

CHAPTER VII. FIRE

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ARTICLE 1. FIRE PREVENTION

- 7-101. FIRE PREVENTION CODE INCORPORATED. There is hereby incorporated by reference the "BOCA National Fire Prevention Code," 1996 Edition, published by the Building Officials and Code Administrators International, Inc. Not less than three copies of the "BOCA National Fire Prevention Code," 1996 Edition, shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 667," to which shall be attached a copy of this incorporating ordinance, and shall be filed with the city clerk and open to inspection and available to the public at all reasonable business hours. (Ord. 667, Sec. 12)
- 7-102. FIRE HYDRANTS. (a) No fences, obstructions, shrubs, hedges, trees, or vegetation of any kind or nature, except grass, shall be allowed or permitted to grow or exist within a radius of three feet of any existing fire hydrants or any which may hereafter be installed.
- (b) The grass which shall be allowed to grow near fire hydrants as provided in subsection (a) shall at no time exceed a height of six inches.
- (c) Prior to prosecution of this section the city shall give violators 24 hours to comply with this section by notifying such violators of impending prosecution.
- (d) Any person violating this section shall upon conviction be punished by a fine of not more than \$499.00 or confinement in the county jail for a period not exceeding 30 days, or both such fine and imprisonment. Each day a violation occurs following notice as herein provided shall constitute a separate offense. (Ord. 412, Sec. 2; Code 1977, 5-501:503)

ARTICLE 2. FIRE HAZARDS

- 7-201. FIRE HAZARDS. Any situation, condition, actively, object or substance conducive to the outbreak or spreading of fire in the city is declared to be a fire hazard. It shall be unlawful for any person, firm or corporation to cause or create any such condition or situation within the city or to permit or suffer to on any premises under his, her or their control any activity, object or substance conducive to or likely to cause the outbreak of fire except as may otherwise be provided by the laws of the city or the State of Kansas. (Code 1977, 5-102)
- 7-202. PROHIBITED BURNING. All outside burning within the City is hereby prohibited. No person, firm, corporation or association of persons shall burn, cause or allow the outside burning of any type, kind or nature at any time within the City; provided, however, outside cooking of food in proper grills or ovens, or outside use of chimeneas, shall not be prohibited. (Ord. 769, Sec. 1; Code 2007)
- 7-203. BURNING OF COMBUSTIBLE MATERIAL. No person shall burn any combustible matter of any kind on any paved street within the city. No person shall throw or place any coal oil or any substance likely to injure any paved street upon any street within the city. (Code 1977, 5-106; Code 2003, 7-204)

ARTICLE 3. EXPLOSIVES

- 7-301. UNLAWFUL TO POSSESS OR MANUFACTURE BOMBS. It shall be unlawful at anytime for any person, partnership, company, corporation or association to have in their possession or under their control or supervision; or to make, manufacture, offer for sale, and sell or distribute, whether the same be with or without consideration, any type of gasoline or other inflammable explosive or incendiary bombs, including all such devices commonly known as a Molotov cocktail within the city limits nothing contained in this section shall be in lieu of any civil damages. (Code 1977, 5-201; 5-203:204)
- 7-302. UNLAWFUL TO POSSESS MATERIAL HARMFUL TO THE BODY OF ANY PERSON. It shall be unlawful for any person to use, throw, possess on their person, transport other than in the regular course of trade, any acid, caustic or other burning material or substance which causes or could cause damage or injury to any personal property or cause damage or injury to any part of the body of any person. Nothing contained in this section shall be in lieu of any civil damages. (Code 1977, 5-202:204)
- 7-303. STORAGE OF EXPLOSIVES PROHIBITED. It shall be unlawful to store or keep any dynamite, nitroglycerine, giant powder, or other explosives in any storeroom, ware-room, building or on any premises within the city limits. (Code 1977, 5-301:302)
- 7-304. BLASTING; PERMIT. No person shall do or cause to be done, any blasting within the city limits, without first obtaining from the city clerk a permit, which shall be issued only on condition that the city clerk is satisfied that the applicant is, in every particular, safe, careful and suitable person to use, and skilled in the use of, the explosive desired to be used. No permit shall under any circumstances be issued to anyone until the applicant has entered into a good sufficient bond with at least two securities, in the sum of not less than \$100 nor more than \$100,000 as the clerk may require, and approved by the clerk, conditioned that such person shall carefully and prudently use such explosive. The bond shall run to the city for the benefit of the city and anyone damaged in person or property by the negligent use of such explosives. The permit shall run for a time certain not exceeding 12 months. The bond shall be filed with the city clerk. (Code 1977, 5-303)
- 7-305. SAME; APPLICATION; LOCATION. Any person desiring to blast within the city limits, shall prior to commencing such blasting file with the city clerk a written application for a permit. The application shall describe the location or place the blasting is to be performed; the purpose for which the work is intended; the dimensions, length, breadth, depth thereof; the time when the blasting is to be commenced; and, the time required to complete the blasting. (Code 1977, 5-304:305)

