

CHAPTER VII. FIRE

- Article 1. Fire Department
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ARTICLE 1. FIRE DEPARTMENT

- 7-101. FIRE DEPARTMENT. By Resolution No. 81-1 the city fire department for the City of Rossville is hereby dissolved and all fire fighting equipment, supplies and materials transferred to the Shawnee County Fire District No. 3 of which the city is hereby made a part thereof for the purpose of providing fire fighting service to the city. (Code 1984)

ARTICLE 2. FIRE PREVENTION

- 7-201. FIRE PREVENTION CODE; INCORPORATED. (a) The Fire Prevention Code, 1976 Edition, supplemented by the November, 1982 amendments, as recommended by the American Insurance Association is hereby adopted by reference for the purpose of regulation of conditions hazardous to life and property from fire and explosion including the Appendix thereof, as stated in the "City of Rossville Official Copy." No fewer than three copies of the Fire Prevention Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Rossville," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
- (b) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the municipal court of the city or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a code violation, punishable by a fine of not less than \$25 nor more than \$500 or by imprisonment for not less than two days nor more than 30 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 559, Sec. 1; Code 1992)

7-202. CHIEF OF FIRE PREVENTION. The chief of the bureau of fire prevention shall also be the fire chief of Shawnee County Fire District Number 3. (Ord. 559, Sec. 1)

7-203. SERVICE OF ORDERS. Upon failure of the owner, occupant or other person responsible for the conditions to eliminate the dangerous or hazardous conditions as set out in section 1.5 of the Fire Prevention Code and after proper service of orders set out in section 1.6 of the Fire Prevention Code, the fire chief of Shawnee County Fire District Number 3 or his or her designee shall have authority to issue a notice to appear in the Rossville municipal court for these violations or any violation of the Fire Prevention Code of the city. (Ord. 559, Sec. 1)

ARTICLE 3. LOCAL FIRE REGULATIONS

7-301. FLAMMABLE LIQUIDS; SHALL INCLUDE. All property owners within the legal boundaries of the city are prohibited from constructing, placing, or installing any storage facility above ground for flammable or combustible liquids. Existing above ground tanks are exempt from this article until replacement or repair of the storage facility is required. All storage tanks for flammable or combustible liquids must conform to the Fire Prevention Code as set forth in the latest published edition. All existing storage tanks must be registered with the Fire Department of Shawnee County Fire District Number Three, indicating the correct owner, address, placement on property and capacity. (Ord. 559, Sec. 1)

7-302. FLAMMABLE LIQUIDS, SMOKING NEAR. It shall be unlawful for any person to strike a match or have any open light within 25 feet of any place where gasoline or other liquids giving off explosive vapors are being dispensed in open containers. (Code 1965, 7-102)

7-303. BURNING OF TRASH, GRASS, LEAVES, COMBUSTIBLE MATERIALS PROHIBITED; EXCEPTIONS. (a) As used in this section, the term approved commercial incinerator means any new type of multiple chambered incinerator, or any other type of incinerator equally effective for the purpose of air pollution control, which is approved by the State Health Department prior to installation of the incinerator.

(b) No person shall set on fire, within the city, any rubbish, trash, paper, lumber, leaves, grass or any other combustible materials at any time; provided, that these restrictions shall not apply to burning in interior residential heating stoves, fireplaces, exterior woodburning heating systems, approved commercial incinerators, or in charcoal or other burners or broilers used in the non-commercial preparation of food and provided further, that the fire chief of Shawnee County Fire District #3 or his or her authorized representatives, may authorize burning through the issuance of a burning permit if such burning is conducted under the circumstances and conditions specified by the fire chief or his or her authorized representative. Prior to the issuance of the permit, the fire chief or his or her designee may require permit applicant to give assurance that

any and all safety precautions and conditions as may be prescribed by the fire chief be complied with.

(c) The fire chief or any person designated by the mayor shall have authority to stop any open burning if he or she deems advisable, and may prohibit any or all burning when atmospheric conditions or local circumstances make such fires hazardous.

(d) Any person violating the provisions of this section shall be guilty of an offense and, upon conviction thereof, be punished by a fine in an amount not less than \$25 nor more than \$100.

(Ord. 481, Secs. 1:4)

7-304. **OBSTRUCTING 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 whatsoever, or in any manner to obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. It shall be unlawful for any person to hitch or cause to be hitched to any fire hydrant, any animal or animals, or fasten to same any guy rope or brace, or back or stand any wagon, truck, automobile, or other vehicle within 15 feet of any such hydrant. (Code 1965, 7-106)

7-305. **TRASH ACCUMULATION.** It shall be unlawful for any person, firm or corporation to allow to accumulate in any part of any building or outside of and adjacent to any building or in any alley, sidewalk or street within 30 feet of any building, any rubbish, trash, waste paper, excelsior, empty boxes or barrels. (Code 1965, 7-107)

7-306. **MISUSE OF EQUIPMENT.** It shall be unlawful for any person or persons to use any fire apparatus or equipment for any private purpose, or willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article in use by or under the control of the fire department. (Code 1965, 7-108)

7-307. **PARKING OF CERTAIN VEHICLES.** It shall be unlawful for any person, firm or corporation operating or in charge of any motor vehicle, trailer or other means of conveyance (hereinafter to referred to as a "vehicle") unitized for the primary purpose of transporting petroleum (gasoline and diesel fuels), propane or other flammable liquid or gas to permit any such vehicle to remain parked or stopped in excess of 2 hours within the City.

7-308 **SAME, PENALTY.** Upon conviction of a violation of section 7-307 any person, firm, or corporation operating or in charge of such vehicle shall be fined in an amount not to exceed \$500.00 per violation. Each and every two hour interval during which a vehicle shall remain unlawfully parked or stopped shall constitute a separate and distinct violation subject to penalty.

ARTICLE 4. FIREWORKS

7-401. **DEFINITIONS.** The term fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substance or article prepared for the purpose of producing a visible or an audible effect by

combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire crackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets, or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to toy paper caps containing not more than .25 of a grain of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or navy forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events. (Code 1965, 9-501)

7-402. REPEALED

7-403. SAME; LICENSE REQUIRED. It shall be unlawful for any person, firm, partnership, association or corporation to sell or barter any fireworks within the corporate limits of the city during the day and times permitted under section 7-402 herein without first obtaining a license approved by the city council. (Ord. 405, Sec. 1; Code 1984)

7-404. SAME; DISCHARGE. It shall be unlawful for any person, firm, partnership, association or corporation to discharge any fireworks as defined in section 7-401 herein within the corporate limits of the city, except on June 27-July 2 between the hours of 8:00 a.m. and 10:00 p.m. and July 3, 4 and 5 between the hours of 8:00 a.m. and 12:00 midnight. (Ord. 714)

7-405. SAME; DISCHARGE AS A PUBLIC DISPLAY. Fireworks may be discharged as a public display, as part of a public celebration, if such display is carried on under the direct supervision and control of the city or some civic organization; provided a permit has been approved by the city council. (Ord. 405, Sec. 2)