

ORDINANCE NO. 980285

Amending Chapter 26, Code of Ordinances, Article II, Fire Prevention Code, by repealing Section 26-22, Amendments to fire code, by enacting in lieu thereof a new section of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 26, Code of Ordinances of the City of Kansas City, Missouri, Article II, Fire Prevention Code, is hereby amended by repealing Section 26-22, Amendments to fire code, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 26-22. Amendments to fire code.

The Uniform Fire Code, 1991 edition, adopted in section 26-21 is amended as set out in this section. Provisions stating ``See Uniform Fire Code" indicate that the subdivision is not amended but that another subdivision in that particular section is amended. Provisions of this section are in addition to the provisions of the Uniform Fire Code. The following provisions coinciding with provisions of the Uniform Fire Code supersede, or delete, when indicated, the corresponding provisions of the Uniform Fire Code:

Section 1.101.2. Title.

Chapter 26 of the Code of Ordinances shall also be known as the fire prevention and protection code. Unless otherwise indicated by its use and context, the term ``this code" shall refer to chapter 26 of the Code of Ordinances and it may be cited as the ``fire prevention code."

Section 2.103. Fire Prevention Bureau.

- (a) A fire prevention bureau is established within the fire department under the direction of the chief, which shall consist of such fire department personnel as may be assigned thereto by the chief. The function of this bureau shall be to assist the chief in the administration and enforcement of the provisions of this code.
- (b) Whenever reference is made in this code to the chief of the fire prevention bureau it shall mean the fire marshal.

Section 2.105. Authority of Fire Personnel to Exercise Powers of Police Officers.

The chief and members of the fire prevention bureau shall have such powers of a police officer in performance of their duties as are set forth in specific provisions in this code and as provided by the laws of Missouri.

Section 2.204(c). Fees for Reports.

The fire prevention division of the fire department will charge a fee for reports according

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to the following schedule:

- Form No. 3100-005, "Report of a Building Fire" \$5.00
- Form No. 3100-006, "Report of Nonbuilding Fire or Other Alarm" 5.00
- Form No. 3100-063, "Field Incident Report" 5.00
- Form No. 3100-064, "Company Incident Report" 5.00
- Form No. 3100-065, "Casualty Report" 5.00
- Form No. 3100-066, "Alarm Report" 5.00
- Form No. 3200-064, "Fire Investigation Report" 20.00

Section 2.204(d). Reports Requested by City Officials.

When any report kept by the director of the fire department is requested by a city official, the fire director shall furnish the requested report without charge to such official.

Section 2.107. Right of Entry.

(a) Whenever necessary to make an inspection or to enforce any of the provisions of the Fire Prevention Code, the chief of the fire department or his/her authorized representative has reasonable cause to believe that there exists in any building or structure or any condition which makes such building or structure unsafe, the fire chief or his/her authorized representative may enter the building or structure during normal work hours, or in the case of an emergency, at any reasonable time to inspect the same or to perform any duty imposed upon the fire chief by the Fire Prevention Code; provided, if such property be occupied, the fire chief or his/her authorized representative shall first present proper credentials and request and obtain permission to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

(b) If no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of a warrant from the judge presiding in the Ninth Division, or if that judge is not available, then any other judge presiding in any division of the Municipal Division, Kansas City, 16th Judicial Circuit Court of Missouri. The court may consider the following factors in its decision as to whether a warrant shall issue:

- (1) Eyewitness account of violation.
- (2) Citizen complaint(s).

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- (3) Tenant complaint(s).
- (4) Plain view violations.
- (5) Violations apparent from city records.
- (6) Nature of alleged violation, the threat to life or safety and imminent risk of significant property damage.
- (7) Previous unabated violations in the building or structure or on the premises.

(c) Cause supporting issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of nonconformity exists with respect to a building or premises in violation of the provisions of the Fire Prevention Code and based upon at least two of the factors set forth in section 2.107(b).

(d) The fire chief or his/her authorized representative may enter the premises without consent or a search warrant to make an inspection or enforce any of the provisions of this code only when an emergency exists as prescribed in section 26.2.305, Fire Prevention Code, or when the premises are abandoned.

