

## **CHAPTER VII. FIRE**

Article 1. Fire Department

Article 2. Fire Prevention

Article 3. Fireworks

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### **ARTICLE 1. FIRE DEPARTMENT**

7-101. FIRE PROTECTION; RILEY COUNTY. As of the adoption of this code, the City and Riley County have previously entered into an agreement to establish and maintain adequate fire protection for the city. Pursuant to the terms of this agreement, Riley County continues to agree to provide fire protection to the city. Subject to the agreement, the governing body of the city reserves any and all rights and powers to ensure that the city has adequate fire protection. The agreement between the city and Riley County is on file with the city clerk and has been approved by the Kansas Attorney General. (Code 1999)

## ARTICLE 2. FIRE PREVENTION

- 7-201. ADOPTION OF THE INTERNATIONAL FIRE PROTECTION CODE. There is hereby incorporated by reference for the purpose of regulating all fire protection work done or performed within the corporate city limits of the City of Ogden, Kansas the code known as the International Fire Code, 2006 Edition as recommended by the International Code Council, 5360 South workman Mill Road, Whittier California, 90601, save and except such articles, sections, parts, or portions thereof as are hereinafter omitted, deleted, modified or changed. One copy of such publication shall be marked or stamped "Official Copy as adopted by Ordinance No. 588, and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the city charged with enforcement of this code shall be supplied, at the cost of the city, such number of official copies, similarly marked, as may be deemed expedient. (Ord. 588; Code 2017)
- 7-202. SAME; AMENDMENTS. (a) Wherever the word municipality is used in the code hereby adopted, it shall be held to mean the City of Ogden.  
(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety.  
(Code 1987)
- 7-203. FIRE MARSHALL; COMPENSATION; CODE ENFORCEMENT. The Code hereby adopted shall be enforced by a qualified representative and designee of the Riley County Rural fire District No. 1. Said representative shall be fully empowered under this article and chapter to enforce the Code as referenced in Section 7-201. (Ord. 536; Code 2017)
- 7-204. OPEN BURNING; UNLAWFUL ACTS; PENALTY. (a) The governing body of the city finds that the open burning of certain materials within the corporate limits of the city is a matter affecting the health, safety and general welfare of the citizens of the city.  
(b) It shall be unlawful for any person to burn any heavy smoke producing materials, such as heavy oils, tires, tar paper, wire, etc., within the city.  
(c) Subsection (b) shall not apply to nor prevent the burning of dried grass or leaves, tree limbs, lumber and other materials of similar nature.  
(d) It shall be unlawful for any person to conduct any open burning between the hours of one half hour after sunset until sunrise on any day of the week without first obtaining from the fire marshal prior written approval and authorization to conduct such burning. The written authorization shall indicate to whom it is issued, where the open burning is to be conducted, and the date(s) and time(s) of the open burning.  
(e) It shall be unlawful to burn dried grass or leaves, tree limbs, lumber or any other combustible material in any street, alley or vacant lot within the fire limits of the city or within 25 feet of any building in the city, except in an approved burner, so constructed as to prevent the escape of sparks or burning material.  
(f) Any person convicted of a violation of this section shall for the first conviction thereof, be punished by a fine of \$25; for a second such conviction, be punished by a fine of \$50; upon a third or subsequent conviction, be punished by a fine of \$100.  
(Ord. 400; Code 1999)

- 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. (Ord. 242; Code 1987)
- 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. (Ord. 242; Code 1987)
- 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. (Ord. 242; Code 1987)
- 7-208. STORAGE OF ASHES. It shall be unlawful to store ashes inside of any non-fireproof 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. (Ord. 242; Code 1987)
- 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 1987)
- 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 1987)
- 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 1999)

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. (Code 1999)

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 marshal 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 1999)

### 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. 304; Code 1987)
- 7-302. FIREWORKS PROHIBITED. (a) Except as provided in sections 7-303:306; 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 .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.
- (C.O. 1956, 5-201; Code 1985)
- 7-303. SAME: EXCEPTIONS; DISCHARGES. (a) It shall be lawful to fire or discharge fireworks in the city between the hours of 8:00 a.m. and 12:00 p.m. on July 1st through July 4th.
- (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.
- (Ord. 304; Code 1987)
- 7-304. SAME: EXCEPTION; SALE OF FIREWORKS. Any person who has first obtained a valid permit to sell fireworks within the city may do so between the hours of 8:00 a.m. and 12:00 midnight commencing July 1st and through July 4th of each year. (Ord. 389; Code 1999)
- 7-305. PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE. (a) Only bona fide 100% non-profit charitable organizations existing within the city for the benefit of city residents shall be permitted to apply for a permit pursuant to this section.
- (b) It shall be unlawful for any person to sell, display for sell, offer to sell or give away any type of fireworks within the city without first paying a fee of \$25 per

establishment or premises to the city clerk and applying for and securing a permit therefor on or before June 25th of the permit year.

(c) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Prior to the issuance of the permit, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the establishment or premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.  
(Ord. 389; Code 1999)

7-306. 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. 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 \$1,000, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable 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. 304; Code 1987)

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. (Ord. 304; Code 1987)

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. However, fireworks may be discharged within the city parks as provided by Section 7-303. (Ord. 304; Code 1987)

- 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. (Ord. 304; Code 1987)
- 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 marshal deems there is a fire hazard, he or she is hereby authorized to have such hazard abated. (Ord. 304; Code 1987)
- 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. (Ord. 304; Code 1987)
- 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. (Ord. 304; Code 1987)
- 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. (Ord. 304; Code 2017)
- 7-314.           **AUTHORITY OF FIRE MARSHAL.** The fire marshal is authorized to seize and confiscate all fireworks which 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. (Code 1999)
- 7-315.           **BANNING FIREWORKS.** The Mayor shall have the authority and discretion to ban the discharge of all fireworks within the corporate limits of the City of Ogden if the weather conditions make discharge of fireworks in the City hazardous to persons or property. (Code 2017)