

CHAPTER IV  
FIRE PROTECTION AND PREVENTION

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Article 1  
Organization of Fire Department

**4.0101        Establishment**

There is hereby created and established a volunteer fire department, and if hereto created, such volunteer department is hereby continued, consisting of a chief, and such other members of said fire department as may from time to time be provided for by the governing body. Members shall be appointed in the manner provided by law.

**4.0102        Supervision**

The fire chief shall have the control, subject to the order and direction of the governing body, of the fire department and all fire apparatus belonging to the City; whenever any fire apparatus needs repairing said fire chief shall cause the same to be done without delay.

**4.0103        Duties**

The fire chief shall have the following duties and powers:

- (1)    To keep records. The chief of the department shall cause to be kept, in books for that purpose, a full and complete record of the organization of the department, its membership, the respective positions held by the firemen in the department, vacancies, appointments and dismissals, and of all its transactions, of all fires occurring in the city, and the cause thereof when ascertainable, of the time lost by firemen, and of all property placed in his charge, and all expenditures made by his order and shall keep such other books and records as shall be required in the department, and such books shall always be open to the inspection of any member of the governing body.
- (2)    To command and control. It shall be the duty of the chief of the department to preserve order and discipline at all times in the department, and to require and force a strict compliance with the ordinances of the City relating to his department and the rules and regulations pertaining thereto. At all fires he shall have sole and absolute control and command over all persons connected with the fire department of the City.
- (3)    To make reports. The chief of the fire department shall report at the end of each

calendar year, and more often when required to do so to the governing body. He shall report upon the condition of the fire department, the number of fires that have occurred in the city since his last report, and during the year in his annual report, and the cause of the same, so far as can be ascertained, the number of buildings destroyed or injured, the names of the owners or occupants of the same as nearly as can be ascertained, and the amount of loss upon the buildings, and other property so destroyed or injured, which report shall be filed in the office of the City Auditor.

- (4) To make annual inventory. The chief of the fire department shall, during the month of June in each year, make a complete itemized list and report of all property under his charge and belonging to the City, stating its condition. He shall also report as to such new apparatus or supplies as in his judgment may be needed to properly maintain his department.
- (5) To prepare a budget. To prepare a budget of the whole cost and expense of providing for and maintaining the fire department of the City during the succeeding fiscal year.
- (6) To keep property in good condition. To keep property in good condition to see that all apparatus and property committed to his care and the several buildings or portions thereof, are kept clean and in good sanitary condition.
- (7) To have charge of alarm system. To have charge of alarm system of the City.
- (8) To control crowds at fires. The chief of the fire department may prescribe limits in the vicinity of any fire within which no persons, except those who reside therein, firemen and policemen, and those admitted by his order.
- (9) To order removal of property, when. To order the removal of property, whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire, or to protect adjoining property.
- (10) To command assistance. To command assistance from persons in attendance at any fire, not members of the fire department, for the extinguishing of fires.
- (11) To prescribe badge and uniform. To prescribe badge and uniform to be worn by the officers and men of the department.

#### **4.0104 Police Powers**

All members of the fire department of the City, while on active duty, shall have the powers

of policemen on duty and are authorized to arrest any person or persons who shall interfere or attempt to interfere with or to hinder any member of the department in the performance of his duty.

**4.0105 Unlawful to Hinder Department**

It shall be unlawful for any person to prevent, interfere with, or in any manner hinder the fire department, or any member thereof, while engaged in the discharge of duty at a fire, or to disobey any lawful command of the chief or acting chief of the department.

**4.0106 Right of Way**

Any engine, truck or apparatus belonging to the fire department shall, going to or returning from a fire, have the right-of-way in all streets, alleys and public places over any wagon, street car, automobile or other vehicle of any kind whatever, and any person in charge of any such vehicle must stop the same when necessary to permit any engine, truck or apparatus of the fire department to pass without hindrance or delay.

**4.0107 Driving Over Fire Hoses**

No person shall drive any team, wagon, cart, street car, railroad car, steam engine, automobile, or other vehicle of any kind whatever, upon or over any hose belonging to the fire department while the same is laid in the streets and alleys of the City.

