

CHAPTER VII: FIRE

Article

- 1. FIRE DEPARTMENT**
- 2. FIRE PREVENTION**
- 3. FIREWORKS**

ARTICLE 1: FIRE DEPARTMENT

Section

7-101	Establishment
7-102	Volunteer members; meetings
7-103	Chief; supervision
7-104	Secretary
7-105	Prevention of fires; duty
7-106	Assistant Chief
7-107	Fire apparatus and equipment; right-of-way
7-108	Unlawful activity
7-109	Penalty
7-110	Fire protection services for other townships

§ 7-101 ESTABLISHMENT.

(a) There be and is hereby established a Fire Department in the city, to consist of a Chief and an Assistant Chief and not less than ten and not more than 15 members. Two of such members shall, in addition to answering alarms within the city, be designated as "Rural Firefighters" and such two members shall be responsible for answering rural fire alarms. New members shall be appointed by the Chief and confirmed by the members of the Fire Department.

(b) Members shall not be less than 21 years of age nor more than 65 years of age. Members after the effective date of this article who shall reach the age of 65 years shall automatically retire from active service of the Fire Department and shall be made an honorary member and subject to call at the will of the Chief. (Ord. 491, passed 11-8-1937; Ord. 680, passed 1-12-1970)

§ 7-102 VOLUNTEER MEMBERS; MEETINGS.

(a) Members of the Fire Department will all be volunteers. They shall meet each Monday night of each week for practice and drill. Any member who shall fail to attend six consecutive meetings will be automatically expelled from membership.

(b) The Fire Department shall receive the sum of not less than \$25 for the attendance of all alarms or fires.

(Ord. 491, passed 11-8-1937; Ord. 680, passed 1-12-1970)

§ 7-103 CHIEF; SUPERVISION.

(a) The Chief of the Fire Department shall be under the supervision of the Mayor and shall have superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment, and it shall be his or her duty to see that all such apparatus and equipment shall be, at all times, ready for immediate use, and shall submit a written report as to its condition to the Mayor and Council at their first meeting in October and April.

(b) The Chief of the Fire Department shall be responsible for the discipline of the members and is hereby given the authority to suspend or expel any member for the refusal to obey orders or for misconduct or failure to do his or her duty at a meeting or at a fire. The Chief shall also have the right to summon any or all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof, and in guarding the same.

(c) The Chief and members of the Fire Department shall have full power, control and command over all persons whomsoever be present at fires, and the Chief shall direct the use of all fire apparatus and equipment, and command all firefighters in the discharge of their duties. The Chief shall take such measures as he may deem necessary in the preservation and protection of property and the extinguishing of fires.

(Ord. 491, passed 11-8-1937)

§ 7-104 SECRETARY.

The Secretary of the Fire Department shall keep in convenient form a complete record of all fires. Such information shall include the time, and location, construction of the building, owner, occupancy, how extinguished, value of the building and contents, members responding to the alarm and any other information deemed advisable.

(Ord. 491, passed 11-8-1937)

§ 7-105 PREVENTION OF FIRES; DUTY.

It shall be the duty of the Fire Chief of the Department to adopt all prudent measures for the prevention of fires and, for this purpose, he or she or his or her assistant under his or her direction may, upon request or whenever he or she has reason to believe that the safety of life or property demands it, enter any building, yard or premises in the city for inspection, and where dangerous, unsafe or hazardous conditions are found to exist, he or she shall give directions for the alteration, change or removal or better care or management of the same as he or she may deem proper and such directions shall be obeyed and complied with by the person directed in that regard and at his or her expense.

(Ord. 491, passed 11-8-1937)

§ 7-106 ASSISTANT CHIEF.

In the absence of the Chief, the Assistant Chief shall perform all the duties and have all the authority and responsibility of the Chief conferred by this article.

(Ord. 491, passed 11-8-1937)

§ 7-107 FIRE APPARATUS AND EQUIPMENT; RIGHT-OF-WAY.

All fire apparatus and equipment is hereby given and granted the exclusive right-of-way over and through all streets, avenues, alleys and public thoroughfares in said city while en route to fires or in response to any alarm or fire, and no person or persons shall in any manner obstruct or hinder said apparatus as aforesaid.

