

**hibited.** It is unlawful for the owner or occupant of any property or premises within the city to allow or permit any vegetation which has dried out to the extent of becoming readily combustible to remain on said property when such dry and combustible vegetation lies within one hundred feet of any building or structure.

**5.605 Vegetation Defined.**

Vegetation. As used in sections 5.600 to 5.615, means any growth which, when allowed to dry normally during the summer and fall dry season becomes combustible and thereby becomes a fire hazard. This shall include but not be limited to: grass, weeds, vines, brush, scrub trees, and landscape plantings, should they be allowed to go unattended to the point of becoming a fire hazard.

**5.610 Fire Chief Determination--Notice.**

Upon the determination of the fire chief that a fire hazard exists, and upon written notification to the owner and the occupant of the premises that such fire hazard does exist, it shall be required that the owner or occupant cut and remove all vegetation lying within 100 feet of any building or structure whether such building or structure lies on the property of the owner or occupant or on the property of another. Such vegetation shall be kept clean and free from said premises throughout the dry seasons of the year.

**5.615 Removal by City.** In the event that the owner or occupant of the premises fails or refuses to cut and remove such vegetation within five days of notification to do so, or in the event the owner or occupant cannot be located, the city may cause such clearing and removal of vegeta-

tion to be done and assess the cost thereof as a lien against the property.

**EXPLOSIVES**

**5.650 Purpose.**

It is the intention of the council that sections 5.650 to 5.725 shall supplement and shall be uniformly interpreted with the laws and regulations of the United States and the state, so far as possible, to avoid an undue burden on commerce.

**5.655 Definitions.**

As used in sections 5.650 to 5.725, except where the context clearly indicates a different meaning, the following words mean:

Explosives. Chemical compounds, mixtures, or devices, the primary or common purpose of which is to function by explosion with substantially instantaneous release of gas or heat, including but not limited to Class A and Class B explosives as classified by the Interstate Commerce Commission, nitrocar-bonitrates and fireworks as defined by ORS 480.110, but excluding dangerous articles such as flammable liquids, flammable solids, compressed flammable or nonflammable gases, oxidizing material, corrosive liquids, poisonous liquids or gases, radioactive materials, and small arms ammunition.

The Interstate Commerce Commission classifies explosives as follows:

(1) Class A: Explosives having detonating or otherwise maximum hazard such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

(2) Class B: Explosives having flammable hazard, such as propellant explosives (including some smokeless pow-

ders), photographic flash powders, and some special fireworks;

(3) Class C: Explosives including certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities, such as small arms ammunition, common fireworks, cordeau detonnant, and explosive rivets.

**5.660 Applicability.**

(1) Except as sections 5.650 to 5.725 may conflict with the regulations, laws and Constitution of the United States and the state, it shall apply to the interstate and intra-state commerce.

(2) Sections 5.650 to 5.725 shall not apply to:

- (a) The armed forces of the United States or the militia of any state.
- (b) The use of explosives.

**5.665 Storage--Permit Required.**

No person may store any explosives unless a permit is first obtained from the city council. A revocable permit valid for one year may be issued by the city council.

**5.670 Storage--Application for Permit.**

Written application for a permit or for renewal of a permit to store explosives shall be made to the city manager on forms provided by the city. The application shall be accompanied by a permit fee in an amount to be set by resolution of the city council, which shall be returned to the applicant if the application is denied. The city manager shall refer the application to the city council at the next regular council meeting.

**5.675 Storage--Consideration of Application.** The council may either

grant or deny the application for a permit, taking into consideration:

(1) The congestion of persons, the type of buildings, the volume of vehicular traffic, and the topography in the vicinity of the storage area;

(2) The condition and construction of the structure or magazine used or to be used for storage of explosives and the applicable fire zone regulations;

(3) The adequacy of water supply in the storage area;

(4) "The American Table of Distances for Storage of Explosives," published by the Institute of Makers of Explosives, September 30, 1955;

(5) Any other factors relevant to public safety.

**5.680 Issuance of Storage Permit.**

In granting a permit, the council may limit the quantity of explosives which may be stored by the applicant and may prescribe in the permit the terms and conditions the council considers necessary for the protection of the public from the dangers of explosion. The city manager shall issue the permit as directed by the council.

**5.685 Overnight Storage Limitations.**

No permit may be granted to store or keep over 50 pounds of explosives or over 500 blasting caps any place within the city between the hours of 6:00 p.m. and 7:00 a.m. of the following day.

**5.690 Revocation of Permit.**

The council may revoke a permit if:

(1) Conditions considered in granting the permit change at the storage area or in the vicinity and the public is endangered by the storage of explosives as authorized by the permit;

(2) The permittee is convicted of a violation of sections 5.650 to 5.725;

(3) The permittee is convicted for violation of federal or state laws or regulations relating to safety in storing and transporting explosives.

