

ORDINANCE NO. 22.

AN ORDINANCE PROVIDING FOR FIRE PREVENTION AND PROTECTION, AUTHORIZING THE CHIEF OF THE FIRE DEPARTMENT TO INSPECT BUILDINGS, PROVIDING FOR THE CORRECTION OF CERTAIN CONDITIONS, PROVIDING FOR LIABILITY, AND PROVIDING PENALTIES FOR VIOLATIONS: AND DECLARING AN EMERGENCY

The City of Garibaldi does ordain as follows:

Section 1. AUTHORITY TO ENTER PREMISES. The chief of the fire department or any member of the fire department designated by him as an inspector may, at all reasonable hours enter any building or premises for the purpose of making any inspection, which under the provision of this ordinance he or they deem necessary to be made.

Section 2. INSPECTION OF PREMISES. It shall be the duty of the chief of the fire department to inspect or cause to be inspected by fire department officers or members, as often as may be necessary, but not less than twice a year in outlying districts and four times a year in the closely built portions of the city, all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance affecting the fire hazard.

Section 3. DANGEROUS CONDITIONS. Whenever any such officer or member shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, property, or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operation of the fire department, or egress of occupants in case of fire, he shall order the same to be removed or remedied.

Section 4. COMPLIANCE WITH ORDER. Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four hours to the mayor, who shall within ten days review such order and file his decision thereon and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant failing to comply with such order within ten days after said appeal shall have been determined, or if no appeal is taken, then within ten days after the service of the said order, shall be liable to a penalty as hereinafter stated.

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post-office address.

Section 5. LIABILITY IN CASE OF NONCOMPLIANCE. In the event of fire resulting directly or indirectly from any omission or

neglect to comply properly with any written order of the chief of the fire department, any owner, lessee, occupant, or person culpable or negligent in respect thereto shall be liable to the City of Garibaldi for the payment of all costs and expenses of the fire department incurred in and about the use of employees, apparatus and materials in the extinguishment of any fire resulting from such cause. The amount of such costs and expenses shall be fixed by the common council and shall be collected by the common council in a civil action. When collected such costs and expenses shall be paid to the recorder, who shall credit a fund to be known as the fire prevention fund which shall be available in addition to other appropriations for the current expenses of the fire department and may be withdrawn from the treasury upon the warrant of the recorder.

Section 6. PERMITS. Permits required by the provisions of this ordinance shall be obtained in writing from the chief of the fire department. Permits shall be for such period as the chief of the fire department may specify but not exceeding one year. They shall be kept on the premises designated therein and shall be subject to inspection by any officer of the fire or police department.

Section 7. BONFIRES. No person shall burn or cause to be burnt any trash, lumber, leaves, straw or any other combustible material in any street, alley or vacant lot, without a permit from the chief of the fire department, when such burning shall be done in screened metallic receptacles approved by him and under such proper safeguards as he may direct.

Section 8. HOT ASHES AND OTHER DANGEROUS MATERIALS. Ashes, smouldering coals or embers, greasy or oily substances, and other matter liable to spontaneous ignition shall not be deposited or allowed to remain within ten feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles shall be placed on noncombustible floor or on the ground outside the building, and shall be kept at least two feet away from any combustible wall or partition.

Section 9. ACCUMULATIONS OF COMBUSTIBLE MATERIALS.

(a) No person shall permit to remain upon any roof or in any court, yard, vacant lot, or open space, any accumulation of waste-paper, hay, grass, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind.

(b) Every person making, using, storing, or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible trash, waste or fragments, shall at the close of each day cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in suitable vaults or in metal or metal-lined and covered receptacles or bins. Suitable presses shall be installed in stores, apartment buildings, factories, and similar places where accumulations of paper and waste materials are not removed at least every second day.

Section 10. FLAMMABLE DECORATIONS.

(a) Cotton batting, straw, dry vines, leaves, trees, celluloid or other highly flammable materials shall not be used for decorative purposes in show windows or in stores without a permit from the chief of the fire department.

(b) Paper and other readily inflammable materials shall not be used for decorative purposes in any place of public assembly, unless such materials have first been treated to render them flameproof to

the satisfaction of the chief of the fire department.

Section 11. SMOKESTACKS AND CHIMNEYS. It shall be unlawful for the owner, occupant, or other person having control of any mill, laundry, foundry, machine shop, or any other establishment, to erect or maintain any smokestack of chimney in connection therewith unless such smokestack or chimney shall be equipped with a bonnet or spark arrester to be approved by the chief of the fire department.

Section 12. CONSTITUTIONALITY. If any section or part of a section or paragraph of this ordinance is declared invalid or unconstitutional it shall not be held to invalidate or impair the effect of any other section or sections or any paragraph of this ordinance.

Section 13. A person who shall violate a provision in this ordinance or fail to comply therewith or shall violate or fail to comply with any order or regulation made thereunder shall severally for each and every such violation and noncompliance upon conviction thereof be fined in an amount not to exceed \$100.00. The imposition of a penalty for a violation of this ordinance shall not excuse the violation or permit it to continue. Such violation shall be remedied within a reasonable time and each ten days that such violation is permitted to exist shall constitute a separate offense. The application of any penalty provided herein shall not be deemed to prevent the enforced removal of prohibited conditions.

Section 14. That Ordinance #11 adopted by the common council of Garibaldi on March 11, 1947 by and the same hereby is repealed.

Section 15. Whereas the fire hazard within the corporate limits of the City of Garibaldi are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety,

THEREFORE, an emergency is hereby declared to exist and it is hereby declared to be necessary for the immediate preservation of the peace, health and safety of the City of Garibaldi that this ordinance shall take effect immediately upon its passage by the common council and approval by the Mayor.

Passed by the Common Council
this 23rd day of August, 1948.

Approved by the Mayor this
23rd day of August, 1948

Attest:

B. J. Smith
City Recorder

Ernest Fessler
Mayor