

**CHAPTER 58**  
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**58.001. Definitions; Construction.** Unless the context otherwise specifically requires, as used in this Chapter:

- (a) “Fire Chief” means the Chief of the Fire Department of the City of Salem.
- (b) “Fire Code Official” means the Fire Chief or the Fire Chief’s designee.
- (c) “Fire Prevention Code” means those provisions of the Oregon Fire Code, and any modifications thereof, as adopted by this Chapter, and all other provisions of this Chapter.
- (d) “Fire Prevention Program” means the Fire Department program for regulation of building use and occupancy and the administration and enforcement of the Fire Prevention Code and other fire safety laws, ordinances and regulations.
- (e) “International Fire Code” means the 2009 International Fire Code” (International Fire Code Council, Inc. 2009).
- (f) “Jurisdiction” means the City of Salem, Oregon.
- (g) “Permittee” means the person holding any permit authorized by this Chapter, or that person’s authorized representative.

(h) "Person" means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, or other entity in law or fact.

(i) "Oregon Fire Code" means the "International Fire Code," as adopted by the State of Oregon at OAR 837-040-0010, and filed with the Oregon Secretary of State on November 19, 2009, as the "Oregon Fire Code 2010 Edition," subject to the exclusions therefrom and amendments thereto as set forth in OAR 837-040-0020. The Oregon Fire Code is also known as "Oregon Fire Code 2010 Edition," or by the initials "OFC".

(j) "State Fire Marshal" means the Fire Code Official. (Ord No. 191-73; Ord No. 35-06; Ord No. 102-07; Ord No. 20-10)

#### **58.002. Adoption of the Oregon Fire Code.**

(a) Except as otherwise provided in this chapter, the Oregon Fire Code is hereby adopted, and is by this reference incorporated herein as if fully set forth as a part of this chapter.

(b) A copy of this Chapter 58, including the Oregon Fire Code, shall be filed and maintained in the records of the City Recorder. The provisions of this chapter may be cited as the Fire Prevention Code, or by the initials "FPC."

(c) The Fire Prevention Program shall be administered and enforced according to the procedures set forth in the Fire Prevention Code. (Ord No. 35-06)

#### **58.003. Deletions from Oregon Fire Code.** The following sections, of the Oregon Fire Code are hereby deleted and shall not form a part of the Fire Prevention Code:

(a) 104.3.1 Right of Entry

(b) Operational Permits: 105.6A Fireworks Agricultural; 105.6E Institutions; 105.6.2 Amusement buildings; 105.6.4 Carnivals and fairs; 105.6.7 Combustible fibers; 105.6.11 Cutting and welding; 105.6.15 Fire hydrants and valves; 105.6.17 Floor finishing; 105.6.23 Hot work operations; 105.6.30 Open burning; 105.6.31 Open flames and torches; 105.6.32 Open flames and candles; 105.6.34 Places of assembly; 105.6.35 Private fire hydrants; 105.6.40 Rooftop heliports; 105.6.46 Wood products.

(c) Sections 105.7 Required construction permits and 105.7.1 through 105.7.13.

(d) Section 106.1.1 Inspection Authority.

(e) Sections 108.1.1 Appeals; 108.2 Limitations on Authority; 108.3 Qualifications. (Ord No. 35-06; Ord No. 102-07; Ord No. 20-10)

#### **58.004. Modifications to the Oregon Fire Code.**

(a) The following sections of the Oregon Fire Code, or parts thereof, are not adopted as written, but are hereby modified, and adopted as set forth in this section:

(1) 101.2.1 Appendices Specifically Adopted. The provisions of the following appendices are adopted as part of this code: Appendix B - Fire Flow Requirements for Buildings; Appendix D - Fire Apparatus Access Road; Appendix E - Hazard Categories; Appendix F - Hazard Ranking; Appendix G - Cryogenic Fluids; Appendix J – Emergency Responder Radio Coverage; Appendix K - Fire Prevention Guidelines for Haunted Houses and Similar Temporary Installations; Appendix L – Adult Foster Homes; Appendix M - Tank Vehicle to Tank Vehicle Fuel Transfer at Airports.