**5.695 Hearing on Denial or Revocation of Permit.** Before denying or revoking a permit, the council shall give written notice of its proposed action to the applicant or permittee. If, within ten days after the date of such notice, a hearing is requested by the applicant or permittee, the council shall fix a time within the next 30 days in which it shall hear the objections of the applicant or permittee to the denial or revocation of the permit. Thereafter the decision of the council shall be final.

**5.700 Inspections.**

It shall be the duty of the fire chief to enforce the provisions of sections 5.650 to 5.725 relating to storage, and he shall regularly inspect buildings where explosives are stored to determine whether storage practices conform to the provisions of sections 5.650 to 5.725 and the limitations imposed by the permit.

**5.705 Transportation--General**

**Applicability.** Every motor vehicle transporting explosives shall be operated in compliance with sections 5.650 to 5.725 unless federal or state laws and regulations impose a greater affirmative obligation or a greater restraint, or unless compliance would prevent full compliance with federal or state laws or regulations by persons subject there-

to.

**5.710 Transportation--Operation of the Vehicle.** Persons shall operate motor vehicles transporting explosives with the highest degree of care to decrease the probability of danger to life and property in the following manner:

(1) The vehicle shall be driven only upon Highway 212 and Highway 43 passing through the city, except when delivering or receiving explosives off said highways, in which event the vehicle shall be driven upon a route prearranged with the chief of police to avoid, whenever possible, congested streets, heavy traffic, bus routes, viaducts, dangerous crossings, and any dwellings, buildings, or places where persons work, congregate, or assemble;

(2) Except when passing, the vehicle shall be kept at least 300 feet behind other motor vehicles transporting explosives moving in the same direction;

(3) The vehicle shall not be driven near fires of any kind burning on or near a street until passage can be made safely.

**5.715 Transportation--Competent Person to Attend Vehicle.** When transporting explosives the vehicle shall be attended by a competent person whose primary duty is to attend the vehicle. Such person shall be within sight of and in close proximity to the vehicle and shall have on his person the appropriate keys for starting the vehicle. Vehicles are deemed unattended when left in care of a person on duty in the regular course of another business such as service station attendants, motel operators, or merchant patrolmen. The police are authorized to move unattended vehicles to a safe place, and to enter premises at any time to remove an unattended vehicle loaded with explosives.

**5.720 Transportation - Parking and Stopping Restricted.**

(1) Except as provided in this section, no person may park a vehicle loaded with explosives in the city for any purpose, and no person may stop such a vehicle for any reason except momentarily to comply with moving traffic laws.

(2) A person may park an attended vehicle for the sole purpose of, and while physically engaged in, loading or unloading explosives from the vehicle, or changing drivers.

(3) No person may refuel a vehicle within the city except in extreme emergency and then only with enough fuel to enable it to proceed to the first refueling point beyond the city. The engine of the vehicle shall be stopped during refueling.

**5.725 Transportation--Disabled Vehicles.**

(1) If a vehicle transporting explosives is disabled, the driver shall immediately cause notice to be given to the police and fire departments.

(2) The fire chief shall determine whether or not the vehicle may be moved, and where it may be repaired when loaded.

(3) If the disabled vehicle is moved when loaded with explosives, it shall be moved with a police escort to a location where repairs can be made without endangering life or property.

(4) If transfer of the explosives is imperative, persons making the transfer shall employ adequate safety measures under the supervision of the fire and police departments.

**BLASTING**

**5.750 Permit Required.**

It is unlawful for any person, company, or corporation, without first having received a permit from the City Manager as hereafter provided for, to explode or cause to be exploded any gunpowder, dynamite, giant powder, nitroglycerin, or other explosive for the purpose of blasting out rock, gravel, earth, or other substance within the corporate limits of the city.

**5.755 Permit Affidavit.**

The City Manager, after notifying mayor and council, shall have power and authority to issue a permit for blasting but before so doing shall require the person, company, or corporation to whom the permit is to be issued to make application in the form of affidavit and containing the following information:

(1) The name and address of the person, company, or corporation applying for said permit, and the name and address of the blaster or of the person who will actually supervise the blasting;

(2) Location where it is desired to use the explosives;

(3) The maximum quantity and kind of explosives to be used at one time and the length of time over which the blasting will continue;

(4) The experience and qualifications of the blaster or person who will supervise the blasting operation;

(5) Facts sufficient to establish the financial responsibility of any individual bondsman or the bonding company who will provide the bond as hereinafter provided for.

(6) A blasting plan prepared and signed by a certified and licensed blasting consultant.

[Section 5.755, amended by Ordinance No. 1509 adopted October 6, 2004.]

**5.758 Notification Required.**