer" (Section 202-A) is used in the 1994 Uniform Fire Code, it shall be held to mean "Fire Chief."

**3.4** Wherever the term "Fire Department" (Section 207-F) is used in the 1994 Uniform Fire Code, it shall be held to mean The Charleston Rural Fire Protection District.

**3.5** Wherever the word "Chief" (Section 204-C) is used in the 1994 Uniform Fire Code, it shall be held to mean "Fire Chief" or "Office of the Oregon State Fire Marshal."

**Section 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.**

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the 1994 Uniform Fire Code, in which the storage of flammable

or combustible liquids is restricted, are hereby established as follows: All Districts within the boundaries of the Charleston Rural Fire Protection District.

**Section 5. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS PROHIBITED.**

The limits referred to in Sections 8204.2 of the 1994 Uniform Fire Code, in which the storage of liquefied petroleum gas is restricted, are hereby established as follows: All Districts within the boundaries of the Charleston Rural Fire Protection District.

**Section 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE REPORTED.**

The limits referred to in Sections 7701.7.2 of the 1994 Uniform Fire Code, in which the storage of explosives and blasting agents is prohibited, are hereby established as follows: All Districts within the boundaries of the Charleston Rural Fire Protection District.

**Section 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED.**

The limits referred to in Sections 5204.5.2 of the 1994 Uniform Fire Code, in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: All Districts within the boundaries of the Charleston Rural Fire Protection District.

**Section 8. AMENDMENTS TO THE UNIFORM FIRE CODE**

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

**8.1** The 1994 Uniform Fire Code Section 1103.2.4 (Combustible Vegetation) as adopted by this Ordinance is amended to read as follows:

- 1) The person owning, possessing, or having the care of custody of any lot or parcel of land shall cut, as close to the ground as is reasonably practical, and shall remove or destroy all uncontrolled brush, grass, weeds, thistles, vines, and other uncontrolled combustible vegetation growing at a height of 10" or more between the months of June 1 and September 30 of each year, or when determined by the Chief to be a fire hazard. When the Chief determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Minimum width of a fuel break adjacent to public sidewalks, streets, bikeways, and trails shall be 10 feet. Minimum width of fuel breaks along property lines and around combustible structures shall be 25 feet, unless determined to be impractical by the Chief.

**Exception:** Vegetation along drainage ways and in wildland and wildflower areas under public ownership, and on private lands designated as "protected" under Federal or State legislation, can exceed the 10" limitation so long as it is not determined to be a fire hazard by the Chief.

**8.2** The 1994 Uniform Fire Code Section 1103.2.1 (Rubbish within and adjacent to buildings and structures) as adopted by this Ordinance is amended to read as follows:

- 1) Emergency procedures for abatement of hazards accumulations of waste materials: If a condition described in this Section has not been eliminated within the time limit for compliance set forth in an order or notice to abate the condition. The owner shall be liable for the cost of cleanup or abatement, as provided in Section 11.1. Nothing in this subsection shall relieve the owner of responsibility to take action to abate the condition.

**8.3** The 1994 Uniform Fire Code Section 1103.2.1 (Rubbish within and adjacent to buildings and structures) as adopted by this Ordinance is amended to read as follows:

- 1) Upon vacating or abandoning any premises, the owner or occupant thereof shall remove any and all noxious and hazardous materials or waste matter which has been deposited, allowed to come to rest or permitted to accumulate thereon, and such premises shall be left in a clean and neat condition.

**Section 9. APPEALS.**

Whenever the Chief disapproves an application or refuses 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 Oregon State Fire Marshal within 10 days from the service of the order.

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

The Chief, and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after given affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Uniform Fire Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

**Section 11. PENALTIES.**

**11.1** Any person who violates any of the provisions of the Uniform Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any details 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 fails to comply with such an order as affirmed or modified by the Oregon State Fire Marshal's Office or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$5,000.00 or by imprisonment for not less than 10 days nor 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 defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

**11.2** 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 or of the Uniform Fire Code as adopted and amended herein are hereby repealed.

**Section 13. VALIDITY.**

The Charleston Rural Fire Protection District hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Uniform Fire Code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Charleston Rural Fire Protection District 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. DATE OF EFFECT.**

This ordinance shall take effect and be in force from and after its approval as required by law.

***This document is for reference only, a copy of the original can be viewed in accordance with Board Policy by contacting the District Fire Chief.***