(2) 105.1.1 Permit Required. A person shall, prior to undertaking or causing to be undertaken any work or activity for which a permit is required under any provision of the Fire Prevention Code, obtain a permit from the Fire Code Official. Permit fees in an amount set by resolution of the City Council shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein at all times, and shall be readily available for inspection by the Fire Code Official.

- (3) 105.1.3 Permits for the Same Location; A Temporary Event.**
- (A)** When more than one permit is required for the same location, the Fire Code Official is authorized to consolidate such permits into a single permit, provided that each provision is listed in the permit.
- (B)** When more than one operational permit is required for a temporary event, the Fire Code Official is authorized to consolidate such permits into a single event permit, provided that each provision is listed in the permit. A “temporary event” means an event or activity of a temporary nature and open to the public, which includes two or more uses or activities for which an operational permit is otherwise required, including, but not limited to, the Oregon State Fair; a special event defined by SRC 42.015(h); an event for which a parks use permit is issued under SRC 94.200; firework sales, firework displays, temporary kiosks, pyrotechnical special effect materials; or use of tents and canopies.
- (4) 105.3.1 Expiration.** An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.
- (5) 105.6.16 Flammable and Combustible Liquids.** The first sentence in Paragraph 2, is amended to read: “To store, handle or use Class I liquids in excess of twenty-five gallons in a building or in excess of sixty gallons outside of a building, except that a permit is not required for the following:\*\*\*”
- (6) 503.6 Security Gates.** The installation of security gates across a fire apparatus access road shall be approved by the Fire Code Official. Where security gates are installed, they shall have an approved means of emergency operations. The security gates and the emergency operation shall be maintained operational at all times.
- (7) 506.1 Where Required.** A key box shall be installed on any building in which a fire alarm system is installed which reports a signal to the Fire Department (either directly or through a fire alarm monitoring service) or a fire sprinkler system is installed. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Fire Code Official is authorized to require a key box be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official.
- (8) 508.2 Type of Water Supply.** A water supply shall consist of reservoirs; pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow and shall meet the City of Salem Water Distribution Design Standard (1991).
- (9) Chapter 45.** The National Fire Protection Association Standard 853, 2007 Edition, Installation of Stationary Fuel Cell Power Systems reference standard is hereby added to the Fire Prevention Code.
- (10) D103.1 Access Road Width with a Hydrant.** The first sentence of Section D103.1 [Appendix D] is amended to read: “Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be twenty feet.”
- (b) The following sections are adopted as a supplement to the Oregon Fire Code.**
- (1) 104.3 Right of Entry.**
- (a)** When the Fire Code Official deems it necessary to make an inspection to enforce the Fire Prevention Code, or when the Fire Code Official has reasonable cause to believe a condition exists in a building or on a premises that is in violation of the Fire Prevention Code or that otherwise makes the building or premises unsafe, dangerous or hazardous, the Fire Code Official may, in accordance with this section, enter the building or premises at reasonable times to make inspections or to perform other

duties imposed upon the Fire Code Official under the Fire Prevention Code.

**(b)** If the building or premises is occupied the Fire Code Official shall first present the Fire Code Official's credentials to the occupant and request entry. If entry is refused, the Fire Code Official may use any other lawful means to obtain entry.

**(c)** If the building or premises is unoccupied, the Fire Code Official shall first make a reasonable effort to locate the owner or other person with control of the building or premises and request entry. If entry is refused, the Fire Code Official may use any other lawful means to obtain entry. If the Fire Code Official is unable after making a reasonable effort to locate the owner or other person with control of the building or premises, the Fire Code Official may enter the building or premises, but shall, as soon as practicable, document the efforts made to locate the owner or other person and inform the owner or other person of the entry.

**(2)** 104.10 Fire Investigations. The Fire Code Official shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made a part of the public record, except as directed by a court of law.