**4.0108 False Alarms**

It shall be unlawful for any person knowingly to give or cause to be given any false alarm of fire, or to give or cause to be given, while a fire is in progress, a second or general alarm for the same fire, or tamper with or set off any fire alarm or signal box with like intent; or tamper, meddle, or interfere with any such fire alarm box; or intentionally cut, break, deface or remove any such box, or any of the wires or supports thereof, connected with the fire alarm system; or intentionally interfere with or injure any property of any kind belonging to or used by the fire department; or hinder or delay any apparatus or equipment or vehicle belonging to the fire department.

**4.0109 Taking Fire Equipment**

No person shall take, receive or attempt to receive or take from the possession and control of any member of the fire department, any of the apparatus, tools or property belonging to

said department, without the written consent of the chief of the fire department.

**4.0110          Entering Fire Department**

No person shall occupy any rooms in any building which are used exclusively by the fire department, or enter such rooms or handle any apparatus used by the fire department without permission.

**4.0111          Service Outside Corporate Limits**

Members of the fire department are authorized to go outside the corporate limits of the City for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents. Provided, that the fire department shall not render such service outside the corporate limits excepting upon orders of the chief of the fire department, the assistant chief or presiding officer of the governing body; excepting that where the City has undertaken by contract to render service to property outside the corporate limits the fire department may leave the corporate limits in the fulfillment of such contract.

Article 2  
Fires in Public Places

**4.0201          Smoking**

Any person who, by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner, in which lighters or matches are employed who shall in any careless, negligent or reckless manner whatsoever, whether willfully or wantonly or not, set fire to any furniture, curtains, drapes, household fittings or furnishings whatsoever in any hotel, public rooming house, tenement house, or any public building, so as to endanger life or property in any way or to any extent shall be guilty of violating this article.

**4.0202          Notice**

A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, public rooming houses, lodging houses and other places of public assemblage within the City, advising tenants of the provisions of this chapter.

**4.0203          Reports**

Every fire of any kind and from whatever source, occurring in or about any hotel, rooming house, lodging house, lodging house or apartment hotel in the City shall be reported

immediately to the fire department.

Article 3  
Fire Prevention

**4.0301      Adoption of Fire Code**

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 known as the Fire Prevention Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and are now filed in the office of the Auditor of the City and the same are hereby adopted and incorporated as fully as if set out at length herein.

The fee for any permit or license required by the said fire prevention code, where no other license or permit fee is fixed elsewhere in the city ordinance, shall be the sum of \$ \_\_\_\_\_ to be paid to the Chief of the Bureau of Fire Prevention and by him to be paid into the City Treasury without delay.

**4.0302      Establishment of Bureau of Fire Prevention**

- (1) The fire prevention code shall be enforced by the Bureau of Fire Prevention and the fire department of the City which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- (2) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

**4.0303      Storage of Flammable Liquids**

No new bulk plants or tanks for storage of flammable liquids shall be permitted within the limits of the City except as authorized by the governing body.

**4.0304      Storage of Liquified Petroleum**

The limits or area for storage of liquified petroleum shall comply with the limits established in Section 4.0403.

#### **4.0305 Modifications of Fire Code**

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

#### **4.0306 Appeals**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the governing body within 30 days from the date of the decision of the appeal.

#### **4.0307 Penalties**

Any person who shall violate any of the provisions of the 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 governing body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be punishable by a fine of not more than \$500.00 or by imprisonment for not to exceed thirty (30) days or by both such fine 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 violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

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

05/05/80

#### **4.0308 Numbering of Buildings and Apartments Within Buildings**

All newly constructed buildings shall be given a numbered street address at the time that the