(e) If a complaint in writing is filed by the director of neighborhood and community services or the director of fire, or an authorized representative, any police officer, deputy, or city attorney of the city, with the judge of the municipal division judge of the circuit court, stating that there is probable cause to believe there exists in a building or structure, more particularly described therein, a violation or violations of provisions of this section, the Property Maintenance Code or the Fire Code, and is within the territorial jurisdiction of the city, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the structure or premises therein described for the purposes requested. Such search warrant may be executed and returned only within ten days after the date of its issuance. The person authorized to search shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this code discovered pursuant to such search. Refusal to honor a search warrant and permit inspection of the premises shall constitute an ordinance violation. Execution of a search warrant, under this section, shall not be by forcible entry.

(f) Unless emergency conditions exist, or until a notice of violation and a reasonable opportunity to correct the violation is afforded the person, a summons shall not be served upon a resident, property owner, or other responsible person, which alleges a violation of this code based upon conditions discovered incidental to, and solely as a result of, conducting an investigation pursuant to the authority

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of a search warrant, but which is not the subject of the search warrant.

Section 2.303. Right of Appeal.

Except in emergencies, as set out in section 3.105, rights of appeal are as follows:

- (a) Any decision of the fire marshal concerning enforcement of the fire code may be appealed to the director of fire by any person aggrieved by any order or ruling of the fire marshal. Such appeal must be taken within 48 hours from the receipt of the order or ruling appealed, by filing with the director of fire a written notice of appeal setting forth the grounds therefor. Within ten days following receipt of the written appeal, the director of fire shall review the order or ruling and issue his written decision thereon, unless the review period is extended by mutual agreement of the parties.
- (b) Any decision by the director of fire may be appealed to the building and fire codes board of appeals, described hereafter as the board. Such appeals must be taken within ten days from the date of the order or other ruling appealed, by filing with the secretary of the board a written notice of appeal setting forth the grounds therefor. Before the board is called, the appellant shall pay a fee of \$30.00, payable to the city treasurer.
- (c) An appeal to the director of fire or to the board stays all enforcement of the determination from which the appeal is being taken.

Section 2.303.1. Board of Appeals.

- (a) *Purpose.* For the purpose of determining questions of fact as to the acceptability and adequacy of alternate materials, equipment, methods of preventing fires and promoting fire safety, and for providing for the review of the decisions of the director of fire in the interpretation of this code, the building and fire codes board of appeals is designated as the fire code appellate board, to be constituted and conduct proceedings in accordance with provisions appearing in section 18-11 of the Code of Ordinances.
- (b) *Powers and Duties.* The board shall have the power to approve the use of alternate materials, equipment, types of construction and methods of preventing fires whenever in any specific case the board shall find and determine that the application of a general rule or regulation governing such use will, by reason of exceptional circumstances or conditions, constitute a practical hardship. The board shall hear and render decisions on all appeals from the decisions of the director of fire. The board shall further be empowered to interpret the intent of the fire code in specific cases and to authorize responsible, minimum modifications from the literal provisions of the code where it is determined that such modification is, for the purpose intended, at least the equivalent of that prescribed in the code with respect to fire safety and fire prevention measures. All rulings and actions of the board shall be consistent with the spirit and intent of the fire code.

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Section 3.101. Violations and Penalties.

(a) *General.* It shall be unlawful for any person, firm, corporation, partnership, association, charitable organization, or governmental agency properly regulated by the city to erect, construct, enlarge, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, partial or whole, in the city, or cause the same to be done, contrary to or in violation of any provisions of this code, or other applicable ordinances, codes, rules and regulations promulgated thereunder which is enforced and administered by the fire department.

(b) *Violations.* Any person, firm, corporation, partnership, association, charitable organization or governmental agency properly regulated by the city which violates any of the provisions of this code shall be deemed guilty of an ordinance violation. Each and every day or portion thereof during which any violation of the provisions of this code is committed, continued or permitted shall be a separate offense.

(c) *Penalties.* Conviction of any violation of this code shall be punished by a fine of not more than \$500.00 or by imprisonment of not more than 180 days or by both such fine and imprisonment.

(d) *Appropriate Action.* The imposition of penalties herein prescribed shall not preclude the city attorney from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, or correct or abate a violation or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct of business or illegal use in or about the premises.

Section 3.105. Emergencies; Procedure.

(a) *Emergency Defined.* For the purposes of this code, an emergency means any circumstances in which it reasonably appears that there exists an immediate danger to the health, life, safety or welfare of any person because of a dangerous condition which exists in violation of this code.