**(3)** 106.1 Inspection Authority. The Fire Code Official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

**(4)** Section 605.10.5 Safety Devices. All portable electrical heaters shall have a high temperature limiting device and a tip-over switch.

**(5)** 105.6.47 Event Permit. An operational permit is required for an event or activity of a temporary nature and open to the public, which involves one or more uses for which an operational permit is otherwise required, including, but not limited to, the Oregon State Fair; a special event as defined in SRC 42.015(h); an event for which a parks use permit is issued under SRC 94.200; firework sales, firework displays, temporary kiosks, pyrotechnical special effect materials; tents and canopies; and temporary display of motor vehicles.

**(6)** 503.1.2.1 Access to Educational (Group E) Occupancies. All buildings or structures with an occupant load greater than 100 persons and used for Group E occupancies (six or more persons for educational purposes through twelfth grade and day care facilities for educational, supervision, or personal care services for six or more children older than two and one half years of age) that is constructed in, moved into, or moved within the city shall be provided with at least two separate fire apparatus access roads. Exception: Buildings where one entire side is within fifty feet of an opened public through street that is sufficient for fire apparatus access. If a modification to the requirements of this paragraph is granted by the Fire Code Official and the Fire Code Official's decision is appealed to the Hearings Officer, the City Council may initiate review of the Hearing Officer's final decision by majority vote made no later than the time of adjournment of the first regular Council meeting following Council notification of a Hearing Officer's decision. (Ord No. 35-06; Ord No. 102-07; Ord No. 49-08; Ord No. 20-10)

**58.006. Powers and Duties of the Fire Code Official.** The Fire Code Official shall implement, administer, and enforce the Fire Prevention Program, and shall have the authority to render written and oral interpretations of the Fire Prevention Code and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of the Fire Prevention Code. (Ord No. 35-06)

**58.007. Construction; Severability.** If there is a conflict between any provision of the OFC and any provision with this chapter the provisions shall be construed as mutually complementary or

supplementary, if possible; otherwise, the specific provision of this chapter outside the OFC shall govern. In the event that any provision or part of the OFC or this chapter is found invalid or unconstitutional, such finding shall not be construed as affecting the validity or constitutionality of any other provision hereof. (Ord No. 191-73; Ord No. 35-06)

**58.010. Orders to Disconnect.**

(a) The Fire Code Official may order any fuel, gas or utility disconnected from a building or premises, and may cause such fuel, gas or utility to be disconnected, when the Fire Code Official determines the continued connection poses a potential or imminent hazard to life, health or property. The Fire Code Official shall, if possible, provide twenty-four hour written notice of the order to disconnect to the fuel-gas or utility to the owner and occupants of the building or premises; if twenty-four hour notice is not possible, or if providing notice would result in a delay that would unduly endanger life, health or property, the Fire Code Official may cause disconnection to occur without notice, but shall provide written notice to the fuel, gas provider or utility, the owner and occupants of the building or premises as soon as practicable. No person may use a building or premises, or part thereof, after receiving an order pursuant to this subsection.

(b) When the Fire Code Official determines any mechanical system or equipment regulated by the Fire Prevention Code, or any part thereof, poses a potential or imminent hazard to life, health or property, the Fire Code Official may order the system or equipment, or any part thereof, be removed from its location, be restored to a safe and sanitary condition or be disconnected, and may cause such system, equipment, or part thereof, to be disconnected. An order to remove and restore a system or equipment, or any part thereof, shall be in writing, shall contain the reasons for the order, and shall give the owner or person in charge of the premises and any utility necessary for the operation of the system or equipment 24 hours to disconnect the system or equipment, or part hereof, unless continued connection would unduly endanger life, health or property, in which case the Fire Code Official may order, or cause the immediate disconnection to occur. No person may use any mechanical system or equipment, or part thereof, after receiving an order pursuant to this subsection.

