

## CHAPTER VII: FIRE

### Article

1. FIRE DEPARTMENT
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## ARTICLE 1: FIRE DEPARTMENT

### Section

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### § 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 not less than ten nor more than 25 firefighters. Members of the Fire Department shall be appointed by the Mayor and confirmed by the City Council. (1994 Code, § 7-101)

### § 7-102 MEMBERSHIP; FIRE DRILL.

(a) Members of the Fire Department shall all be volunteers. They shall meet at least once each month for practice and drill. The Chief shall keep a record of attendance of such meetings. Any member who shall fail to attend 75% of the scheduled Fire Department meetings per year shall be expelled from membership. Any member so expelled may be reinstated upon the vote of the majority of the members of the Fire Department subject to approval of the City Council.

(b) The Chief shall receive the sum of \$200 per month for administrative duties. The Assistant Chief shall receive \$150 per month. The Secretary of the Fire Department shall receive \$45 per meeting and \$20 per fire call, plus \$7.50 per hour after the first two hours of the fire call attended. The Chief and other members of the Department shall receive the sum of \$20 per meeting and \$20 per fire call, plus \$7.50 per hour after the first two hours of the fire call attended. (1994 Code, § 7-102) (Ord. B-533, passed 12-17-2012)

#### § 7-103 SUPERVISION OF DEPARTMENT.

The Chief of the Fire Department shall be under the supervision of the Mayor 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 its first meeting in October of each year.

(1994 Code, § 7-103)

#### § 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 firefighters 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.

(1994 Code, § 7-104)

#### § 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.

(1994 Code, § 7-105)

#### § 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.

(1994 Code, § 7-106)

#### § 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.

(1994 Code, § 7-107)

§ 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 en route 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 state 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.  
(1994 Code, § 7-108)

§ 7-109 RESERVED.

§ 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.

(1994 Code, § 7-110)

§ 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.

(1994 Code, § 7-111)



## 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
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### § 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, edition of 2015, 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 section shall take effect, the provisions thereof shall be controlling within the limits of the city.

(1994 Code, § 7-201)

### § 7-202 SAME; ENFORCEMENT.

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

(1994 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 Victoria.

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

(1994 Code, § 7-203)

§ 7-204 OPEN BURNING.

(a) It shall be unlawful for any person to kindle or maintain any bonfire or any rubbish fire or authorize any such fire to be kindled or maintained on or in any public sidewalk, street, alley, road, or other public ground or private property, except in authorized fireplaces in park locations, unless permission from the Fire Chief or Police Department shall have first been obtained, within guidelines set by the city.

(b) The term OPEN BURNING shall mean the burning of a bonfire, rubbish fire, or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill, or barbecue pit.

(c) Any person who shall violate any of the provisions of this section shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$100 and each day of failure to comply with such provisions of this section shall constitute a separate offense.

(1994 Code, § 7-204) (Ord. 414, passed 12-8-1997)

§ 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.

(1994 Code, § 7-205)

§ 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.

(1994 Code, § 7-206)

§ 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.

(1994 Code, § 7-207)

§ 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.  
(1994 Code, § 7-208)

#### § 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 article.  
(1994 Code, § 7-209)

#### § 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.  
(1994 Code, § 7-210)

#### § 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.  
(1994 Code, § 7-211)

#### § 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.

(1994 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 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.

(1994 Code, § 7-213)

## ARTICLE 3: FIREWORKS

### Section

- 7-301 Fireworks defined
- 7-302 Fireworks prohibited
- 7-303 Same: exceptions; discharges
- 7-304 Same: exception; sale of fireworks
- 7-305 Permit for sale of fireworks required; fee; issuance
- 7-306 Permit for public fireworks display required
- 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.

(1994 Code, § 7-301)

### § 7-302 FIREWORKS PROHIBITED.

(a) Except as provided in §§ 7-303 and 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.
- (1994 Code, § 7-302) (Ord. B-115, passed - -)

§ 7-303 SAME: EXCEPTIONS; DISCHARGES.

(a) The discharge of fireworks will be allowed within the city on July Fourth or Independence Day without a permit by individuals.

(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.  
(1994 Code, § 7-303) (Ord. B-115, passed - -)

§ 7-304 SAME: EXCEPTION; SALE OF FIREWORKS.

It shall be unlawful for any person to sell or offer for sale any fireworks within the limits of the city.  
(1994 Code, § 7-304) (Ord. B-115, passed - -)

§ 7-305 PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE.

(a) 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, as set by the governing body, per establishment or premises to the City Clerk and applying for and securing a permit therefor on or before June 27 of the permit year.

(b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Before a permit is issued, 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.

§ 7-306 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 of \$500,000, 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.

(1994 Code, § 7-305) (Ord. B-115, passed - -)

§ 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.  
(1994 Code, § 7-306)

§ 7-315 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: FLAMMABLE LIQUIDS

### Section

- 7-401 Storage
- 7-402 Commercial and residential property
- 7-403 Property storage; exceptions

#### § 7-401 STORAGE.

All storage, spacing, and handling of flammable liquids, Classes I, II, and III on commercial and residential property, shall be in full compliance with K.S.A. 13-207 and K.S.A. 75-1511, and amendments thereto, and State Fire Marshal Regulations 22-7-1 through 22-7-72, and amendments thereto, and NFPA Regulation No. 30 and NP1 Bulletin No. 1604, and amendments thereto. (1994 Code, § 7-501) (Ord. B-209, passed - -)

#### § 7-402 COMMERCIAL AND RESIDENTIAL PROPERTY.

COMMERCIAL PROPERTY shall be defined as all bulk oil stations and service stations (both full service and self-service).

RESIDENTIAL PROPERTY. Privately-owned property; all within the city limits. (1994 Code, § 7-502) (Ord. B-209, passed - -)

#### § 7-403 PROPERTY STORAGE; EXCEPTIONS.

Commercial and residential property storage shall conform with the state statutes, State Fire Marshal regulations, NFP regulations, and NP1 bulletins above-recited, with these exceptions.

- (a) Maximum residential storage shall be 500 gallons for Class I, II, and III, flammable liquid.
- (b) Residential storage location distances for zero- to 500-gallon Class I, II, and III, flammable liquid shall be a minimum of 20 feet from all buildings and all property lines.
- (c) Residential tank bases shall be concrete blocks to provide a two-hour fire burn rating as required by the State Fire Marshal regulations.

(d) Residential underground storage shall follow the State Fire Marshal regulations. All underground tanks must be provided with screen vents and must be approved by the Chief of the Fire Department.

(1994 Code, § 7-503) (Ord. B-209, passed - -)