

ORDINANCE NO. 10 FOR 1961

ORDINANCE NO. 387

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND REPEALING ORDINANCE NO. 356.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Adoption of Fire Prevention Code. There is hereby adopted by the City of Sweet Home for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1960 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended hereby, of which code not less than three copies have been and now are filed in the office of the City Manager of the City of Sweet Home 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 provisions thereof shall be controlling within the limits of the City of Sweet Home.

Section 2. Enforcement. The code hereby adopted shall be enforced by the Chief of the fire department.

Section 3. Definition. Wherever the word "municipality" is used in the code hereby adopted, it shall be held to mean the City of Sweet Home.

Section 4. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks, Bulk Storage of Liquefied Petroleum Gases and Storage of Explosives and Blasting Agents is to be Restricted. The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

Fire Zone No. 1, as defined in Ordinance No. 357, or as hereafter may be defined by further amendments or ordinances.

Section 5. Amendments Made in the Code Hereby Adopted. The code hereby adopted is amended and changed in the following respects:

a. Sections 21, 31, 41, 52, 72, 81, 92, 101, 110, 122, 130, and 151, requiring permits for various installations and occupations, are hereby deleted.

b. Section 140c is hereby amended to read:

"Chief May Prohibit. The Chief of the Fire Department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fire hazardous, All such fires must be first approved by permit during the fire season from May 15 to October 15, and during such other times as the Fire Chief deems necessary."

c. Section 16 is hereby amended to read as follows:

"Abatement Notice. (1) Upon determination by the common council that a nuisance exists, the common council shall forthwith cause a notice to be posted on the premises liable for the abatement directing the removal of such nuisance.

(2) At the time of posting, the city recorder shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the person in charge of the property at the last known address of such owner or agent.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which such nuisance exists.

- (b) A direction to remove the nuisance within 30 days from the date of notice.
 - (c) A description of the nuisance.
 - (d) A statement that unless such nuisance is removed the City will remove the nuisance and the cost of removal shall be a lien against the property.
 - (e) A statement that the person in charge of the property may protest the action by giving notice to the city recorder within 10 days from the date of the notice.
- (4) The person posting and mailing the notice as provided herein shall, upon completion of the posting and mailing, execute and file a certificate stating the date and place of such mailing and posting.
- (5) An error in the name and address of the person in charge of the property or the use of a name other than that of such person shall not make the notice void and in such case the posted notice shall be deemed sufficient.
- "Abatement by the Owner. (1) Within 30 days after the posting and mailing of the notice, the person in charge of the property shall remove and abate the nuisance or show that no nuisance exists.
- (2) The person in charge, protesting that no nuisance in fact exists, shall file with the city recorder a written statement which shall specify the basis for contending that no nuisance exists.
- (3) The statement shall be referred to the council as a part of the council's regular agenda at its next succeeding meeting. At the time set for the consideration of the abatement, such person may appear and be heard by the council, and the council shall thereupon determine whether a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided herein.
- (4) Upon council determination that a nuisance does in fact exist, the person in charge of the property shall within 30 days after such council determination, remove or abate such nuisance.
- "Abatement by the City. (1) If within the time fixed, as provided in this ordinance, the nuisance has not been abated by the person in charge of the property, the common council shall cause the nuisance to be abated.
- (2) The city recorder shall maintain an accurate record of the expense incurred by the city in abating the nuisance and shall include therein an overhead charge of 5 per cent of the total cost for administrative overhead.
- (3) The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.
- "Assessment of Costs. (1) A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the person in charge of the property by the city recorder. The notice shall contain:
- (a) The total cost, including the administrative overhead, of the abatement.
 - (b) A statement that the cost as indicated will become a lien against the property unless paid within 60 days.
 - (c) A statement that if the person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the city recorder within 30 days from the date of the notice.

(2) Upon the expiration of 30 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the council in its regular course of business.

(3) An assessment for the cost of abatement as determined by the council shall be made by ordinance passed by the council. The council shall then order by resolution for the lien to be entered in the docket of city liens, and upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated.

(4) The lien shall be collected in the same manner as liens for street improvement are collected, and shall bear interest at the rate of 6 per cent per annum. Such interest shall commence to run 30 days after the entry of the lien in the lien docket.

(5) An error in the name of the person in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

Section 6. Modifications. The chief of the fire department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner of 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 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 7. Appeals. Whenever the chief of the fire department shall disapprove an application or 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 within 30 days from the date of the decision appealed.

Section 8. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by imprisonment in the city jail for a period not to exceed 15 days or by a fine not to exceed \$ 50.00 or both.

Section 9. Repealing Conflicting Ordinances. Ordinance No. 356 and all other ordinances and parts of ordinances thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 10. Validity. The city of Sweet Home hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the city of Sweet Home 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 11. Date of Effect. This ordinance shall take effect and be in force from and after its approval as required by law.

Passed by the council and approved by the Mayor, this 12 day of December 1961.

ATTEST:

Robert G. White

City Recorder

William F. Ramsey
Mayor