building permit is issued and all apartments within buildings within the City of Emerado shall be numbered with first floor apartments starting with the number one (e.g. 101, 102, 103, or 10, 11, 12, etc.) and all second floor apartments shall start with the number two (e.g. 201, 202, 203 or 20, 21, 22, etc.). The same numbering system shall be in effect for apartments on third floor which shall start with the number of three and apartments on the fourth floor shall start with the number four. Any apartments that are considered to be basement or garden-view apartments shall be numbered in single digits as follows: 1, 2, 3, etc. No building permit shall be approved in the City of Emerado without notification given to the fire department as to the newly constructed building and the number of apartments within said building. Numbers of all buildings within the city shall be exhibited in plain sight on the street side of each and every of said buildings, and each and every building hereafter erected within said City shall have exhibited on the street side thereof the number of said building within thirty (30) days after its completion. In the event that any owner of any of aid buildings now or hereafter erected, within the limits of said city, or other person having the custody and control of said buildings, shall refuse or neglect the cause to be placed thereon the number thereof in accordance with the foregoing, the City Council shall have the power and authority to cause the number of said building to be exhibited thereon as hereinabove set forth and the cause for so doing shall be collected of the owner or the person having control thereof by separate billing directed to said owner or person having control thereof. This numbering of buildings requirement shall apply retroactively to all buildings and all apartments in the City of Emerado and all owners of existing property shall have until January 1, 1988, to bring their property into compliance with this ordinance.

09/08/87

**4.0309 Burning (see also 3.0206)**

- (a) It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks, or alleys in the City.
- (b) Ashes: It shall be unlawful for any person to carry fire in or through any building, street, or lot, or other public or private place, unless the same be in some closed and secure fireproof vessel. No ashes shall be kept or deposited within the City of Emerado unless the same shall be in a brick or stone ash room, nor in any other portion of said City, unless the same shall be in a closed and fireproof vessel or a brick or stone ash room or at least fifty (50) feet from any building or other combustible material.
- (c) Shavings: Any person keeping or occupying a shop or other building wherein shavings or other combustible materials are made, accumulated or contained,



shall clear or remove the same from such buildings and the yards belonging thereto at least once in each week. It shall be unlawful for any person to use a stove in any such shop or building unless the same shall be set in a box surrounded with a fireproof material. No lighted candle shall be used in any such shop or building.

- (d) Hay, Straw, Shavings, etc., Storing and Strewing: It shall be unlawful for any person to have, place, deposit, keep or allow to remain within the City of Emerado any hay, straw, shavings, sawdust, or other combustible substance in stack or pile, without having the same securely enclosed in a building so as to protect it from fire. No person shall trail, strew, or leave any shavings, straw, or other combustible materials in, around or near any building or property owned, occupied, or leased so as to endanger or be liable to endanger or damage the same through fire thereby.
- (e) Open Lights Prohibited: No lighted candle or lamp, or other burning substance shall be used in any stable or other place or building where hay, straw, or other combustible material shall be kept, unless the same shall be well secured in a lantern, and no fire shall be kept in a stove or otherwise in any room where such material is kept.
- (f) Bonfires, Open Fires, Recreational Fires, Permit Required: It shall be unlawful for any person to kindle, maintain, or assist in maintaining any bonfire, open fire, or recreational fire, whether contained or uncontained, within the limits of the City of Emerado, excepting under written permit from the chief of the police department, and each permit is granted on condition that such permit carries an obligation on the part of the grantees to keep a sufficient safe control of said fire and to be responsible for all damages therefore, and all burning shall be done under such property safeguard as the fire chief may from time to time direct, or which may be entered on the permit, and further, all resultant embers from any fire shall be extinguished and the hot ashes removed or wet down at the close of said fire.

Any permit granted under this section may be revoked by the chief of the police department, if any bonfire, open fire, or recreational fire kindled thereunder endangers the public safety, emits noxious pollutants or is maintained in an unsafe manner.

A permit shall not be required for the kindling and maintenance of fires on public property in permanently installed or mounted containers or enclosures,

or for the kindling and maintenance of short-term outdoor cooking fires in portable containers or enclosures, or for the kindling and maintenance of short-term outdoor cooking fires in portable containers designed specifically for that purpose.

- (g) Cleaning Yards: It shall be unlawful for any person occupying property within the City of Emerado to permit any hay, straw, chips, shavings, leaves, barrels, boxes, papers, manure, wood, or any combustible substance whatever or anything capable of catching or communicating fire to be or remain upon the lot or lots or premises occupied by such person, either as lessee, owner, or otherwise, for a longer period than twenty-four (24) hours, and it is hereby made the duty of every person occupying property within the City of Emerado and every owner thereof, to see that all shavings and combustible materials shall be cleared and removed from the premises so occupied or owned within the City of Emerado at least once in each day.

04/02/07; 03/07/16