

CHAPTER VII. FIRE

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ARTICLE 1. FIRE DEPARTMENT

- 7-101. CITY FIRE DEPARTMENT ESTABLISHED. The fire department of the city is hereby established and the department shall be organized to consist of a fire chief, an assistant fire chief and as many firefighters as the city council deems reasonable. Members of the fire department shall be appointed by the city administrator and confirmed by the governing body. (Ord. 439, Sec. 1; Code 1998)
- 7-102. MEMBERSHIP; FIRE DRILL. Members of the fire department shall all be volunteers. They shall meet at least once each month for practice and drill. The chief of the fire department shall keep a record of attendance of such meetings. Any member who shall fail to attend six consecutive meetings shall automatically become expelled from membership. (Ord. 216, Sec. 2; Code 1998)
- 7-103. SUPERVISION OF DEPARTMENT. The chief of the fire department shall be under the supervision of the city administrator and shall have immediate superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment. It shall be the chief's duty to see that all such apparatus and equipment is ready at all times for immediate use. It shall also be the chief's duty to submit a written report as to the condition of all fire apparatus and equipment to the governing body at their first meeting in October of each year. (Ord. 216, Sec. 3; Code 1998)
- 7-104. FIRE CHIEF; POWERS. (a) The fire chief shall be responsible for the discipline of the members and is hereby given authority to suspend or expel any member for refusal to obey orders or for misconduct or failure to do his or her duty at a fire.
(b) The chief shall also have the right to summon any and 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) At fires the chief shall have full power, control and command of all persons present and shall direct the use of the fire apparatus and equipment, and command the fire fighters in the discharge of their duties. He or she shall take such measures as he or she shall deem proper and necessary in the preservation and protection of property and extinguishing of fires.
(Ord. 216, Secs. 4:5; Code 1998)
- 7-105. SAME; RECORDS. The chief 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 building, owner, occupancy, how extinguished, value of building and contents, loss on building and contents, insurance on building and

contents, members responding to the alarm, and any other information deemed advisable. (Ord. 216, Sec. 6; Code 1998)

- 7-106. ASSISTANT CHIEF. In the absence of the chief, the assistant fire chief shall perform all the duties and have all the authority and responsibility of the chief as conferred by this chapter. (Ord. 216, Sec. 8; Code 1998)
- 7-107. PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person or persons to take away or use any fire apparatus or equipment for any private purpose or for any person willfully and without proper authority to remove, take away, keep or conceal any tool, appliance, equipment or other article used in any way by the fire department. (Ord. 216, Sec. 13; Code 1998)
- 7-108. FIRE EQUIPMENT; EMERGENCY RIGHT-OF-WAY AND USE. (a) 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 the city while enroute to fires or in response to any alarm, and it shall be unlawful for any person or persons to in any manner obstruct or hinder the apparatus or equipment.
(b) All emergency vehicles of the fire department, while proceeding on official business, shall be operated in strict accordance with the requirements of the Kansas Statutes regarding the operation of emergency vehicles, and each departmental member assigned to the operation of emergency vehicles shall familiarize himself or herself with the requirements of the law and govern himself or herself accordingly. Any operator violating the provisions of the state law shall be liable for disciplinary action. (Ord. 216, Sec. 9; Code 1998)
- 7-109. SAME; FIRE HOSE. It shall be unlawful for any person or persons to drive any vehicle over any fire hose laid on any street, alley or lot. This section shall not apply to any apparatus or vehicle being driven by members of the fire department. (Ord. 216, Sec. 10; Code 1998)
- 7-110. OBSTRUCTION OF FIRE HYDRANT. It shall be unlawful for any person to place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character, or in any manner obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. Nor shall any person fasten to any fire hydrant any guy rope or brace, nor stand any vehicle within 15 feet of any such hydrant. (Ord. 216, Sec. 11; Code 1998)
- 7-111. FALSE ALARM. It shall be unlawful for any person to knowingly make or sound or cause to be made or sounded, or by any other means, any false alarm. (Ord. 216, Sec. 12; Code 1998)

ARTICLE 2. FIRE PREVENTION

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 Uniform Fire Code, including all the Appendix chapters, and the Uniform Fire Code Standards, and the National Fire Codes of the National Fire Protection Association (NFPA) 1991 and amendments hereafter, Fire Protection Association (NFPA) 1991 and amendments hereafter, published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1991 editions thereof and the whole thereof, save and except such portions as hereinafter deleted, modified or amended by section 7-203 of this article two copies which Code and Standards have been and are now filed in the office of the clerk of the City of De Soto, Kansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city. (Ord. 736, Secs. 1:2, 4; Code 1998)

7-202. DEFINITIONS. In the construction of the Uniform Fire Code as adopted hereby, the following definitions shall apply and amend like definitions contained in Article 9 of the Uniform Fire Code.

(a) Administrator shall mean the city administrator.

(b) Chief or Chief of the Fire Department shall mean building official for purposes of fire prevention, control of hazards, construction permitting, and inspection activities and regulations contained in the Uniform Fire Code. Chief or Chief of the Fire Department shall also mean the duly appointed fire chief of the city for purposes of fire suppression activities and regulations relating thereto as contained in the Uniform Fire Code.

(c) Municipality shall mean the City of De Soto.
(Code 1998)

7-203. AMENDMENTS. Section 2.101 of the Uniform Fire code as adopted hereby is modified as follows:

Sec. 2.101. The fire chief and the building official are authorized to administer and enforce this code and cooperate in that effort. The city administrator will be the arbiter of any questions pertaining to areas of authority.