(c) Any disconnection that is ordered or cause to be made by the Fire Code Official pursuant to this section shall be at the sole cost and expense of the owner of the building or premises. (Ord No. 35-06)

**58.011. Stop Work Orders; Order to Vacate; Enforcement Action.**

(a) Whenever any work or activity is being done contrary to the provision of the Fire Prevention Code or other laws, ordinances or administrative rules or procedures adopted to enforce the Fire Prevention Code, the Fire Code official may order the work or activity stopped by written notice served on any person or person doing or causing such work to be done. Upon receipt of such notice, the person doing or causing such work or activity to be done shall immediately cease such work or activity, until such time as an authorization to proceed is issued by the Fire Code Official.

(b) Whenever any building, premises, or mechanical system or equipment regulated by the Fire Code, or any part thereof, is used contrary to the provision of the Fire Code, the Fire Code Official may order such use discontinued and the building and premises, or part thereof, vacated.

(c) In addition to, but not in lieu of, any penalty, the Fire Code Official may commence any action necessary to prevent, restrain, correct or abate any violation of the Fire Code. (Ord No. 35-06)

**58.029 Appeals.**

(a) Appeals of orders, decisions or determinations of the Fire Code Official shall be to the Hearings Officer. The appeal shall be in writing; filed within seven calendar days of the date of the order, decision, or determination by the Fire Code Official is issued; and be accompanied by an appeal fee in an amount set by resolution of the City Council.

(b) The Hearings Officer may vacate, modify, or remand the order, decision or determination if the Hearings Officer finds that the intent of the Fire Prevention Code or the rules lawfully adopted by the Fire Code Official have been incorrectly interpreted, the provisions of the Fire Prevention Code do not fully apply to the appellant, or an equivalent method of protection or safety was proposed and has been rejected by the Fire Code Official. In deciding an appeal, the Hearings Officer shall have no authority to waive requirements of the Fire Prevention Code.

(c) Unless modified, revoked or vacated by the Fire Code Official, the order, decision or determination shall remain in force and be complied with by the appellant during the pendency of the appeal and, within the time set forth in the order, decision or determination. If the Fire Code Official vacates or remands the order, decision or determination, or modifies it in any way, other than extending the time for compliance, the fee paid with the appeal shall be refunded. (Ord No. 35-06)

**58.175. Fees; Expiration.**

(a) Fees charged under the Fire Prevention Code shall be in the amount established by resolution of City Council.

(b) Unless otherwise specifically provided in this chapter, all permits required by this chapter shall expire one year from the date of issuance thereof. Permits required by OFC 3801.2 shall expire ten years from the date of issuance thereof.

(c) A permit fee charged under the Fire Prevention Code shall not be refunded in the event the permit is revoked.

(d) If, in an appeal brought under SRC 58.029, the Hearings Officer determines that there was no violation of the Fire Prevention Code, any reinspection fee that was charged after the date of the issuance of the original order shall be refunded. (Ord No. 191-73; Ord No. 84-74; Ord No. 13-81; Ord No. 107-82; Ord No. 94-90; Ord No. 51-91; Ord No. 69-98; Ord No. 35-06)

**58.185. Bonds and Insurance, Generally.** Whenever any bond or insurance policy is required by any provision the Fire Prevention Code or any administrative rule adopted pursuant thereto, the bond or insurance policy shall:

(a) Be in the sum of at least one hundred thousand dollars for bodily injury or death to any one person, three hundred thousand dollars for all bodily injury or death arising from any one occurrence, and one hundred thousand dollars for damage to property, which minimum limits shall be provided notwithstanding any lesser sum set forth in the OFC;

(b) Inure to the benefit of any person sustaining bodily injury, death, or damage to property arising from or caused by the named insured or persons acting under named insured's direction and control;

(c) Be issued by an insurance underwriter or corporate surety company licensed to do business in the State of Oregon. (Ord No. 191-73; Ord No. 35-06)

**58.190. Limits for Aboveground Tank and Bulk Plants for Flammable Liquids.**

(a) The geographic limitations for the storage of cryogenic fluids, flammable liquids, or combustible liquids in outside aboveground tanks, set forth in OFC 3204.3.1.1, 3404.2.9.5.1, and 3406.2.4.4, apply to every part of the City except those areas of the City zoned "EC - Employment Center", "IG - General Industrial" and "II - Intensive Industrial" outside that part

of the City bounded on the north by Market Street, on the east by the right-of-way of the main line of the Southern Pacific Railway Company, on the south by Mission Street, and on the west by the Willamette River.

