

**CITY OF GARIBALDI**  
**ORDINANCE NO. 301**  
(ENACTED 8/20/2007, EFFECTIVE 8/20/2007)

**AN ORDINANCE RELATED TO THE FIRE DEPARTMENT, FIRE REGULATIONS, PERSONNEL, FIREWORKS, FIRE AND SAFETY COST RECOVERY, PENALTIES AND DECLARING AN EMERGENCY.**

SECTIONS

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- 2      *Fire Chief*
- 3      *Fire Code*
- 4      *Burn Permit*
- 5      *Restriction or Banning of Burning*
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**THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:**

**Section 1. Enforcement.** This Code shall be enforced by the Garibaldi Fire Department.

**Section 2. Fire Chief.** The Fire Chief shall direct the operations of the Garibaldi Fire Department. A job description of the Fire Chief's responsibilities shall be approved by resolution.

**Section 3. Fire Code.** This ordinance and the 2003 Edition of the International Fire Code and the 2004 Oregon Fire Code Amendments with Modifications are collectively known as the "Fire Code."

**Section 4. Burn Permit.** The Fire Chief shall issue burn permits pursuant to policies adopted by a resolution of the City Council and enforce the provisions of those policies. All permits set forth by this ordinance shall be applied for at the Garibaldi City

Hall and reviewed by the Fire Chief or his/her designee. Once a permit is issued, a copy of the permit, including all conditions imposed thereon and any time limits, shall be on file at Garibaldi City Hall.

**Section 5. Restriction or Banning of Burning.** Notwithstanding any other provision herein, the Fire Chief of the City of Garibaldi 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.

**Section 6. Sale of Fireworks.** It shall be unlawful for any person, firm or corporation to sell fireworks within the City of Garibaldi without a permit from the Oregon State Fire Marshal and have provided the Fire Chief with a copy of the permit.

**Section 7. Use of Fireworks.** It shall be unlawful for any person to shoot or discharge fireworks within the City of Garibaldi 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 Fire Code.

**Section 8. Payment of Fire Suppression Costs.** Whenever a fire is extinguished or attempted to be extinguished by the Fire Department of the City of Garibaldi as a result of a willful violation of ORS 478.960, the owner of the property involved in such fire shall pay for the cost of providing such fire suppression service as authorized by resolution.

**Section 9. Liability for Damage.** Damages caused by such fire shall constitute a debt of such person and are collectible by the City of Garibaldi 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 10. Fire and Safety Services Cost Recovery.** The City Council shall adopt policies and fees by resolution related to the recovery of costs for assistance from an incident involving an airplane crash, or an occurrence on a transportation route. A transportation route is defined as a roadway, waterway, or railroad right of way against which no taxes or assessments for fire protection services are levied.

**Section 11. Planning Review and Fire and Life Safety Assessment.** The City Council shall establish policies and fees by resolution for Fire Department review of water flow and fire access related to land development. With proper certification, he/she may also charge fees for Fire and Life Safety Assessments.

**Section 12. Emergency Management.** The Fire Chief is hereby authorized to implement the National Incident Management System and to serve as the City's Emergency Program Manager.

**Section 13. Conflagration Act.** The City Council, after consultation with the Fire

Chief, may authorize the Fire Department to assist and use city vehicles and equipment in regards to the state's Conflagration Act.

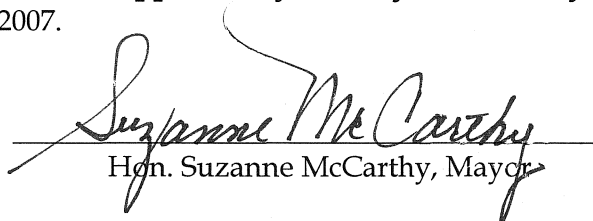
**Section 14. Call Pay and Stipends.** Members of the Garibaldi Fire Department shall be eligible for call pay. In addition, the Fire Chief and Assistant Fire Chief shall be eligible for stipends. Call pay, stipends and benefits shall be set by resolution.

**Section 15. 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 Fire Chief or his/her designee. The offense is a Class A violation. 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 16. 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 17. Emergency Declaration.** 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.

**Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 20th day of August, 2007.**

  
Hon. Suzanne McCarthy, Mayor

ATTEST:

  
Kevin M. Greenwood, Administrator/Recorder