

BAY CITY ORDINANCES

ORDINANCE NO. 615

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE, REGULATING FLAMMABLE LIQUIDS, REGULATING OPEN BURNING WITHIN THE CITY, PROVIDING FOR PERMITS, RESTRICTING THE SALE AND USE OF FIREWORKS, PROVIDING PENALTIES FOR VIOLATIONS, REPEALING ORDINANCE NO. 593 AND DECLARING AN EMERGENCY.

The City of Bay City ordains as follows:

Section 1. Repeal. Bay City Ordinance No. 593, codified as Ordinance 7-6 is hereby repealed in its entirety.

Section 2. Adoption of the Fire Prevention Code.

The 2004 Edition of the Oregon Fire Code, hereinafter referred to as Code, and all its Appendices is hereby adopted in its entirety except such portions as are deleted, modified or amended by this ordinance, and as later amended by the State of Oregon.

Any future revisions and amendments to the Code, as adopted by the Oregon State Fire Marshal, are hereby adopted and incorporated herein, without further action by the City.

Section 3. Establishment and Duties of the Bay City Fire Department.

The Code shall be enforced by the Bay City Fire Department which shall be operated under the supervision of the Chief of the Bay City Fire Department.

Section 4. Definitions. Code references shall be defined for the purposes of this Ordinance, as follows:

- A. Administrator, Director or Chief. The Fire Chief.
- B. Bureau of Fire Prevention. The Bay City Fire Department.
- C. Captain of the Bureau of Fire Prevention. The Fire Chief of the City of Bay City Fire Department.
- D. Corporate Counsel. The attorney for the City of Bay City.
- E. Fire Marshal. As used in the Code, the title of Fire Marshal refers to the Fire Chief of the City of Bay City, or his/her designee.
- F. Jurisdiction. The City of Bay City.

Section 5. Explosives. Explosives and blasting agents are regulated as per the Code within the City limits.

Section 6. Fireworks. The manufacture and storage of fireworks, referred to in the Code, is prohibited within the City limits.

Section 7. Flammable Liquids. The storage of Class 1 and Class 2 flammable or combustible liquids in outside, above-ground tanks, is prohibited within the limits of the City of Bay City, except as permitted in writing by the Fire Chief, in accordance with Code standards.

Section 8. Underground Storage Tanks. All underground storage tanks installed within the city limits of the City of Bay City shall be installed as per the Code, Chapter 34, for the materials to be stored.

Section 9. Bulk Plants. New bulk plants for flammable or combustible liquids, referred to in the Code, are prohibited within in the City limits.

Section 10. Liquefied Petroleum Gases. All storage of liquefied petroleum gas exceeding 250 gallons for residential and/or commercial use is prohibited within the limits of the City of Bay City except that the Fire Chief, after consideration of built-in fire protection or firefighting facilities or topographical conditions, and the City's firefighting capabilities, may permit, in writing, the installation of liquefied petroleum gas containers exceeding 250 gallons.

Section 11. Hazardous/Dangerous Substances Transport. The transportation of hazardous substances, explosives and blasting agents and other dangerous articles is governed by the Code.

Section 12. Modifications. The Chief of the Bay City Fire Department, or his/her designee, shall have the power to modify any of the provisions of the Code, upon application in writing by the owner or lessee, or a 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, shall be entered into the records of the Fire Department and a signed copy shall be furnished to the applicant and to the Council.

Section 13. Appeals. Whenever the Chief of the Bay City Fire Department disapproves an application or refuses to grant a permit, 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 Fire Chief of the Bay City Fire Department to the City Council in writing within 20 days from the date of the decision.

Section 14. Burn Permit. It shall be unlawful for any person, at any time, to ignite or maintain a fire out-of-doors, within the City limits, without having first obtained a written permit signed by the Bay City Fire Chief or his/her designee, except training burns designated as such by the Fire Chief.

A. Burn permits shall be issued for three categories of burns;

(1) Burn Barrels. Burn barrels shall have a covering for the top of the barrel with heavy wire mesh screen with an opening of the mesh not more than 3/8".

(2) Open Burning. Open burning is allowed on the applicant's property, but the burn pile must be inspected by the Fire Chief or his/her designee before burning if the size of the burn pile exceeds 108 cu. feet. (3'x6'x6'). When the size of the pile exceeds these dimensions the Fire Chief or his/her designee may require additional safeguards in the burn permit to allow the burn. It shall be then up to the applicant as to when the actual burn shall occur, in compliance with the terms of the burn permit.