ARTICLE 4. FIREWORKS

- 7-401. DEFINITION. The term "fireworks" shall mean and include, unless otherwise hereinafter excluded, any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include snapper-poppers or champagne bottles. Further, the term "fireworks" shall not include any toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps, nor any pistol paper caps manufactured as provided therein, and such other substances or combination of substances, or devices, which the governing body may by resolution specifically exclude from the definition of "fireworks" as defined herein. (Ord. 732, Sec. 1; Code 2007)
- 7-402. USE OF FIREWORKS PROHIBITED. (a) Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail any fireworks other than toy pistols, toy canes, toy guns or other devices in which are used paper caps manufactured in accordance with the United States Commerce Commission regulations for packing and shipping of toy paper caps, or any pistol paper caps manufactured as provided therein, in the city.
- (b) Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership or corporation to possess, use, discharge or explode any fireworks other than those substances and devices excluded from the definition of fireworks under section 7-401 and those fireworks specifically excluded under a resolution adopted by the governing body or allowed as an exception under section 7-403 of this article.
(Ord. 732, Sec. 2; Code 2007)
- 7-403. EXCEPTIONS. The use of the following fireworks is allowed and permitted in the city on the dates herein specified and may be possessed throughout the year:
- (a) Nonpoisonous snakes, smoke bombs and items of similar composition;
 - (b) Cone fountains and whistling fountains without report;
 - (c) Sparklers and dipped sticks;
 - (d) Firecrackers as defined by the Consumer Product Safety Commission, 10 C.F.R. §1500.17(a)(8)
- (Ord. 732, Sec. 3; Code 2007)

- 7-404. DAYS ON WHICH EXCEPTED FIREWORKS MAY BE USED. The fireworks permitted by this chapter shall be allowed only on December 31st after 11:45 p.m. until January 1st at 12:30 a.m. and on July 3rd and July 4th between the hours of 8:00 a.m. and 11:30 p.m. (Ord. 732, Sec. 4; Code 2007)
- 7-405. THROWING FIREWORKS FROM VEHICLE PROHIBITED. No fireworks shall be thrown from an automobile or other moving vehicle. (Ord. 732, Sec. 5; Code 2007)
- 7-406. PERMIT FOR PUBLIC DISPLAY BY PYROTECHNIC EXPERT. Fireworks may be possessed, used, exploded or discharged by licensed pyrotechnic experts in a public exhibition or display of fireworks, provided the person desiring to possess, use, explode or discharge such articles of fireworks shall possess a permit (or a copy thereof) issued by the city clerk. (Ord. 732, Sec. 6; Code 2007)
- 7-407. CONTENTS OF APPLICATION. An applicant for a permit for a public exhibition or display of fireworks shall file with the city clerk a written application, in triplicate, duly subscribed and sworn to by the applicant. Such application shall set forth the following:
- (a) The name of the person, association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the firing or discharging of the display;
 - (b) The date and time of day at which the display is to be held;
 - (c) The exact location planned for the display;
 - (d) A description setting forth the age, experience, residence and physical characteristics of the persons who are to do the actual firing and discharging of the fireworks;
 - (e) The number and kinds of fireworks to be discharged;
 - (f) The manner and place of the storage of such fireworks between the date of purchase and the date of display;
 - (g) A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, streets, and other lines of communication, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
 - (h) The State of Kansas pyrotechnic license number of the person in charge of the public display.
- (Ord. 732, Sec. 7; Code 2007)
- 7-408. INVESTIGATION AND APPROVAL BY THE CHIEF OF POLICE; FEE. An application for a permit for a public exhibition or display of fireworks shall be filed with the city clerk at least 30 days before the date set for the display. A copy of such application shall be sent at once to the Chief of Police, or his or her designee, who shall make or cause to be made an investigation of the site of the proposed display and investigate the competence and skill of the person in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this article, he or she shall so

advise the city clerk. No permit shall be issued unless the approval in writing, signed by the Chief of Police, or his or her designee, is filed with the city clerk. The applicant for a permit shall, at the time of filing application pay to the city clerk a fee of \$100.00, which sum shall be refunded in the event the application for such permit is denied. (Ord. 732, Sec. 8; Code 2007)

7-409.