Fire Chief. Under the fire chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

(a) The prevention of fires.

(b) The suppression or extinguishing of dangerous or hazardous fires.

(c) The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

Building Official. Under the city administrator's direction, the building official is authorized to enforce all ordinances of the jurisdiction pertaining to:

(a) The storage, use and handling of hazardous materials.

(b) The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment.

(c) The maintenance and regulation of fire escapes.

(d) The maintenance of fire protection and elimination of fire hazards on land and in building, structures and other property, including those under construction.

(e) The maintenance of exits.
(Code 1998)

7-204. OPEN BURNING. (a) Hereafter it shall be unlawful to burn trash of any kind within the city limits except during daylight hours.

(b) That any open trash fires within the corporate limits of the city within the time herein authorized that shall be unattended shall be declared a violation of this article and subject to the penalties hereinafter prescribed.

(c) Hereafter it shall be unlawful to maintain any trash of any kind upon any street or within 25 feet thereof in the city, or permit the burning thereof within the prohibited limits herein set out.

(d) It shall hereafter be unlawful to burn any garbage or human wastes of any kind within the corporate limits of the city.

(e) Any trash fires herein permitted shall not be closer than 25 feet to any building or dwelling within the corporate limits of the city, provided, however, this section shall not apply to trash burners of an approved type, being fully enclosed on all sides and protected by wire mesh or other protective covering.

(Ord. 198, Secs. 1:5)

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 which shall constitute a fire hazard. (Code 1998)

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. (Code 1998)

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 line boxes or bins having selfclosing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily. (Code 1998)

7-208. STORAGE OF ASHES. It shall be unlawful to store ashes inside of any nonfireproof 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. (Code 1998)

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. (Code 1998)

- 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. (Code 1998)
- 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. (Code 1998)
- 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 prosecutor. (Code 1998)
- 7-213. SAME; SERVICE OF ORDER; RECORDS. Any order made under section 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. (Code 1998)
- 7-214. SAME; HAZARDOUS CONDITIONS. It shall be the duty of the chief of the fire department to adopt all prudent measures for the prevention of fires and for this

purpose his or her assistant under his or her direction may, upon request or whenever the chief may deem necessary, enter any building, yard or premises in the city during reasonable hours for the purpose of inspection, and where dangerous, unsafe or hazardous conditions are found to exist the chief shall give such directions for the alteration, change or removal or better care or management of the same as the chief may deem proper, and such directions shall be obeyed and complied with by the person directed in that regard and at their expense. (Ord. 216, Sec. 7)

ARTICLE 3. FIREWORKS

7-301. FIREWORKS DEFINED. For purposes of this article, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas 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 .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. (Ord. 460, Sec. 1; Code 1998)

7-302. FIREWORKS PROHIBITED. (a) It shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks. No person shall allow or permit fireworks to be used or exploded on his or her premises or premises under his or her control.

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

(1) Toy paper caps containing not more than .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.

(Ord. 460, Sec. 2; Code 1998)

7-303. SAME: EXCEPTIONS; DISCHARGES. (a) The governing body of the city may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(b) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

(Code 1998)

7-304. PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED. (a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display and paying a \$10 application fee, which shall be refunded in the event the application is denied. Approval of the permit shall be by

the governing body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$1 million, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancelable except by giving 10 days advance written notice to the city clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
 - (2) The group for which the display is planned.
 - (3) The location of the display.
 - (4) The date and time of the display.
 - (5) The nature or kind of fireworks to be used.
 - (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.
 - (7) Anticipated need for police, fire or other municipal services.
- (b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.
- (Ord. 460, Secs. 7:9; Code 1998)

7-305. PUBLIC EXHIBITIONS; CONDUCT OF PUBLIC DISPLAY. (a) A public display of fireworks shall be permitted only when the actual point at which the fireworks are to be fired is at least 200 feet from the nearest permanent building, public street, or railroad or other means of travel, or 50 feet from the nearest above-ground telephone or telegraph one, tree, or other overhead obstruction.

(b) No fireworks shall be discharged, ignited or exploded at any point in the city within 1,000 feet of any health care facility.

(c) The audience at a public display of fireworks shall be restrained behind lines at least 100 feet from the point at which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines.

(d) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible at an angle of not more than 15 degrees from vertical and directed away from the spectators; provided, that where such fireworks are to be fired beside a lake or other large body of water they may be directed in such a manner that the falling residue from the deflagration will fall into such body of water.

(e) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe as directed by the fire chief for the particular type of fireworks remaining.

(f) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 30 miles per hour. In such cases, the city clerk may authorize the display at a future date suitable to the group holding the display. The persons in actual charge of the firing of fireworks in a public display shall be able-bodied and of at least 18 years of age and competent for the task. There shall be at all times at least two operators of the display constantly on duty during the discharge.

(Ord. 460, Sec. 10)

7-306. 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. (Code 1998)

- 7-307. **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. (Ord. 460, Sec. 4; Code 1998)
- 7-308. **SALE OF FIREWORKS; WHERE PROHIBITED.** 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. (Code 1998)
- 7-309. **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.
(Code 1998)
- 7-310. **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.
 (c) At a public display of fireworks, at least two fire extinguishers of a type approved by the State Fire Marshal shall be at as widely separated points as possible within the actual area in which the discharging is being done.
(Ord. 460, Sec. 11; Code 1998)