

(Published in the Ellis County Star on October 24, 1996)

ORDINANCE NO. B-388

AN ORDINANCE PROMOTING FIRE PREVENTION WITHIN THE CORPORATE LIMITS OF THE CITY OF VICTORIA, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM FIRE CODE" ADDITION OF 1994, WITH CERTAIN OMISSIONS PROVIDING CERTAIN PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS:

Section 1. There is hereby adopted by 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 appendix chapters, and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1994 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Sections 2, 3 and 8 of this chapter, three (3) copies of which code and standards have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect the provisions thereof shall be controlling within the limits of the City.

Section 2. Section 2.303 of the Uniform Fire Code is hereby amended to read as follows: The suitability of alternate materials, methods of construction and reasonable interpretations of this code, shall be determined by the board of zoning appeals created pursuant to K.S.A. 12-714 and as amended. The board of appeals shall have no authority to interpret the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. The board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the fire chief, with a duplicate copy to the appellant. Wherever in this uniform code reference is made to the "board of appeals," such reference shall mean the board of zoning appeals referred to above.

Section 3. There is hereby added Section 2.206 entitled Penalties which shall read as follows:

Sec. 2.206 Penalty.

(a) Any person who shall violate any of the provisions of this 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 fire chief or other proper city authority 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 Class B violation as prescribed by the public offense code of this city. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such person shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 4. The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code, in which the storage of flammable or combustible liquids is restricted, are hereby established as follows:

(1) Class I liquids: Within the city, provided, however, that if and when the Kansas Department of Health and Environment has determined that the public interest will best be served by the removal of flammable hydrocarbons from the underground water aquifer, then, with the approval of the fire chief, aboveground flammable or combustible liquid tanks may be installed, provided that all applicable sections of the Uniform Fire Code are complied with.

(2) Class II liquids: With any residential zoning district and/or the "C-3" Central Business District.

Section 5. The limits referred to in section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

Within the limits of Victoria, Kansas

Section 6. The limits referred to in section 5204.5.2 of the Uniform Fire Code in which the storage of explosives and

blasting agents is prohibited are hereby established as follows:

Within the limits of Victoria, Kansas.

Section 7. The limits referred to in section 5204.5.2 of the Uniform Fire Code in which the storage of compressed gas storage is prohibited, are hereby established as follows:

- (1) Within any residential zoning district and/or the "C-3" Central Business District.

Section 8. The Uniform Fire Code is amended and changed in the following respects:

Section 7902.3.1. The storage of flammable and combustible liquids in closed containers or portable tanks outside of buildings shall be in accordance with this division and the limits referred to in sections 7902.2.1 and 7904.2.5.4.2.

Section 8204.2. Maximum capacity within established limits within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one installation shall not exceed one (1) five hundred (500) gallon container.

Section 102.1(b) Existing Conditions. The provisions of this code shall apply to existing conditions as well as to conditions arising after the adoption thereof, except that conditions legally in existence prior to the adoption of this code and not in strict compliance therewith shall be permitted to continue if:

- (1) In the opinion of the fire chief, there is no patent hazard to life or property; and
- (2) The use and occupancy remains the same as it was immediately prior to the adoption of this code; and
- (3) The ownership remains the same as it was immediately prior to the adoption of this code; and
- (4) In the event of remodeling, the remodeling work is less than twenty-five (25) percent of the assessed value. If remodeling work of twenty-five (25) percent or more of the assessed valuation is undertaken then the entire building shall be made to comply with all provisions of the code.

- a. All remodeling work done in any two-year period shall count towards the determination of percentage of remodeling to assessed value.
- b. Remodeling shall be defined as any work undertaken which requires or would have required issuance of a building permit under the ordinances of the City of Victoria, Kansas.

Section 9. In the event any section or provision of the fire code or the fire code standards or of this ordinance are in conflict with Chapter 7, Article 4, the provisions of the fire code or fire standards code in conflict shall be deemed invalid or inapplicable only as to the conflict.

Section 10.

(a) Except as otherwise provided, at least one smoke detector shall be installed in every existing dwelling unit before January 1, 1998.

(b) The smoke detector shall be a single station smoke detector of a type approved by the Underwriters Laboratory.

(c) Smoke detector shall be installed in accordance with manufacturer's instructions and in such a manner that when activated the smoke detector shall initiate an alarm which is audible in the sleeping room(s) of the dwelling unit.

(d) It shall be the responsibility of the owner of any such dwelling unit to provide, install and maintain such smoke detector unit.

(e) The owner of any occupied dwelling unit without such an operable smoke detector shall be in violation of the smoke detector code.

Section 11. It shall be unlawful for any person to remove any smoke detector or any part thereof or do any act which would render the smoke detector inoperable except temporarily for repairs or replacement. In no case shall such a period of inoperability exceed 24 hours.

Section 12. Penalties.

(a) Any person who shall violate any of the provisions of this 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 statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder and from which no appeal has been taken, within the time fixed herein, shall severally for each and every such violation and non-compliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment form not less than zero (0) days nor more than six (6) months or by such find 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 violation or defects within a reasonable time and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removed of prohibited conditions.

Section 13. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code or standards hereby adopted are hereby repealed.

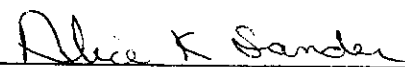
Section 14. Effective date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED BY THE COUNCIL this 9th day of September, 1996.



Allen P. Dreiling, Mayor

ATTEST:



Alice K. Sander, City Clerk