PERMIT FOR PUBLIC DISPLAY BY PYROTECHNIC EXPERT; BOND OR INSURANCE POLICY REQUIRED. Before a permit shall be issued for a public exhibition or display of fireworks, the applicant shall file with the city clerk either a bond or a policy of liability insurance.

(a) A bond of the applicant with a solvent and responsible surety company, authorized to do business in the state, as surety thereon, or a policy or certificate of liability insurance acceptable to the city clerk and approved as to form by the city counselor, conditioned that the applicant will pay all final judgments recovered against such application up to and including the sum of \$1,000,000 for injury to or death of any one person, and up to and including \$2,000,000 for injury to or death of more than one person, by reason of the carelessness or negligence of the applicant or persons in charge of the discharge of such fireworks; and \$1,000,000 for damage to the property reason of the careless or negligence of the applicant or persons in charge of the discharge of the fireworks.

(b) There shall be attached to all liability insurance policies issued pursuant to the requirements of this section, the following endorsement:

"In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby agrees to pay any final judgment for personal injury, including death resulting therefrom or damage to property caused by the carelessness or negligence of the applicant, or person or persons in charge of the discharge of said fireworks, while operating under and pursuant to the permit issued by Roeland Park, Kansas, authorizing a public display of fireworks at or near (address) on the ____ day of _____, 20__, within the limits set forth in the schedule shown hereon, and further agrees that upon its failure to pay any such final judgment, the judgment creditor may maintain an action in any court of competent jurisdiction, to compel such payment. Nothing contained in the policy, or any endorsement thereon, nor the violation of any of the provisions thereof by the assured, shall relieve the company from liability hereunder, or from the payment of such judgment, attached to and forming part of Policy No. _____ issued by to _____."

(Ord. 743, Sec. 9; Code 2007)

7-410.

CONDUCT OF PUBLIC DISPLAY. (a) A public display of fireworks shall be permitted only when the actual point at which the fireworks are to be fired is at least 200 feet from the nearest permanent building, public street, or 50 feet from the nearest aboveground telephone or telegraph line, tree, or other overhead obstruction.

(b) The audience at a public display of fireworks shall be restrained behind lines at least 150 feet from the point at which the fireworks are

discharged, and only person in active charge of the display or responsible for safety and security shall be allowed inside these lines.

(c) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible at an angle of not more than 15 degrees from vertical and directed away from the spectators.

(Ord. 732, Sec. 10; Code 2007)

7-411. OPERATORS AT PUBLIC DISPLAY. (a) The persons in actual charge of the firing of fireworks in a public display shall be licensed pyrotechnic experts.

(b) There shall be at all times at least two operators of the display constantly on duty during the discharge.

(Ord. 732, Sec. 11; Code 2007)

7-412. EXTINGUISHERS AT PUBLIC DISPLAY. At a public display of fireworks, at least two approved class 2A, 10BC-type fire extinguishers shall be kept at as widely separated points as possible within the actual area in which the discharging is taking place. (Ord. 732, Sec. 12; Code 2007)

7-413. ENFORCEMENT OF PROVISIONS. The Chief of Police is charged with the duty of enforcing all the provisions, terms and regulations of this article.

(Ord. 732, Sec. 13; Code 2007)

7-414. PENALTY. Any person violating the provisions of this article shall, upon conviction thereof, be fined not less than \$25.00 nor more than \$500.00 for each and every offense. (Ord. 732, Sec. 14; Code 2007)

ARTICLE 5. LIFE SAFETY CODE

- 7-501. NFPA CODE INCORPORATED. There is hereby incorporated by reference “The NFPA Life Safety Code,” as recommended and published by the National Fire Protection Association, Inc. No fewer than three copies of “The NFPA Life Safety Code,” marked or stamped “Official Copy as Adopted by Ordinance No. 789 and the Code of the City of Roeland Park,” shall be filed with the city clerk and open to inspection and available to the public at all regular business hours. (Ord. 789; Code 2007)