(b) The location and types of facilities for storage and bulk plants for cryogenic fluids, flammable liquids, or combustible liquids shall be subject to prior review and approval by the Fire Code Official. (Ord No. 16-68; Ord No. 124-71; Ord No. 191-73; Ord No. 13-81; Ord No. 186-82; Ord No. 35-06; Ord No. 102-07)

**58.200. Limits for Bulk Storage if Liquefied Petroleum Gas.**

(a) The geographic limits referred to in OFC 3804.2 in which bulk storage of liquefied petroleum gas is restricted shall be the same limits set forth in SRC 58.190 restricting aboveground tanks and bulk plants for flammable and combustible liquids.

(b) The restrictions as to location set forth in this section shall not apply to bulk storage facilities continually in existence and regular use since January 9, 1956, provided that the bulk storage facilities meet all other requirements of this Chapter. (Ord No. 16-68; Ord No. 191-73; Ord No. 13-81; Ord No. 35-06)

**58.305. State Fireworks Law Adopted.** The following sections of Oregon Revised Statutes are, by this reference, incorporated as a part of this chapter, with the exceptions noted herein:

(a) ORS 480.110.

(b) ORS 480.120(1), with the following amendments:

(1) "The city" in lieu of "Oregon."

(2) "Fire Code Official" in lieu of "State Fire Marshal."

(c) ORS 480.130, with the following amendments:

(1) "Fire chief" in lieu of "State Fire Marshal."

(2) Delete the last sentence of subsection (2).

(d) ORS 480.140(1). (Ord No. 80-91; Ord No. 35-06)

**58.315. Permits for Fireworks Sales or Displays; Rules and Regulations; Bond.**

(a) The Fire Code Official may adopt such of the rules and regulations promulgated by the State Fire Marshal pursuant to ORS 480.150 for the granting of fireworks display permits as the Fire Code Official deems necessary and appropriate for the protection of the public health, safety, and welfare.

(b) Before any permit required by ORS 480.130 as adopted by SRC 58.305(c) is issued, the applicant shall pay an application fee in addition to fees required by ORS 480.130 in the amount as prescribed by resolution of the City Council, and shall furnish a bond or policy of public liability insurance in the form and amounts set forth in SRC 58.185.

(c) The Fire Code Official may revoke permits for the sale or display of fireworks when, in the Fire Code Official's opinion, such sale or display is not in compliance with all applicable statutes, ordinances, regulations, and administrative rules and procedures governing such sales or displays; or when, in the Fire Code Official's opinion, such sale or display represents an undue hazard to life or property.

(d) Permit fees required by ORS 480.130 as adopted by SRC 58.305(c), and by subsection (b) of this section, shall not be refunded in the event such permits are revoked. (Ord No. 191-73; Ord No. 101-86; Ord No. 51-91; Ord No. 51-96; Ord No. 35-06)

**58.325. Certain Airborne Devices Prohibited.** It shall be unlawful for any person to release or launch any unmanned kite, balloon, rocket, projectile, aircraft, or other airborne device or thing, other than fireworks otherwise permitted by this chapter, that contains, carries, or has attached thereto, any open flame, smoldering material, explosive detonating device, or other material capable of explosion

or combustion without application of some external force other than collision; provided, however, that the Fire Code Official may issue permits for the launching of experimental rocket or similar devices upon such conditions as the Fire Code Official may prescribe to eliminate or reasonably minimize any hazard which may be created thereby. (Ord No. 191-73; Ord No. 35-06)

**58.334. Open Burning of Yard Debris Prohibited.**

(a) No person shall, within the corporate city limits of the City of Salem, open burn any vegetative debris from residential yard cleanup.

