

ORDINANCE NO. 1578

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE;  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF;  
ESTABLISHING A BUREAU OF FIRE PREVENTION; RE-  
PEALING ORDINANCE NO. 1389; AND DECLARING AN  
EMERGENCY.

THE CITY OF BEAVERTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Adoption of Fire Prevention Code. The Fire Prevention Code, 1970 Edition, and its Appendices A and B, recommended by the American Insurance Association, is made the fire prevention code of the City.

SECTION 2. In addition to those publications listed in Appendices A and B of the Fire Prevention Code of 1970, the following publications are also adopted and shall be standards for the purpose of determining compliance with the various sections of the Code: Volumes I, II, III, IV, V, VI, VII, VIII, IX, and X, National Fire Code, 1970-71 Edition (established by the National Fire Protection Association).

SECTION 3.

(1) The fire prevention code shall be enforced by the bureau of fire prevention in the fire department which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(2) The fire marshal in charge of the bureau of fire prevention shall be designated by the fire chief.

(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 City Manager the employment of technical inspectors who, when such employment is authorized, shall be selected in accordance with the provisions of the city charter, ordinances and the rules and regulations governing the personnel system of the City.

(4) A report of the bureau of fire prevention shall be made annually and transmitted to the City Manager; it shall contain all proceedings under the fire prevention code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department may include in the annual report recommendations for amendments to the fire prevention code.

SECTION 4. Definitions. Unless the context requires otherwise, the following terms when used in the fire prevention code mean:

- (1) Chief of the bureau of fire prevention. Fire marshal.
- (2) Corporation counsel. City attorney.
- (3) Municipality. City of Beaverton.

SECTION 5. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in Section 12.5b of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby established as the entire City of Beaverton.

SECTION 6. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks is to be Prohibited.

(1) The limits referred to in section 16.22a of the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: the entire city, except areas zoned "M-P" (industrial park) or areas zoned for agricultural uses under the zoning ordinance as now or hereafter amended and then only when the location and storage facilities have been approved and a storage permit issued by the chief of the fire department or the fire marshal.

(2) The limits referred to in section 16.61 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as the entire City of Beaverton, with the exception of those areas within the City zoned Industrial Park (M-P) under the zoning ordinance as now or hereafter amended.

SECTION 7. Establishment of Limits in which Bulk Storage of Liquified Petroleum Gas is to be Restricted. The limits referred to in section 21.6a of the fire prevention code, in which bulk storage of liquified petroleum gas is restricted, are hereby established as the entire city, except areas zoned "M-P", (industrial park) under the zoning ordinance as now or hereafter amended.

SECTION 8. Amendments to Fire Prevention Code. The Fire Prevention Code is amended in the following particulars:

(1) Section 1.1 is amended by adding the following:

Where the conditions imposed by a provision of this code differ from those imposed by another ordinance, law or regulation having application in the city, the provision which is more restrictive shall govern.

(2) Section 14.4 is amended by adding the following:

c. Existing basements coming within the application of this section shall comply with the requirements of this section within three years from the effective date of the ordinance adopting the 1970 edition of this code; provided, however, that as an exercise of the police power and for the public safety, the chief of the fire department or the fire marshal may order the installation of an approved automatic sprinkler system at any time prior to the expiration of the three-year period in any particular basement.

(3) Section 28.17. Field Burning and Harvesting Operations.

(1) No person shall set on fire or cause to be set on fire any forest land, grass, grain, stubble or similar combustible material, either on his own property or on the property of another, without first obtaining a permit from the fire chief or his agent and complying with its terms. The fire chief or his agent may prescribe the conditions upon which the permit is issued and which are necessary to be observed in setting the fire and preventing it from spreading and endangering life or property. The fire chief or his agent may refuse, revoke or postpone permits when atmospheric conditions or local circumstances make such fires hazardous. Any permit obtained through wilful misrepresentations is invalid.

(2) No person shall operate any power-driven equipment in forest harvesting or agricultural harvesting operations without first having each piece of equipment provided with a fire extinguisher of sufficient size and capacity as required by the fire chief or his agent and with such other tools and fire fighting equipment as may be required by the fire chief or his agent. Internal combustion engines shall be provided with an approved muffler or spark arrester.

SECTION 9. Modifications. The fire marshal in charge of the bureau of fire prevention shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or 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 modification when granted or allowed and the decision of the fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

SECTION 10. Appeals. Whenever the chief of the fire department, the fire marshal in charge of the bureau of fire prevention or their agents disapprove an application or refuse to grant a permit applied for, or when it is claimed that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the city manager within 10 days from the date of the decision. The appeal shall set forth the specific grounds of the appeal and no other grounds shall be considered thereafter.

SECTION 11. New Materials, Processes or Occupancies which may Require Permits. The city manager, the chief of the fire department, and the fire marshal in charge of the bureau of fire prevention 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 the code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 12. Required Copies of Code. Not less than three copies of the fire prevention code shall be kept in the office of the city recorder for use and examination by the public.

SECTION 13. Penalties. A person who violates this ordinance shall, upon conviction thereof, be punished by imprisonment for a period not to exceed six months, or by a fine not to exceed \$500.00 or by both. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. In addition to the remedies available to the City under this ordinance, the City may abate violations of this ordinance in accordance with the abatement procedures provided in Ordinance No. 1218, as now or hereafter amended.

SECTION 14. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

SECTION 15. Repeal. Ordinance No. 1389 is repealed.

SECTION 16. Emergency Clause. The Council hereby finds and determines that it is necessary and expedient that the provisions of this Ordinance go into effect forthwith for the preservation of the peace, health and safety of the residents of the City of Beaverton in order to protect the property and lives within the City from fire dangers. Now, therefore,

AN EMERGENCY IS HEREBY DECLARED TO EXIST and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

First reading this 19 day of October, 1970.

Passed by the Council this 26 day of October, 1970.

Approved by the Mayor this 26 day of October, 1970.

ATTEST:

Marjorie E. Kurba  
RECORDER

James R. Moore  
MAYOR