ARTICLE 6. FLAMMABLE AND COMBUSTIBLE LIQUIDS

- 7-601. DEFINITIONS. As used in this chapter:
- (a) Flammable Liquids - means any liquid having a flash point below 140°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F.
 - (b) Fuel Tank - means any tank which conforms to generally accepted engineering standards for attachment to or incorporation into the motor vehicle, motor board, or aircraft for the purpose of continuously and directly supplying it with fuel in the course of its normal operation. This specifically prohibits any container which is attached or incorporated solely for the purpose of storing flammable liquids.
 - (c) Person - includes individuals, firms, copartnerships, corporations and associations.
 - (d) Storage - means articles that are stored, kept or accumulated for some future use and drawn upon as needed.
- (Code 1986)
- 7-602. CODES. The Flammable and Combustible Liquids Code No. 30-1978 prepared and published by the National Fire Protection Association and the Recommended Practice on Underground Leakage of Flammable and Combustible Liquids No. 329-1978 prepared and published by the National Fire Protection Association, are incorporated by reference thereto and the provisions of the codes are made applicable to the city as though fully set forth in this chapter. The codes are referred to in this chapter as NFPA No. 30-1978 and NFPA 329-1978 respectively. Three copies of the codes shall be kept on file with the city clerk. (Code 1986)
- 7-603. MISCELLANEOUS. The transportation storage, and use of flammable liquids and gases, not specifically referred to in this chapter, shall comply with the requirements of the standards set forth in the Appendix B of the BOCA Basic Fire Prevention Code, 1984, as prepared and published by Building Officials and Code Administrators International, Inc. (Code 1986)
- 7-604. STORAGE OF FLAMMABLE LIQUIDS PROHIBITED. No flammable liquid, as defined in section 7-601 shall be stored on any person's property in an aggregate amount in excess of five gallons in the city in any container or containers, including but not limited to stationary tanks above or below the ground, inside or outside of any building or storage garage; provided, however, that the following organizations and purposes shall be exempt from the provisions of this section:
- (a) Fire districts, water district, school districts, sewer districts, cities country clubs, or any holder of a valid and current special use permit authorizing the storage of flammable liquids; or
 - (b) The storage or use of flammable liquids in the fuel tank of a motor vehicle, aircraft, or motorboat; or

(c) The storage of paint, oils, varnishes or similar mixtures when such liquids are stored for painting or maintenance of the property where stored, provided, however, the storage shall not exceed a period of 30 days.
(Code 1986)

7-605. RECORDS AND TESTING. (a) Accurate inventory control records for the purpose of detecting system leakage shall be maintained by the person or company in control of the premises for each underground storage facility in accordance with NFPA No. 30-1978, Chapter VII, paragraph 7114 and NFPA No. 329-1978. The person or company in control of the premises shall promptly report any abnormal loss of content to the official designated by the governing board for this purpose. The person or company shall make these inventory control records available for checking by that official upon request.

(b) All pressure piping and remote pumping installations shall be subjected to pressure tests for at least 30 minutes at the maximum operating pressure of the system at intervals no greater than two years~ The date of the test, the pressure to which the system was tested, the duration, and results thereof shall be recorded and maintained until the date of the next test and shall be available for inspection by the building official or his or her duly authorized representative upon request.

(c) All underground flammable liquid storage tanks which have been buried for 10 years or more shall be tested prior to January 1, 1986, for tightness to the standards set forth in NFPA No. 329-1978. The test shall be conducted using a tank tester model 1000 of the Kent-Moore Service Tool Division or one equal standard approved by the official designated above. In the event that such Kent-Moore test or its equivalent is required on any buried storage tank prior to the expiration of the 10 years, a later test will not be required without cause until the expiration of five years from the date of the test or the expiration of the 10th years, such Kent-Moore tests shall be repeated on all such tanks at intervals no greater than five years without cause. The date of the tests, model, the type of test, the name of the operator of the equipment and the duration and results thereof shall be recorded and maintained until the date of the next test and shall be available for inspection by the official designated above or his or her duly authorized representative upon request.

(Code 1986)

7-606. TESTING FOR CAUSE. (a) An official designated by the governing board to enforce the provisions of this chapter may require a Kent-Moore test or its equivalent for any such system when he or she finds any of the following conditions exist:

(1) That inventory control records are improperly kept so that it cannot be determined whether a storage of products exists;

(2) Inventory control records indicate a shortage of product;

(3) Visual detection of leakage;

(4) Detection of persistent odor of flammable liquids in neighborhood.

