

AN ORDINANCE REGULATING THE USE AND STORAGE OF BENZINE, GASOLINE, NAPHTHA AND/OR ANY HYDRO-CARBON LIQUID WITHIN THE CORPORATE LIMITS OF THE CITY OF GARIBALDI; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

THE CITY OF GARIBALDI DOES ORDAIN:

SECTION 1: No person or persons, firm, company or corporation shall use, keep, store or permit the keeping of, or storage of within the limits of the City of Garibaldi, except as hereinafter stated, in larger quantities than twenty (20) gallons, to be always kept in closed containers, or a container approved by the Garibaldi Fire Chief, in any one building and upon any one premises, place or street, any of the products of petroleum, including but not limited to benzine, gasoline, naphtha and hydro-carbon liquid which will emit an inflammable vapor at a temperature below one hundred ten (110) degrees Fahrenheit, without first obtaining a written permit from the Fire Chief of the City of Garibaldi as hereinafter provided.

Not more than twenty (20) gallons of gasoline, or any product of petroleum shall be kept in any one place, except as hereinafter provided.

All gasoline or any product of petroleum in excess of twenty (20) gallons must be stored outside the walls of any building or upon any one premises, place or street, in a location designated by the Chief of the Fire Department of the City of Garibaldi; provided however, that nothing herein contained shall be construed as prohibiting the storing or keeping of gasoline or any product of petroleum in any one building or upon any one premises, place or street, in quantities not exceeding twenty (20) gallons, if the same be kept or stored in approved closed cans or containers, such device to be approved by the Chief of the Fire Department of the City of Garibaldi, after having been tested by him prior to such approval. Provided that nothing herein contained shall be construed so as to prohibit the keeping of the required amount of gasoline or products of petroleum in approved tanks on automobiles in use, excepting that the same shall be subject to the inspection and approval of the Chief of the Fire Department; and that permits may be required before such storage be allowed in such tanks .

Over twenty (20) gallons and not more than one hundred ten (110) gallons must be stored in an iron tank thirty (30) feet from any building, and housed over with a corrugated iron shed set upon legs eight (8) inches high, the space between the legs to be left open and the door to be secured with a lock. In cases where it

used, and the use for which such application is made.

Permits will be so granted, except where in the judgment of the said Council and said Chief of the Fire Department, the use by the applicant in the manner proposed by him or the quantity to be kept would endanger the safety of life and property.

The Chief of the Fire Department of the City is hereby charged with the enforcement of this ordinance.

SECTION 3: That as to established places of business referred to in Sections 1 and 3, it shall be unlawful for any person, firm, corporation or co-partnership to install or maintain any larger or greater number of storage tank or tanks than existed and were installed on or before the date of the enactment of this ordinance, or to make any change or alteration in the connection between said tank or tanks or a retail outlet. In the event that any established place of business, whether wholesale or retail, which has storage tanks which are non-conforming to the provisions of this ordinance but are permitted by reason of having existed prior to the enactment of this Ordinance, shall for any reason cease to operate or do business for a period of one (1) year, then upon resumption of business all storage tanks therein shall be required to conform to the terms of this Ordinance as to number and size. That the non-conforming use by established places of business permitted hereunder shall terminate upon replacement of any storage tank or tanks not in conformance with this section and the same shall not be replaced. Nothing contained in this Ordinance shall be construed as permitting an established place of business with a non-conforming use to consolidate with a new or different place of business and the non-conforming operation shall be restricted to the operation which existed on and before the enactment of this Ordinance; nor shall two non-conforming establishments of business merge and the use of operation of non-conforming places of business shall be restricted to the type of business conducted on said date.

SECTION 4: All installations of storage tanks shall be in compliance with the provisions of this Ordinance and the rules of the National Board of Fire Underwriters, such rules to be obtained from the Chief of the Fire Department and subject to the approval of the City Council of the City of Garibaldi.

SECTION 5: Any wholesale or retail service station, storage tanks or outlet that is proposed to be brought into the city limits of Garibaldi by annexation or any other means, shall be modified to conform to the provisions of this Ordinance, if they do not already so conform, prior to being incorporated within the said City Limits.

is impracticable to place gasoline, benzine, naphtha, or other hydro-carbon liquid tank thirty(30) feet from any building, said tank of over twenty (20) gallons shall be installed in a manner approved by the Garibaldi Fire Chief, and in a manner which will meet the minimum requirements of the Oregon State Fire Code. A permit for such installation must be secured from the Fire Chief before such installation is started.

No person, persons, firm, company or corporation shall make delivery of any liquids as heretofore described in this ordinance to any individual, firm, company or corporation which is not provided with and maintains in good condition receptacles for the proper storing as provided in this ordinance both as to amounts and location of containers; provided however, that this section and provision does not apply to service stations and storage tanks and outlets, whether wholesale or retail, which have prior to the passage of this ordinance, installed and maintained tanks or receptacles which were serviced by tank or other truck; it being the intention hereof not to interfere with the established places of business which were at the time of the passing of this ordinance operating and maintaining tanks and receiving deliveries in a manner not approved by this ordinance. However, the Chief of the Fire Department shall have the right and privilege to make inspection of such places at any and all times, and if he deems such places to be dangerous and hazardous to an extent beyond their present danger, then he will so notify such place of business and the danger will be eliminated in a manner satisfactory to the said Chief of the Fire of the Fire Department.

SECTION 2: No person, persons, firm, company or corporation shall keep, store, or use for burning, cleaning, heating, generating gas or for illumination purposes any benzine, gasoline, naphtha or any product of petroleum which will flash or emit an inflammable vapor at a temperature of below one hundred ten (110) degrees Fahrenheit, in quantities of over twenty (20) gallons within the limits of the City of Garibaldi without a written or printed permit issued and signed by the Chief of the Fire Department and countersigned by the City Recorder. Provided however, that in places where the storage or use of gasoline or products of petroleum may be made without danger to life or surrounding property, permits may be granted upon application therefor filed with the Fire Chief at least ten (10) days pervious to the issuing of such permit; and in such cases the application must give a detailed description of the name and storage of such materials and the structural conditions of the buildings and surroundings where such products are desired to be stored or

SECTION 6: Any person or persons, firm, company, partnership or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than five (\$5.00) Dollars or more than One Hundred (\$100.00) Dollars, and the continuance or maintenance of such violation shall be deemed a new offence for each day on which same is so continued or maintained and shall be punished accordingly.


SECTION 7: All conflicting Ordinances or parts thereof be and the same are hereby repealed.

SECTION 8: It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace and safety and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect immediately after its passage.

PASSED by the Common Council and approved by the Mayor of the City of Garibaldi this 14 day of August, 1967.


Recorder of Garibaldi

Attest:


Mayor of City of Garibaldi