(Ord. 491, passed 11-8-1937)

§ 7-108 UNLAWFUL ACTIVITY.

(a) It shall be unlawful for any person or persons to drive any wagon, carriage, automobile, truck, locomotive, railroad car or any other vehicle over any fire hose laid in any street, avenue, alley, bridge or vacant lot; providing that, this section shall not apply to any apparatus or vehicle belonging to the Fire Department or any of its members.

(b) No person shall place or cause to be placed upon or about any fire hydrant, any rubbish, building material, fence or other obstruction of any character whatsoever in any manner to obstruct, hinder or delay the Fire Department in the performance of its duties in case of a fire; nor any person hitch or cause to be hitched to any fire hydrant, any animal, nor fasten to any fire hydrant any guy rope or brace, nor back or stand any wagon, truck, automobile or other vehicle within 15 feet of any such fire hydrant. It shall also be unlawful for any person to park any truck, automobile or other vehicle within the marked safety zone in front of the firehouse.

(c) No person or persons shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the Fire Department.

(d) It shall be unlawful for any person to park any automobile, truck or other vehicle of any nature or kind whatsoever, or follow in any of said vehicles,

within a radius of 150 feet of any fire engine while said fire engine is engaged in extinguishing a fire.

§ 7-109 PENALTY.

Any person or persons violating any of the provisions of this article or refusing or neglecting to comply with any of the requirements thereof, shall, upon conviction, be deemed guilty of a misdemeanor and fined not less than \$5, nor more than \$50.

(Ord. 491, passed 11-8-1937)

§ 7-110 FIRE PROTECTION SERVICES FOR OTHER TOWNSHIPS.

(a) Upon passage of the appropriate resolutions by the Board of Trustees of Center, Lane, Washington, Beaver, Blaine, Banner, Cora, Martin, Pawnee and Crystal Plains Townships, the city will provide fire protection services through the Smith Center Volunteer Fire Department to all of Center, Lane, Washington, Blaine, Pawnee and Beaver Townships, the west half of Cora Township, the west half of Crystal Plains Township, the north two-thirds of Banner Township, and the east one-third of Martin Township, all in Smith County, Kansas.

(b) (1) In consideration of the foregoing, the following townships, Center, Lane, Washington and Beaver agree to pay the City of Smith Center, Kansas, a sum equal to two mills of the respective township's assessed valuation. The townships of Cora, Blaine, Crystal Plains and Pawnee, agree to pay the city a sum equal to one mill of each respective township's assessed valuation. Banner Township agrees to pay the city a sum equal to one and one-third mills of the township's assessed valuation. Martin Township agrees to pay the city a sum equal to two-thirds mill of the township's assessed valuation.

(2) Such amounts shall be collected annually by the townships and shall be paid by the townships, to the city, pursuant to the provisions of K.S.A. 80-1503. This agreement with Washington Township shall expire on December 31, 1999.

(c) The Smith Center Volunteer Fire Department may respond to fires in townships other than those specifically described herein, in which event, the property owner in townships other than those set forth herein, and for whom the fire call is made, shall be assessed a fee of \$750 per fire call, which amount shall be collected from the property owner and, if not paid, assessed to the tax rolls for such property owner.

(d) The Fire Chief for the Smith Center Volunteer Fire Department shall have the right in every case to determine whether or not the city can spare all or any portion of its fire equipment and firefighters at that particular time.

(Ord. 876, passed 7-27-1995; Ord. 896, passed 8-14-1997)

ARTICLE 2: FIRE PREVENTION

Section

7-201	Fire Prevention Code incorporated
7-202	Same; enforcement
7-203	Same; amendments
7-204	Open burning
7-205	Accumulation of rubbish and trash
7-206	Stacking of hay or straw
7-207	Keeping of packing materials
7-208	Storage of ashes
7-209	Filling gasoline tanks of motor vehicles
7-210	Fire hazards generally
7-211	Same; inspections to discover
7-212	Abatement of fire hazards; issuing order
7-213	Same; service of order; records

§ 7-201 FIRE PREVENTION CODE INCORPORATED.