(b) *Authority.* In any emergency case, the chief shall have the power to take emergency measures to abate or correct such dangerous conditions. The emergency power herein granted shall include power to cause the immediate vacation of any building and abate the emergency condition.

(c) *Emergency Order not Appealable.* No appeal to the building and fire codes board of appeals shall lie from an emergency order, and such order shall not be reviewed or stayed other than by a circuit court of the county in which is located the premises on which the emergency condition exists.

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Section 4.102(b). Expiration of Permits.

A permit shall continue until revoked or expired at the end of a one-year period or less. Permits shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

Section 4.104. Inspection Required.

Before a permit is issued, the chief shall inspect and approve the vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all departments concerned.

Section 4.108.x.1. Gasoline Tank and Pump Installers.

Any person or organization who engages in the installation, maintenance, repair, alteration or extension of any system used for the storage and dispensing of gasoline, kerosene, diesel oils and similar liquid hydrocarbon fuels or mixtures to be used solely in connection with gasoline filling stations and their appurtenances dispensing fuel to mobile vehicles or marine equipment as regulated by this code shall first be licensed or registered as required by the registration and licensing articles of chapter 18 of the Code of Ordinances, building code, article 4 of this code; or such work may be done under the direct supervision of any person or organization who holds such license or registration. All work shall be limited to the scope of work as defined in the registration and licensing article of the building code and this code.

Section 4.109. Fees for Permits.

The fire prevention bureau of the fire department will charge an annual fee for fire department permits according to the following schedule:

Permits

\$60.00--For the initial permit, plus

\$35.00--For additional permits required at that time of inspection.

\$60.00--For compliance inspections.

\$60.00--For reinspection.

Section 10.105(a). Obstructions.

Posts, fences, vehicles, growth, trash, storage and other materials or things shall not be placed or kept near fire hydrants, fire department inlet connections or fire-protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire-protection equipment or hydrants.

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A five-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved by the chief.

Section 10.105(b), (c) and (d). See Uniform Fire Code, 1991 edition.

Section 10.506(b). Standards. See chapter 18 of the Code of Ordinances, building code.

Section 10.507(g). Group I Occupancies. This section of the Uniform Fire Code, 1991 edition, is deleted. See chapter 18 of the Code of Ordinances, building code.

Section 10.514. Smoke Detectors.

(a) *Structures Included.* In addition to requirements in the Uniform Fire Code, smoke detectors shall be provided in all existing single-family dwellings, two-family dwellings, apartment houses, guest rooms used for sleeping purposes in lodgishouses and hotels.

(b) *Location.*

(1) In dwelling units, except efficiency dwelling units, 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.

(2) In efficiency dwellings units, lodgishouse sleeping rooms, hotel sleeping rooms or hotel suites, the detector shall be centrally located on the ceiling of the main room or hotel sleeping room. 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.

(3) 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 guest room.

(c) *Duties.*

(1) It shall be the duty of the owner of every building regulated by this section to provide an approved operable fire warning system.

(2) It shall be the duty of the owner of every lodgishouse, hotel and every vacant dwelling unit within every partially occupied dwelling and apartment house regulated by this section to maintain the fire warning system.

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(3) It shall be the duty of the occupant of every dwelling unit within every dwelling and apartment house regulated by this section to maintain the smoke detectors within his dwelling unit provided as part of the building's fire warning system.

(d) *Sprinkler Systems.* Any building containing an operable automatic sprinkler system which complies with the requirements of the building and fire prevention codes is exempt from the provisions of this section.

(e) *Violation.* Failure to comply with any provisions of this section shall constitute a violation. Each and every day in which any violation of this section is committed, continued or permitted shall be a separate offense.

No order or notice shall be required before the city may bring an action in the municipal division of the circuit court to enforce this section.

(f) *Penalty.* A person convicted of any violation of this section shall be punished by a fine of not more than \$500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment.

Section 10.515. Fire Alarm Reporting When Premises Are Not Monitored.

Whenever a fire alarm sound in or upon premises which are not monitored by a central or remote station, or proprietary fire alarm signaling system, the owner or occupant shall without delay report such alarm to the fire department.

Section 11.104. Incendiary.

No person shall deliberately, maliciously or negligently kindle or cause to be kindled a fire upon his property or the property of another for the purpose of fraud, spite, revenge, vandalism, or for any reason that may endanger public health safety, cause loss of life or property, or endanger the personnel assigned to respond.