(b) The conditions of subsection (a) shall not be the only conditions for

requiring such tests to be made and the official designated above may require such tests when he or she has other reasonable grounds to believe that a system may be leaking.
(Code 1986)

7-607. FACILITY INSPECTIONS. Inspection of each facility as required by the BOCA Basic Code shall be made by the building code official of his or her duly authorized representative at intervals not to exceed three months. Such inspection shall be with respect to the operation, equipment, housekeeping, and general safety conditions of the facility and shall include, but not be limited to, the removal of dispenser panels and access covers for visual leakage checks. (Code 1986)

7-608. TANKS OUT OF SERVICE. (a) Underground tanks which are not in active service shall be treated as temporarily out of service by taking the following steps:
(1) Secure the fill line cap, gauge opening cap, and pump suction or discharge line, if disconnected, against tampering and product leakage;
(2) Assure that the vent line is open;
(3) Notify the building official that the tank is out of service temporarily.
(b) An underground tank shall not be left in temporarily out-of-service condition as provided in this section for a period in excess of six months without specific approval of the building official.
(Code 1986)

7-609. ABANDONED TANKS. Underground tanks which are not in active service and which do not comply with section 7-608 shall be removed in accordance with Appendix C-4 and C-S of NFPA No. 30-1978. Tanks shall not be abandoned in place. (Code 1986)

7-610. DRAINAGE AND WASTE DISPOSAL. Flammable liquids unloading and dispensing operations shall be conducted in such a manner as to prevent flammable liquids from entering public sewers and drainage systems or natural waterways. If spillage should occur which is likely to result in entry of flammable liquids, the person in control of the operation of premises shall immediately notify the fire district and initiate other remedial steps appropriate for the situation. Crank case drainage and flammable and combustible liquids shall not be dumped into sewers but shall be stored in tanks or tight drums of any building until removed from the premises. (Code 1986)

ARTICLE 7. SMOKE DETECTORS

- 7-701. SMOKE DETECTORS REQUIRED. In addition to any requirements imposed under the BOCA Basic Fire Prevention Code, 1996 Edition, or the Life Safety Code, 1994 Edition, smoke detectors shall be provided and properly installed in all singlefamily dwellings, two-family dwellings, apartment and multi-family dwellings, and in any other dwelling in which a room used for sleeping is located. (Ord. 490, Sec. 1; Code 1998)
- 7-702. SAME, LOCATION. (a) In dwelling units where all rooms used for sleeping purposes are located on one level, a detector shall be mounted on the ceiling or wall at a point centrally located in a corridor or other area giving access to rooms used for sleeping purposes unless the manufacturer's instructions provide otherwise, then in accordance with those instructions.
- (b) In dwelling units where sleeping rooms are located on more than one level, a detector shall be located on the ceiling at a point centrally located in the corridor or other area giving access to the sleeping room on the lower level and where sleeping rooms are on the upper level, the detector shall be placed near the center of the ceiling directly above the stairway serving such upper level, unless the manufacturer's instructions provide otherwise, then in accordance with those instructions.
- (c) All detectors shall be located in accordance with approved manufacturer's instructions. When actuated, the detectors shall provide an alarm in the dwelling unit or sleeping room. (Ord. 490, Sec. 1)
- 7-703. SAME; DUTIES. (a) It shall be the duty of the owner of every building regulated by this section to provide an approved operable fire warning system.
- (b) It shall be the duty of the owner of every apartment and multi-family dwelling structure and every vacant dwelling unit within every partially occupied dwelling and apartment building regulated by this article to maintain the fire warning system.
- (c) It shall be the duty of the occupant of every dwelling unit within every dwelling and apartment building regulated by this article to maintain the smoke detectors within his or her dwelling unit provided as part of the building's fire warning system.
(Ord. 490, Sec. 1)
- 7-704. SAME; SPRINKLER SYSTEMS. Any building containing an operable automatic sprinkler system complying with the requirements of the building code and fire code is exempt from the provisions of this article.
(Ord. 490, Sec. 1)
- 7-705. SAME; VIOLATION. Failure to comply with any provision of this article shall constitute a violation thereof. Each and every day during which any violation of any of the provisions of this article is committed, continued or permitted shall be a separate offense. No order or notice shall be required before the city may bring an action to enforce the provisions of this article.
(Ord. 490, Sec. 1)