(b) As used in this section, “vegetative debris from residential yard cleanup” means wood, needle or leaf materials from trees, shrubs or plants. (Ord No. 46-93; Ord No. 35-06)

**58.430. Reinspection of Unsafe Conditions.**

(a) Whenever the Fire Code Official has issued a notice to correct a violation of any provisions of the Fire Prevention Code at a particular premises and the Fire Code Official finds, upon reinspection, that the violation has not been abated, the person in possession of the premises shall pay a reinspection fee in the amount prescribed by resolution of the City Council.

(b) The Fire Code Official may waive all or any part of a reinspection fee, if, in the Fire Code Official’s sole discretion, it appears that reinspection was required by circumstances that the responsible person in good faith took efforts to avoid. (Ord No. 104-90; Ord No. 13-99; Ord No. 35-06)

**58.445. Fee for Suppressing Unlawful Fire.** If either fire-fighting apparatus or personnel of the City are required to respond to, or to be used actively or on a standby basis in connection with the extinguishment or control of, a fire that has been started or allowed to spread in violation of this chapter, or administrative rules or procedures adopted pursuant thereto, the person responsible therefor shall be liable to the City for the costs incurred by the City in such response or use, at the rate prescribed by resolution of City Council. (Ord No. 40-91; Ord No. 35-06)

**58.450. Violations.**

(a) It shall be unlawful for any person to make a connection to, or to use, an energy, fuel or power supply, or any equipment regulated by the Fire Prevention Code, that has been disconnected, or ordered disconnected, by the Fire Code Official, until the Fire Code Official specifically authorizes re-connection or use of such supply or equipment.

(b) It shall be unlawful for an owner to allow any building, or any part thereof, to be in an unsafe condition, or to allow any devices or safeguards which are required by the Fire Prevention Code to be maintained in a manner not in conformance with the Fire Prevention Code in effect on the date when the device or safeguard was installed.

(c) It shall be unlawful for any person to perform, or cause to be performed, any work, activity, storage, or process for which a permit is required under any provision of the Fire Prevention Code without first obtaining a permit.

(d) It shall be unlawful for any person applying for a permit required by the Fire Prevention Code to knowingly make any false, incomplete, or misleading statements on the application.

(e) It shall be unlawful for any person to violate any provision of the Fire Prevention Code.

(f) It shall be unlawful for any person to occupy or allow occupancy of a building or structure prior to the Fire Code Official issuing a permit that indicates that applicable provisions of the Fire Prevention Code have been met.

(g) It shall be unlawful for any person to disobey any lawful notice or order of the Fire Code Official of conduct required to achieve compliance with the Fire Prevention Code. (Ord No. 4865; Ord No. 191-73; Ord No. 193-79; Ord No. 13-81; Ord No. 35-06)

**58.457 Penalties; Civil Penalty.**

(a) Violation of SRC 58.450(d), OFC Section 104.11.2 (Obstructing Operations), OFC 107.6 (Overcrowding) or OFC 901.8 (Removal of or Tampering with Equipment) is a misdemeanor.

(b) In addition to any fines, penalties, remedies or other enforcement powers authorized by the Fire Prevention Code, and except as provided in subsection (a) of this section, violation of any other provision of the Fire Prevention Code or any rules adopted under SRC 58.006 is an infraction. Each day that a violation continues shall constitute a separate violation.

(c) Whenever in the Fire Prevention Code a general obligation not specifically addressed to a public official or public agency is expressed in the passive voice (e.g., “signs, tags ... shall not be mutilated...”), it shall be unlawful for any person to do or fail to do any act which would violate that obligation, and such violation is an infraction or a misdemeanor as provided in this section.

(d) Civil Penalty. Any person who fails to comply with the requirements of this Chapter, or the terms of a permit issued hereunder, who undertakes an activity regulated by this Chapter without first obtaining a permit, or who fails to comply with a stop work order issued pursuant to this Chapter, shall also be subject to a civil penalty, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.

