

ORDINANCE NO. 3812

AN ORDINANCE REGULATING THE FIRE CODES IN THE CITY OF OSAWATOMIE AND ITS GROWTH AREA INCORPORATING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL FIRE CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE KANSAS, as follows:

SECTION ONE: INCORPORATION OF INTERNATIONAL FIRE CODE; AMENDMENTS AND DELETIONS. There is incorporated by reference, for the purpose of adopting regulations, provisions, terms, and specifications, for the control of buildings and structures within the City and growth areas of Osawatomie; 2018 International Fire Code , as published by the International Code Council, Inc., , excepting only such parts or portions thereof as are specifically deleted or amended and including such new and additional provisions added to said code herein after referred to as the Adopted Fire Code. Not less than one (1) copy of said Adopted Fire Code shall be marked Official Copy as Adopted by Ordinance No. 3812, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

SECTION TWO: INCORPORATION OF CERTAIN APPENDICES OF THE 2018 INTERNATIONAL FIRE CODE. The following Appendices to the 2018 Codes are hereby adopted and incorporated herein by reference:

Article 1. Fire Limits

7-201. International fire code incorporated.

(a) The 2018 International Fire Code as adopted and amended herein shall be enforced by the fire chief. If there is a conflict between the language of the International Fire Code and the Municipal Code book, the Municipal Code provisions or ordinance shall prevail.

(b) The following appendices of the 2018 International Fire Code are hereby adopted.

1. Appendix B - Fire-Flow Requirements for Buildings
2. Appendix C - Fire Hydrant Locations and Distribution
3. Appendix D - Fire Apparatus Access Roads
4. Appendix E - Hazard Categories
5. Appendix F - Hazard Ranking
6. Appendix G - Cryogenic Fluids – Weight and Volume Equivalents
7. Appendix H - Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions
8. Appendix I - Fire Protection Systems – Noncompliant Conditions
9. Appendix J - Building Information Sign
10. Appendix L - Requirements For Fire Fighter Air Replenishment Systems
11. Appendix N - Indoor Trade Shows and Exhibitions

(c) The chief shall be appointed by the city manager on the basis of examination to determine his or her qualifications.

(d) The chief of the fire department shall recommend to the city manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department.

(Ord. 3452, Sec. 2; Code 2008; Code 2018)

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 Osawatomie.

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

(c) The party responsible for enforcement of the International Fire Code is given the title of fire chief.

(Ord. 3452, Sec. 3; Code 2008)

7-203. Same; amendments.

(a) Any Section of the International Fire Code dealing with open burning is hereby deleted and replaced with the following:

No person shall cause or allow the open burning of any wastes or open burning of any item for the purpose of salvaging operations or on-site open burning of structures, vegetation or other combustible materials except when on-site open burning operations are carried out for the purpose of burning materials associated with land clearing operations, crop or game management practices, or construction projects carried out on the premises. Provided that:

(1) Such burning is not specifically prohibited by the Kansas Department of Health & Environment, its official designated representatives, or other authorities having local jurisdiction in the matter where it is demonstrated to be in the best interest of public health and welfare.

(2) Such burning is carried out in accordance with the following guidelines;

(A) Nature of material to be burned: The burning of heavy smoke producing material such as heavy oils, tar paper, etc., is prohibited. The material to be burned should be stockpiled and dried to the extent possible before it is burned.

(B) Meteorological conditions: Burning operations shall not be initiated until at least one hour after sunrise. Addition of material to the fire shall be limited to periods at least two hours prior to sunset. Burning shall not be carried out during inclement or foggy conditions or on very cloudy days. Cloudy days will be defined as overcast days (more than 0.7 cloud cover) with a ceiling of less than 2,000 feet. In addition, burning shall be restricted to periods when surface wind speed is more than 5 mph and less than 15 mph, and from a direction which will not carry the smoke over any occupied dwellings or public roadways or any airports within two miles of the burning site.

(C) Location: The burning shall be carried out at least 300 feet from any occupied dwelling or public roadway and at least one mile from any airport.

(D) Firebreaks: The burning of vegetation in providing a firebreak in pasture or other crop management may be allowed where necessary during evening or early morning hours in order to take advantage of calm wind conditions.

(E) Safety: Burning shall be supervised until the fire is extinguished.

(3) Notification. Open burning operations are conducted for a specific period of time and upon receipt of a permit from the Fire Department and compliance with the following:

(A) The name, address and telephone number of the person responsible for the open burning operation.

(B) The exact location and type of open burning operation involved.

