

CHAPTER VII: FIRE

Article

- 1. FIRE DEPARTMENT**
- 2. FIRE PREVENTION**
- 3. FIREWORKS**
- 4. NFPSA 101 LIFE SAFETY CODE**

ARTICLE 1: FIRE DEPARTMENT

Section

7-101 Fire District No. 1 established

' 7-101 FIRE DISTRICT NO. 1 ESTABLISHED.

Fire District No. 1, Coffey County is hereby established and shall be supervised by the Board of Trustees of Fire District No. 1, pursuant to K.S.A. 19-3601, and shall include the City of Burlington by adoption of Res. 1989-5.
(1997 Code, ' 7-101)

ARTICLE 2: FIRE PREVENTION

Section

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' 7-201 FIRE PREVENTION CODE INCORPORATED.

The Board of Trustees shall be responsible for adopting the Fire Prevention Code for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion. (1997 Code, ' 7-201)

' 7-202 SAME; ENFORCEMENT.

The Code hereby adopted shall be enforced by the Coffey County Fire District #1. (1997 Code, ' 7-202)

' 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 Burlington.

(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety. (1997 Code, ' 7-203)

' 7-204 OPEN BURNING.

(a) *Inside fire limits.* It shall be unlawful to burn any trash, lumber, leaves, straw, paper, grass or other combustible material within fire limits of this city without first obtaining a burn permit from the city or the Coffey County Fire District #1.

(1997 Code, ' 7-204)

(b) *Outside fire limits.*

(1) It shall be unlawful for any person to burn combustible materials of any kind outside the fire limits without permission from the Coffey County Fire District #1.

(2) It shall be unlawful to start any fire or burn any combustible materials earlier than one hour before sunrise or later than one hour after sunset.

(3) It shall be further unlawful for any person to cause or start any open or unguarded fire on any premises outside the fire limits or allow the same to burn except when one or more persons are constantly present during the continuation of the fire except when suitable preventative measures, as directed by the Coffey County Fire District #1, have been taken to guard against the spreading of such open fire when the same may endanger adjacent property.

(4) It shall be unlawful for any person to burn in the open or in incinerators within ten feet of a wooden or frame structure or within five feet of a fire resistant structure.

(5) It shall be unlawful for any person to cause or permit smoke and/or flames from open fires or incinerators to interfere with the health, safety and comfort of others.

(1997 Code, ' 7-205)

(Ord. 532, adopted 10-7-1992)

' 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.

(1997 Code, ' 7-207)

' 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.

(1997 Code, ' 7-208)

' 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.

(1997 Code, ' 7-209)

' 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.

(1997 Code, ' 7-210)

' 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 Coffey County Fire District #1 in fighting fire is declared to be unlawful.

(1997 Code, ' 7-211)

' 7-211 SAME; INSPECTIONS TO DISCOVER.

It shall be the duty of the Coffey County Fire District #1 to inspect or cause to be inspected by 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 Coffey County Fire District #1 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, Fire District No. 1 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 District No. 1 shall report the matter to the City Attorney and he or she shall, if he or she deems it advisable, prosecute the offender.

(1997 Code, ' 7-212)

' 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 Coffey County Fire District #1 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.

(1997 Code, ' 7-213)

' 7-214 INSPECTION OF INCINERATORS; STANDARDS.

The Coffey County Fire District #1 shall inspect and approve all incinerators, and may cause the removal of an incinerator or burner which does not meet the requirements of this section when the same cannot be reconstructed or changed as to prevent the escape of sparks or burning material:

(a) Refuse burners shall be constructed of iron or steel, which iron or steel is not thinner than 16 B.W. gauge, brick, concrete or stone in substantial manner; and

(b) The refuse burner is a closed receptacle with a tight door on each opening at the bottom, if and

with the opening top protected in a secure manner by a wire screen not less than number nine gauge wire of not to exceed one inch mesh.

(1997 Code, ' 7-206) (Ord. 532, adopted 10-7-1992)

ARTICLE 3: FIREWORKS

Section

- 7-301 Fireworks defined
- 7-302 Fireworks prohibited
- 7-303 Same: exceptions; discharges
- 7-304 Permit for public fireworks display required
- 7-305 Approved fireworks; bottle rockets prohibited
- 7-306 Throwing prohibited
- 7-307 Sale of fireworks; where prohibited
- 7-308 Fire extinguishers required
- 7-309 Restrictions as to gasoline installations
- 7-310 Authority of Coffey County Fire District #1
- 7-311 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.

(1997 Code, ' 7-301)

' 7-302 FIREWORKS PROHIBITED.

(a) Except as provided in ' ' 7-303 to 7-306; 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.
(1997 Code, ' 7-302)

' 7-303 SAME: EXCEPTIONS; DISCHARGES.

(a) Section 7-302 shall not apply to the firing or discharge of fireworks in the city between the hours of 8:00 a.m. and 11:00 p.m. on July 1 through July 5.

(b) 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.

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

(d) It shall be unlawful for any person, firm or corporation to fire or discharge fireworks within any city park in the city.
(1997 Code, ' 7-303) (Ord. 567, adopted 1-20-1994; Ord. 819, adopted 6-5-2013)

' 7-304 PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED.

(a) (1) 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. 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, as set by the governing body, written by an insurance carrier licensed to do business in the state, conditioned as being non-cancellable except by giving ten 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.

(2) The application for the permit shall clearly state:

(A) The name of the applicant;

- (B) The group for which the display is planned;
- (C) The location of the display;

(D) The date and time of the display;

(E) The nature or kind of fireworks to be used;

(F) The name of the person, firm or corporation that will make the actual discharge of the fireworks; and

(G) 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.

‘ 7-305 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.
(1997 Code, ‘ 7-304)

‘ 7-306 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.
(1997 Code, ‘ 7-305)

‘ 7-307 STORAGE 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 Coffey County Fire District #1 deems there is a fire hazard, it is hereby authorized to have such hazard abated.
(1997 Code, ‘ 7-306)

‘ 7-308 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.

(b) Small stands, temporarily erected to be used as a place for storing 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.

(1997 Code, ' 7-307)

' 7-309 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.

(1997 Code, ' 7-308)

' 7-310 AUTHORITY OF COFFEY COUNTY FIRE DISTRICT #1.

The Coffey County Fire District #1 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. It shall dispose of all such fireworks as may be directed by the governing body.

(1997 Code, ' 7-309)

' 7-311 BANNING FIREWORKS.

The person designated by the city 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.

ARTICLE 4: NFPSA 101 LIFE SAFETY CODE

Section

7-401 NFPSA 101 Life Safety Code incorporated

7-401 NFPSA 101 LIFE SAFETY CODE INCORPORATED.

It is hereby incorporated by reference for the purpose of regulating fire protection in buildings and structures within the corporate city limits of the City of Burlington, Kansas, that certain code known as ANFPSA 101 Life Safety Code®, latest edition, prepared and published in book form by the National Fire Protection Association, Quincy, Massachusetts. No fewer than three copies of said NFPA 101 Life Safety Code shall be marked or stamped AOfficial Copy as Adopted by Ord. ___®, and to which shall be attached a copy of this article, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Code Enforcement Officer, Police Department, Municipal Judge and all administrative departments of the city charged with enforcement of the article shall be supplied, at the cost of the city, such number of official copies of such ANFPSA 101 Life Safety Code®, similarly marked, as may be deemed expedient.

(Ord. 764, adopted 11-7-2007)

