

CHAPTER 58
FIRE PREVENTION CODE

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58.001. Definitions 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 2012 International Fire Code” (International Code Council, Inc. 2011).
- (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 May 13, 2013, as the "Oregon Fire Code 2014 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 2014 Edition," or by the initials "OFC".
- (j) "Red Flag Warning" means the term used by fire-weather forecasters to call attention to limited weather conditions of particular importance that may result in extreme burning conditions.
- (k) "State Fire Marshal" means the Fire Code Official. (Ord No. 191-73; Ord No. 35-06; Ord No. 102-07; Ord No. 20-10; Ord 1-15)

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) Operational Permits: 105.6A Fireworks agricultural; 105.6D Fireworks, wholesale; 105.6E Institutions; 105.6.4 Carnivals and fairs; 105.6.11 Cutting and welding; 105.6.15 Fire hydrants and valves; 105.6.30 Open burning; 105.6.31 Open flames and torches; 105.6.32 Open flames and candles;-105.6.35 Private fire hydrants;
- (b) Section 106.1.1 Interference.
- (c) 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; Ord 1-15)

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) 105.1.1 Permit Required. Permit fees in an amount set by resolution of the City Council shall be paid prior to the issuance of the permit.
 - (2) 112.1 Authority to Disconnect Service Utilities. Any disconnection that is ordered or caused 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.
 - (3) 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:***"
 - (4) 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 30.005(w); 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.

(5) Section 307.3.1 Establishing a Burning Ban. When weather conditions remain dry, hot, windy, or any combination of these, for an extended period of time, the Fire Code Official may impose either a limited or total ban on recreational fires. The following criteria may be used to determine whether a recreational fire ban is established.

(A) Temperatures reach or are forecast 95 degrees Fahrenheit or above.

(B) Relative humidity reaches or is forecast 30% or below.

(C) Wind speeds reach or are forecast 15 miles per hour or above.

(D) Red Flag Weather warnings are issued locally.

(E) Marion or Polk County Fire Defense Board establishes burn ban declarations.

(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 at any one time 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.

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

(8) Section B104.2 Area Separation is amended to read "Portions of buildings which are separated by fire walls without openings, constructed in accordance with the International Building Code, are allowed to be considered as separate fire-flow calculation areas." (Ord No. 35-06; Ord No. 102-07; Ord No. 49-08; Ord No. 20-10; Ord 1-15)

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)

58.011. 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 Prevention Code, or any part thereof, is used contrary to the provision of the Fire Prevention 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 Prevention Code.

(d) Any person whose work or activity has been suspended as provided in subsection (a) and or (b) of this section may appeal such action to the Hearings Officer as provided in SRC 58.458 for contested case procedures. (Ord No. 35-06; Ord 1-15)

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 6101.2 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 58.458, 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; Ord 1-15)

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) Insure 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; Ord 1-15)

58.190. Limits for Aboveground Tank and Bulk Plants for Flammable Cryogenic Fluids, Flammable Liquids, and Combustible Liquids.

(a) The geographic limitations for the storage of flammable cryogenic fluids, flammable liquids, or combustible liquids in outside aboveground tanks, set forth in OFC 5806.2, 5704.2.9.6.1, and 5706.2.4.4, 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 Union 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 flammable 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; Ord 1-15)

58.200. Limits for Bulk Storage of Liquefied Petroleum Gas.

- (a) The geographic limits referred to in OFC 6104.2 in which bulk storage of liquefied petroleum gas is restricted shall be the same limits set forth in SRC 58.190.
- (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; Ord 1-15)

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 480.127, with the following amendments:
 - (1) "Fire Code Official" in lieu of "State Fire Marshal."
- (d) ORS 480.130, with the following amendments:
 - (1) "Fire Code Official" in lieu of "State Fire Marshal."
 - (2) Delete the last sentence of subsection (2).
- (e) ORS 480.140(1).
- (f) ORS 480.150.
 - (1) "Fire Code Official" in lieu of "State Fire Marshal."
- (g) ORS 480.158.
- (h) ORS 480.160.
- (i) ORS 480.165.

(Ord No. 80-91; Ord No. 35-06; Ord 1-15)

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(d) 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(d), 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; Ord 1-15)

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 yard cleanup.

(b) As used in this section, “vegetative debris from yard cleanup” means wood, needle or leaf materials from trees, shrubs or plants. (Ord No. 46-93; Ord No. 35-06; Ord 1-15)

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)

58.455. False Fire Alarms.

- (a) **Definitions.** As used in this section, the following mean:
- (1) False alarm means the activation of a fire alarm system, where there is no evidence of a fire, through the mechanical failure, malfunction, improper installation, improper maintenance of the fire alarm system, or through the negligent or intentional acts of the owner or the owner's employees or agents.
 - (2) Owner means person having legal control over a premises, including, but not limited to, an owner in fee and a lessee.
- (b) **False Alarm Fee.** The owner of any premises that has generated a false alarm shall pay a false alarm fee. The false alarm fee shall be due and payable ten days after invoice by the Fire Chief. The false alarm fee shall be set by resolution of the City Council.
- (c) **Waiver of False Alarm Fee.** The Fire Chief may waive a false alarm fee assessed under subsection (b) of this section upon finding that:
- (1) The alarm system has been regularly inspected by experienced technicians familiar with its design and operation and the environment in which it is installed.
 - (2) All repairs, replacements, and preventive maintenance recommended by the service personnel who inspected the system have been performed.
 - (3) The cause of the false alarm was not the result of misuse or neglect in the use or maintenance of the system and the cause cannot be identified despite thorough inspection, testing and analysis by experienced technicians familiar with its design, operation, and the environment in which it is installed.
 - (4) Experienced technicians familiar with the alarm system's design, operation, and the environment in which it is installed have provided a written opinion that the system is unlikely to produce another false alarm from the same cause.
 - (5) The false alarm was not the result of owner error or neglect. As used in this subparagraph, "owner" means the owner of the premises and the owner's employees and agents.
 - (6) The cause of the false alarm has been positively identified and corrected.
 - (7) The false alarm was caused by unauthorized tampering with a fire alarm system by someone other than the owner or the owner's employees or agent.
- (d) No more than two false alarms may be waived during any consecutive three hundred and sixty-five day period, unless the owner provides satisfactory evidence that, in the case of system failure, each component of the fire alarm system whose malfunction or failure produced the false alarm have been replaced or repaired by competent technicians, or, in the case of negligent or intentional acts of the owner or the owner's employees or agents, that the owner has adequately trained all employees and agents in practices that will prevent the accidental triggering of the fire alarm system.
- (e) An owner who has been assessed a false alarm fee may appeal the fee in the manner provided for contested cases in SRC Chapter 20J. (Ord No. 27-12)

58.457 Penalties; Civil Penalty.

- (a) Violation of SRC 58.450(d), OFC Section 104.11.2 (Obstructing Operations), OFC 107.5 (Overcrowding)), OFC 401.5 (Making false report), 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 58.002 is an infraction punishable by a maximum penalty of \$250.00. 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; Ord 1-15)

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 fifteen calendar days of the date of the order, decision, or determination by the Fire Code Official is issued. The notice of appeal shall state the basis of the appeal and why the decision was in error, and shall 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.

(d) Proceedings upon appeal under this Chapter are contested case proceedings, and shall be conducted pursuant to SRC Chapter 20J.

(Ord No. 35-06; Ord 1-15; Ord 1-15)

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, bearing the date of March 14, 1988, and 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; Ord 1-15)

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)