(C) The reason why the proposed operation is in the public interest and no alternative method is feasible.

(D) A description of the open burning operation including the estimated amount and nature of material to be burned each time; the proposed frequency, duration and schedule of such burning; the size of the area to which the burning will be confined; and the method of igniting the material.

(E) A sketch indicating the location of the open burning with respect to all public roadways and dwellings within 1000 feet or less of the proposed operation, and placing a notification on the door of each dwelling at least one day prior to burning.

(F) Evidence that such open burning has been approved by the Kansas Department of Health and Environment if required.

(G) Such burning is not carried out on any one parcel of land for a time period aggregating more than five days during any calendar year.

(H) Prior to commencement of each open burning, the public safety department shall be notified.

(4) Material restrictions. Open burning of rubbish containing paper products, petroleum-based products or generating dense smoke or odor is prohibited. Material must be generated on the property through the "normal habitation" of said property and may not be transported from another location to the said property and disposed of under this section.

(Ord. 3516, Sec. 2; Code 2008)

7-204. Open burning.

The 2018 International Fire Code is subject to the following exceptions:

No person shall burn, or cause or permit the open burning of vegetation, leaves, garbage, structures, wastes, or other combustible materials.

(a) The burning of wood, paper or other materials commonly used in a residential fireplace or wood stove shall be permitted in enclosed fireplace or wood stove, located entirely within an occupied structure and meeting all applicable building and fire code regulations.

(b) Fires used for noncommercial preparation of food, such as barbecuing: provided that the fire is in a container or structure designed for that purpose and further provided that any burning of charcoal or other open-flame devices on combustible decks or balconies is allowed only at one and two-family dwellings or where the combustible balconies and decks are protected by an automatic sprinkler system.

(c) The building of fires for cooking, recreational or ceremonial purposes, on public or private lands regularly used for recreational purposes. Campfires in an approved camping area shall not be more than four feet in diameter at the base. Bonfires in an approved area shall not be more than ten feet in diameter at the base and provided that the Osawatomie Public Safety Department is notified of the bonfire at least twenty-four hours in advance.

(d) The burning as may be required to be done by the city in the conduct of the affairs of the city.

(e) The setting of fires for purposes related to the training of government or industrial personnel in firefighting procedures when such activity is approved by the Fire Department.

(f) Notwithstanding any other provision of this Article, no burning of any type shall be permitted upon any public street, alley, curb, storm drainage facility, sidewalk, around or under any public utility, or other public rights-of-way except by the city in the conduct of the affairs of the city.

(g) All campfire or bonfire areas shall be approved by the fire chief or their designated representative.

(Ord. 3516, Sec. 1; Code 2008)

7-205. 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.

(Code 2008)

7-206. Flammable liquids within fire limits; unloading. It shall be unlawful for any person to unload any gasoline or flammable liquids from any truck, tank wagon, trailer or other conveyance when the operator of the conveyance is within view of the conveyance while the liquids are being unloaded.

(Ord. 3161, Sec. 2; Code 1977, 7-207)

7-207. Same; storage. It shall be unlawful for any person to store gasoline or flammable liquids within the area prescribed in Section 4-101 of this code, in storage tanks having a capacity in excess of 660 gallons each, and no more than three separate storage tanks may be used or maintained. The storage tanks shall not be connected with one another so as to permit the gasoline or flammable liquids to flow from one tank to the other; provided, that this limitation shall not apply to present existing installations which may be replaced with a tank or tanks of the same or smaller capacity, but in no case shall the total volume of storage capacity be increased.

(Code 1977, 7-208)

7-208. Same; construction, permit.

It shall be unlawful for any person to build or install storage facilities for gasoline or flammable liquids within the fire limits of the city without a permit granted by the city manager.

Any application for such a permit shall include a statement of the number and capacity of tanks to be built or installed.

(Code 1977, 7-209)

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 or their designated representatives 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 2008)

7-210. Same; service of order; records. Any order 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 or their designated representatives 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.

7- 211. Code board of appeals. The code board of appeals established by Section 4-113 of the Code of the city of Osawatomie, Kansas shall act to hear all appeals of notices or orders that are issued by the fire chief or their designated representatives. Membership of the board and policies and procedures shall be in accordance with Section 4-113.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall take effect on the 15th day of July, 2022.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 23rd day of June, 2022.

APPROVED AND SIGNED by the Mayor.

Nick Hampson,
Mayor

(SEAL)

ATTEST:

Tammy Seamands,
City Clerk