There is hereby adopted by the governing body of the city, for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, 2015 Edition, including all the Appendix chapters, published by the International Code Council, one copy shall be filed in the office of the Clerk of the city, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the city.

§ 7-202 SAME; ENFORCEMENT.

The Code hereby adopted shall be enforced by the Chief of the Fire Department.

§ 7-203 SAME; AMENDMENTS.

(a) Wherever the word *MUNICIPALITY* is used in the code hereby adopted, it shall be held to mean the City of Smith Center.

(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety.

§ 7-204 OPEN BURNING.

(a) It shall be unlawful for any person to dispose of refuse by burning the same within the city, except as hereinafter provided. *REFUSE* is defined as unwanted or discarded material resulting from residential, commercial, industrial and agricultural operations and from other normal community activities, and includes, but is not limited to, garbage, paper, rubbish, dead animals, animal waste, leaves, limbs, trees and other plant wastes.

(b) The following shall not constitute a violation of this section:

(1) Fires set for the purpose of instructing and training city firefighters in the methods of fighting fires;

(2) Fires set at the direction of the mayor or governing body for the destruction of abandoned or condemned structures and buildings;

(3) Fires set in residential fireplaces;

(4) Fires used for the preparation of food, such as barbequing or charcoaling;

(5) Camp fires in approved camping areas; provided, however, that, the fire is not more than four feet in diameter at the base;

(6) Fires set by city employees for the disposal of tree trunks, tree limbs leaves or other vegetation; and

(7) Fires set during clean-up periods declared pursuant to division (c) below.

(c) The Fire Chief of the city may declare one or more weekends, or other period of time, as a clean-up period, and during such period citizens may burn tree limbs, tree trunks, leaves and other dry vegetation; provided, they do so in a manner not to constitute a hazard to surrounding buildings or to other property. Such fires shall not constitute a violation of this section. Notice of such proclamation by the Fire Chief shall be given in the manner directed by the Mayor of the city.

(d) Violation of this section shall constitute a misdemeanor. The fine for a first violation shall be \$50 and, for second or subsequent violations, the Municipal Judge may impose a fine from ranging from \$100 to \$500.

(Ord. 969, passed 2-14-2008)

§ 7-205 ACCUMULATION OF RUBBISH AND TRASH.

It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels or other combustibles that shall constitute a fire hazard.

§ 7-206 STACKING OF HAY OR STRAW.

It shall be unlawful for any person to deposit, stack or store any hay or straw within 500 feet of any building located inside the fire limits of the city.

§ 7-207 KEEPING OF PACKING MATERIALS.

It shall be unlawful to keep excelsior or other packing material in any other than metal or wood metal lined boxes or bins having self-closing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily.

§ 7-208 STORAGE OF ASHES.

It shall be unlawful to store ashes inside of any non-fire-proof building unless they are stored in a noncombustible container or receptacle, and a clearance of at least five feet shall be maintained between such container or receptacle and any combustible materials not placed therein. Ashes shall not be stored outside of any building in wooden, plastic or paper product receptacles or dumped in contact with or in close proximity to any combustible materials.

§ 7-209 FILLING GASOLINE TANKS OF MOTOR VEHICLES.

The engines of motor vehicles shall be stopped when the gasoline tanks of such vehicles are being filled with gasoline at service stations or other places where gasoline is supplied to motor vehicles. The driver or person in control of such vehicle when the gasoline tank of same is being filled who refuses, neglects or fails to stop the engine of such vehicle shall likewise be guilty of a violation of this code.

§ 7-210 FIRE HAZARDS GENERALLY.

It is unlawful for any person to cause or create anywhere within the city, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling or use of

inflammable oils, explosives, liquefied petroleum gases or fertilizers and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs or any other obstruction in the aisles, hallways, doorway or exit of any theater, public hall, auditorium, church or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient, accessible and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant or any other condition that might delay the Fire Department in fighting fire is declared to be unlawful.

§ 7-211 SAME; INSPECTIONS TO DISCOVER.

It shall be the duty of the Fire Chief to inspect or cause to be inspected by Fire Department officers or members, as often as may be necessary, all buildings, particularly all mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums and all places of public assemblage, for the purpose of discovering the violation of any fire preventive law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels and rooming houses have sufficient and unobstructed facilities for escape therefrom in case of fire.