(3) Slash Burn. When planning to burn logging slash, ie., logs, stumps, and associated brush and limbs, applicant shall contact the Fire Chief and submit a written detailed plan for burning. Applicant may be required to have equipment and water protection on site during burning operations, as well as additional safeguards in the burn permit to allow the burn. It shall be the responsibility of the applicant to apply with all terms and conditions of the burn permit. No burning shall be allowed during periods of prolonged drying or anticipated prolonged drying.

B. Burn Restrictions. It is the responsibility of all permit holders to check the front of the fire station or call the City Hall to confirm that burning is allowed of the day of the actual burn.

C. Burn permits expire at 11:59 p.m. on December 31 of the year in which the permit is issued.

D. All fires out of doors shall comply with all conditions set forth in the issued burn permit.

Section 15. Restriction or Banning of Burning. Notwithstanding any other provision herein, the Fire Chief of the City of Bay City or his/her designee, shall have the authority at any time to restrict or ban any type of fire or burn within the City when, in his/her sole discretion, conditions exist which make out-of-doors fires unsafe. The Fire Chief must notify the City Recorder of what restrictions are in effect. The Fire Chief shall cause a public service announcement to be made, if available, and shall post the notice of restrictions on the front wall of the Fire Department Building and the door to the Bay City Hall.

Section 16. Sale of Fireworks. It shall be unlawful for any person, firm or corporation to sell fireworks within the City of Bay City until they have received a permit from the Oregon State Fire Marshal and have provided the City with a copy of the permit.

Section 17. Use of Fireworks. It shall be unlawful for any person to shoot or discharge fireworks within the City of Bay City except:

(a) Legal fireworks may be discharged on the beach or in a cleared area, where there is no vegetation within a 10 foot radius of the ignition point.

- (b) Legal fireworks can be discharged in accordance with the Code.

Section 18. Violations. Any person who violates or fails to comply with any of the provisions of the Code hereby adopted or any order made thereunder, who fails to procure a permit as required herein, or who builds a fire in violation of this ordinance or any permit issued hereunder commits an offense. Offenses may be cited into Tillamook County Justice Court by the City Fire Chief or designee, the City Recorder or the Public Works Superintendent. The offense is a Class A Justice Court violation plus court costs. 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 constitutes a separate offense.

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

Section 19. Payment of Fire Suppression Costs. Whenever a fire is extinguished or attempted to be extinguished by the Fire Department of the City of Bay City as a result of a violation described in Section 18 herein, the owner of the property involved in such fire shall pay for the cost of providing such fire suppression service as follows:

- A. For the first hour or fraction thereof;
 - (1) Pumper Apparatus - \$250.00 per hour
 - (2) Rescue Standby - \$100.00 per hour
- B. For each piece of apparatus per hour following the first hour, payment shall be on a fractional basis to the nearest 15-minute period.
- C. Personnel cost shall be based on the Oregon State Conflagration Act values.
- D. An additional 10% shall be added to the actual costs for payment of the City's administrative overhead.
- E. All payments under this Section shall be credited to the Bay City Fire Department Fund, less 10% for Administrative Costs payable to the Bay City General Fund.

Section 20. Liability for Damage. Damages caused by such fire shall constitute a debt of such person and are collectible by the City of Bay City in the same manner as in the case of an obligation under a contract, express or implied, including all court costs and City's attorney's fees.

Section 21. Permits. All permits set forth in this ordinance shall be applied for at the Bay City Fire Department or the City of Bay City Hall. Once a permit is issued, a copy of the permit, including all conditions imposed thereon and any time limits, shall be on file with the Bay City Fire Department.

Section 22. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, which shall continue in full force and effect.

Section 23. Effective Date Emergency. The City declares an emergency to exist and finds that immediate adoption of the ordinance is necessary to protect the health, safety and welfare of its residents. This Ordinance shall become effective immediately after its adoption by the City Council.

ADOPTED by the City Council of Bay City this 2nd day of August, 2005 and
APPROVED by the Mayor on this 10th day of August, 2005.

/s/ Shaena Peterson
Shaena Peterson, Mayor

ATTEST:

/s/ Linda Dvorak
Linda Dvorak, City Recorder
First Reading: 8/2/05
Second Reading: 8/2/05
Adoption: 8/2/05
Ayes: 4
Nays: 0
Abstentions: 0