

CHAPTER VII. FIRE

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ARTICLE 1. FIRE DEPARTMENT

- 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 10 nor more than 25 firefighters. Members of the fire department shall be confirmed by the commission after a screening and selection process performed by the Fire Department members. (Code 2007)
- 7-102. MEMBERSHIP; FIRE DRILL. Members of the fire department shall all be volunteers. They shall meet at least once each month for practice and drill. The chief of the fire department shall keep a record of attendance of such meetings. Any member who shall fail to attend four (4) consecutive meetings shall automatically become expelled from membership. (Code 2007)
- 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 their first meeting in October of each year. (Code 2007)
- 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 fire fighters 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. (Code 2007)

- 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. (Code 2007)
- 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. (Code 2007)
- 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. (Code 2007)
- 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 enroute 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 Kansas 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.
(Code 2007)
- 7-109. SAME; FIRE HOSE. It shall be unlawful for any person or persons to drive any vehicle over any fire hose laid on any street, alley or lot. This section shall not apply to any apparatus or vehicle being driven by members of the fire department. (Code 2007)
- 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. (Code 2007)
- 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. (Code 2007)

- 7-112. COMPENSATION. Members of the fire department shall be paid for their services the sum of \$10.00 for each fire attended within the city limits on a general alarm; provided such member is with the company during the progress of such fire. (Code 1977, 2.28.110; Code 2007)
- 7-113. MUTUAL AID AGREEMENTS; CONTRACTUAL FIRE SERVICES. The governing body of the city is authorized to enter into an agreement with any township or city in the county or surrounding counties in order to furnish, outside the city limits, firefighting service to such township on the terms and conditions provided in this chapter. (Code 1977, 2.28.120)
- 7-114. SAME; RESOLUTION BY TOWNSHIP. (a) No contract shall be entered into with the township until its township board authorizes by resolution in writing to enter into an agreement providing for such firefighting service on the part of the city.
 (b) A copy of the resolution shall be filed with the city clerk.
(Code 1977, 2.28.150)

ARTICLE 2. FIRE PREVENTION

- 7-201. INTERNATIONAL FIRE CODE INCORPORATED. There is hereby adopted as the Fire Code of the City of Hiawatha by reference thereto, the International Fire Code, 2003 Edition, published by the International Code Council, Inc.
The purpose of this code is to govern the maintenance of buildings and premises and safeguard life, health, property and the public welfare of the residents of the City of Hiawatha by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes, and by regulating the maintenance of adequate egress facilities. The subject matter of the code includes the prescribed regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of building or premises.
(Ord. 957, Sec. 5; Code 2007)
- 7-202. SAME; ENFORCEMENT. The code hereby adopted shall be enforced by the chief of the fire department. (Code 2007)
- 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 Hiawatha.
(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety.
(Code 2007)
- 7-204. OPEN BURNING; PROHIBITED. It is unlawful for any person to burn trash, rubbish, leaves, lumber, straw, grass, or other combustible material anywhere in the city. (Code 2007)
- 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. (Code 2007)
- 7-206. STORAGE OF ASHES. It shall be unlawful to store ashes inside of any nonfireproof 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. (Code 2007)
- 7-207. 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 2007)

7-208. 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 2007)

7-209. 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 2007)

7-210. SAME; SERVICE OF ORDER; RECORDS. Any order made under section 7-209 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. (Code 2007)

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. (Code 2007)

7-302. FIREWORKS PROHIBITED. (a) Except as provided in sections 7-303:304; 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.

(Code 2007)

7-303. SAME: EXCEPTIONS; DISCHARGES. (a) 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.

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

(Code 2007)

7-304. 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 \$500,000.00, 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.
- (Code 2007)

7-305. **AUTHORITY OF FIRE CHIEF.** The chief of the fire department 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 2007)

ARTICLE 3. FIREFIGHTER'S RELIEF ASSOCIATION

7-401.

FIREFIGHTER'S RELIEF ASSOCIATION. (a) The members of the volunteer fire department shall be organized as a private corporation, as provided by law, under the name and style of the Firefighter's Relief Association of Hiawatha, Kansas, and in such name, the association shall carry on its business as provided in this section.

(b) The association shall adopt such bylaws, rules and regulations as may be expedient to carry out and promote the objects of the association and which are not inconsistent with state laws.

(c) The officers of the association shall consist of a president, vice-president, a secretary-treasurer and such other officers as may be provided by the bylaws. The association shall have a board of directors organized in accordance with the bylaws which shall consist of the officers of the association and two members thereof.

(d) Such association shall be regulated, governed and, in its operation and existence, be conducted in accordance with the provisions of K.S.A. 40-1701, *et seq.* and amendments thereto.
(Code 1977, 2.76.010)