§ 7-212 ABATEMENT OF FIRE HAZARDS; ISSUING ORDER.

Whenever any officer or member of the Fire Department shall find or discover any fire hazard or shall find in any building or upon any premises combustible or explosive material or dangerous accumulation of rubbish or unnecessary accumulation of paper, boxes, shavings or any other inflammable material, so situated as to endanger property by the probability of fire, or shall find or discover any violation of this chapter or any other law hazardous to public safety from fires, the Fire Chief shall order the fire hazard or danger from the fire forthwith abated and remedied and such order shall be complied with immediately by the owner or occupant of such

buildings or premises. If the hazard or condition ordered abated and remedied is a violation of, or a failure to comply with any law, the Fire Chief shall report the matter to the City Attorney and he or she shall, if he or she deems it advisable, prosecute the offender.

§ 7-213 SAME; SERVICE OF ORDER; RECORDS.

Any order made under § 7-212 shall be in writing and may be served personally upon the owner or occupant of the premises or by leaving it with any person in charge of the premises or if the premises are unoccupied and the owner is a nonresident of the city, then by mailing a copy to the owner's last known post office address. One notice to either the occupant or owner shall be sufficient. The Fire Chief shall keep a record of and copies of all such orders and notices and shall follow up such notices at the expiration of the time for compliance therewith and when complied with make proper entry, and if not complied with, file complaint with the Municipal Court against the property owner and/or occupant.

ARTICLE 3: FIREWORKS

Section

7-301	Fireworks defined
7-302	Fireworks prohibited
7-303	Reserved
7-304	Reserved
7-305	Reserved
7-306	Reserved
7-307	Approved fireworks; bottle rockets prohibited
7-308	Discharge on streets and public property prohibited
7-309	Throwing prohibited
7-310	Sale of fireworks; where prohibited
7-311	Retail display of fireworks
7-312	Fire extinguishers required
7-313	Restrictions as to gasoline installations
7-314	Authority of Fire Chief
7-315	Banning fireworks

§ 7-301 FIREWORKS DEFINED.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. Those items as defined by the rules and regulations of the State Fire Marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than 0.25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the

air or propelled over the ground by explosive discharges or any device using blank cartridges.

§ 7-302 FIREWORKS PROHIBITED.

(a) It shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.

(b) Nothing in this article shall be construed as applying to:

(1) Toy paper caps containing not more than 0.25 of a grain of explosive composition per cap;

(2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;

(3) The military or naval forces of the United States or of this state while in the performance of official duty;

(4) Law enforcement officers while in the performance of official duty; or

(5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

§ 7-303 RESERVED.

§ 7-304 RESERVED.

§ 7-305 RESERVED.

§ 7-306 RESERVED.

§ 7-307 APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED.

(a) All fireworks offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the State Fire Marshal.

(b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city.

§ 7-308 DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the city.

§ 7-309 THROWING PROHIBITED.

It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of, or into any vehicle of any kind.

§ 7-310 SALE OF FIREWORKS; WHERE PROHIBITED.

(a) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or department of the premises.

(b) Where the Fire Chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

§ 7-311 RETAIL DISPLAY OF FIREWORKS.

(a) All retailers are forbidden to expose fireworks where the sun shines through glass on the

merchandise displayed, except where such fireworks are in the original package.

(b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty.

(c) Signs reading "Fireworks for Sale - No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks.

§ 7-312 FIRE EXTINGUISHERS REQUIRED.

(a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.

(b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand.

§ 7-313 RESTRICTIONS AS TO GASOLINE INSTALLATIONS.

It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 50 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

§ 7-314 AUTHORITY OF FIRE CHIEF.

The Chief of the Fire Department is authorized to seize and confiscate all fireworks that may be kept, stored or used in violation of any section of this article, and all of the rules of the State Fire Marshal. He or she shall dispose of all such fireworks as may be directed by the governing body.

§ 7-315 BANNING FIREWORKS.

The Fire Chief shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the city if the weather conditions make discharge of fireworks in the city hazardous to persons or property.