(e) Civil Penalties Against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty. (Ord No. 35-06; Ord No. 20-10)

**PROTECTION OUTSIDE CITY**

**58.460. Control of Fires Outside of City Limits; Fees.**

(a) Whenever in the opinion of the Fire Chief an uncontrolled fire outside the corporate limits of the city is causing or may cause undue jeopardy to life or property, the Fire Chief may employ the same means and resources to extinguish the fire as would be used to extinguish a similar fire within the city.

(b) For the use of city personnel and equipment in suppression of a fire described in subsection (a) of this section, the owner or tenant shall be charged fees as prescribed by resolution of the City Council. (Ord No. 147-67; Ord No. 138-71; Ord No. 13-81; Ord No. 51-91; 51-96; Ord No. 35-06)

**58.470. Fees to Become Property of City.** Any fees paid pursuant to any agreement under section 58.530 shall be retained by and become the money or property of the city, whether any fire alarms are answered or not, such fees being a charge as and for standby service for the fire protection made available to the property covered by this agreement. (Ord No. 147-67)

**58.480. Expiration and Renewal of Agreements.** Agreements made pursuant to the provisions of section 58.530 shall expire and terminate at the end of one year, unless application is made for renewal and such renewal is allowed. (Ord No. 147-67)

**58.490. Effect on Mutual Aid Agreements.** This chapter shall not be construed as terminating any mutual aid agreement between the city and organized rural fire protection districts which have fire-fighting equipment, or as preventing the making of such mutual aid agreements in the future. Neither shall the provisions of sections 58.460 to 58.550 be construed as terminating any existing contract between any individual or fire protection district for fire protection, or as terminating the arrangements now or hereafter made with the state with reference to fire protection for state-owned buildings or property. (Ord No. 147-67)

**58.500. Salem Maximum Fire Service Area Created.** There is hereby created a maximum fire service area, the boundaries of such area being as shown on that certain map designated "Salem Maximum Fire Service Area Map," the original whereof is on file in the office of the city recorder, and a counterpart thereof is on file in the office of the Fire Chief, each bearing the date of March 14, 1988, and each having endorsed thereon the signature of the City Recorder, as amended from time to time by resolution of the City Council. (Ord No. 147-67; Ord No. 24-88; Ord No. 35-06)

**58.510. General Policies.** Except as provided in SRC 58.460, it shall be the policy of the City of Salem not to furnish fire protection to any property outside the boundaries of the "Salem Maximum Fire Service Area." Any property except property owned by a governmental agency, outside the corporate limits of the city but within the "Salem Maximum Fire Service Area" shall not be furnished fire protection unless said property is covered by the terms of a fire protection agreement executed pursuant to section 58.530.

All property shall be required to obtain city fire protection through a legally formed rural protection district which has a valid contract for such fire protection with the city. (Ord No. 147-67; Ord No. 24-88)

**58.520. Application.** Where fire protection is sought by a rural fire protection district or by a commercial or industrial concern for property within the "Salem Maximum Fire Service Area," the request therefor shall be made to the city manager who shall determine whether the applicant meets the requirements of this chapter. (Ord No. 147-67; Ord No. 51-96)

**58.530. Agreement.** Before fire protection is extended to any applicant, a fire protection agreement shall be entered into between the applicant and the City. The City Manager, or the City Manager's designee, has the authority to execute such fire protection agreement on behalf of the City. The fire protection agreement shall include, but not be limited to, the fees or compensation to be paid for such service. (Ord No. 147-67; Ord No. 169-81; Ord No. 35-06)

**58.540. Fees; Rural Fire Protection District.** A rural fire protection district shall pay an annual fee as set forth in an intergovernmental agreement between the city and the district and approved by the council. (Ord No. 147-67; Ord No. 83-70; Ord No. 185-78; Ord No. 83-79; Ord No. 31-81; Ord No. 169-81; Ord No. 57-91; Ord No. 51-96)