Section 11.203. Open Burning.

(a) *Bonfires; Rubbish Burnings.* No person, firm or corporation shall burn or cause to be burned any bonfire, nor shall any such person or entity dispose of rubbish by open burning, or cause, allow or permit open burning of rubbish. Rubbish includes but is not limited to waste material from construction or demolition of buildings.

Exceptions:

1. Persons, firms or corporations who have been issued a permit pursuant to section 4.101 and section 8-4 of the Code of Ordinances.

2. Warming barrels shall be permitted during daylight at a

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construction or demolition site provided each site shall be limited to two barrels of a size not to exceed 55 gallons, and further provided that no warming barrel shall be used when the local temperature is 50 degrees Fahrenheit or above. Material which emits excessive smoke or noxious fumes is prohibited from use in warming barrels.

3. Fires used for recreational purposes, or fires used for the noncommercial preparation of food such as barbecuing, shall be in accordance with section 11.204.

4. Fire used for training upon receiving joint approval of the director of health and the fire chief.

5. The fire chief may prohibit issuance of any or all burning permits, or suspend previously issued burning permits, when atmospheric conditions or circumstances may render such fires hazardous.

(b) *Fire Extinguishing Equipment.* A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use at approved open burn sites.

(c) *Attendance.* Burning material shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment required by this section and familiar with the permit limitation which restricts open burning. An attendant shall supervise the burning of material until such burning material and embers have been completely extinguished.

(d) *Notification.* Prior to commencement of open burning the fire department shall be notified of the location and expected time burning will take place.

(e) *Discontinuance.* The chief is authorized to require that open burning be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief to constitute a hazardous condition.

Section 11.204. Recreational Fires.

(a) *General.* Recreational fires shall be in accordance with this section.

(b) *Fires Used for Noncommercial Preparation of Food.* Fires used for noncommercial preparation of food, such as barbecuing, are permitted provided that the fire is in a freestanding cooking device using fossil fuel, natural gas, or pressurized gas, and further provided that any such fires on wooden decks or wooden balconies in multifamily dwellings containing more than two units are prohibited.

(c) *Fire-extinguishing Equipment.* Buckets, shovels or garden hoses shall be readily available for use at recreational fires.

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(d) *Attendance.* Recreational fires shall be constantly attended by a person knowledgeable in the use of fire-extinguishing equipment required by this section. An attendant shall supervise a recreational fire until such fire has been extinguished.

(e) *Discontinuance.* The chief is authorized to require that recreational fires be immediately discontinued if such fires are determined by the chief to constitute a hazardous condition.

Section 25.117. Standby Personnel.

(a) Whenever, in the opinion of the chief, it is essential for public safety in any place of public assembly or other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more experienced firefighters, as required and approved by the chief, to be on duty at such place. The firefighter in performance of his fire guard duties shall be subject to the supervision of the owner, agent or lessee of the premises being protected. He shall be in proper uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, said firefighters shall inspect for compliance with the fire prevention code, and shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that may occur. Firefighters shall not be required or permitted, while on duty, to perform any other activity than that of the fire guard.

(b) When on-duty firefighters are not available, the person in charge of the assembly shall hire an off-duty fire guard approved by the chief for fire guard duties. The person in charge of the assembly shall pay the off-duty fire guard at the equivalent of the prevailing fire guard wage rate.

(c) Firefighters working at any public gathering shall be paid by the employer a minimum of four hours, and should this duty fall on a legal holiday they shall be paid at double time rate.

Section 25.403. Concession Stands.

(a) *General.* Concession stands shall be in accordance with this section.

(b) *Location.* Concession stands utilized for cooking shall have a minimum of ten feet of clearance on all sides and shall not be located within ten feet of amusement rides or devices.

(c) *Fire Extinguishers.* A 40-B:C-rated dry chemical fire extinguisher shall be provided where deep-fat fryers are used.

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Section 27.103. Display of Plastics.

(a) *General.* Displays of cellulose nitrate plastic (pyroxylin) articles in stores shall be in showcases or show windows except as set forth in this section.

(b) *Display on Tables and Counters.*

1. *General.* Articles are allowed to be placed on tables less than three feet wide and ten feet long. Tables shall be spaced at least three feet apart. Where articles are displayed on counters, they shall be arranged in like manner.

2. *Combustible storage.* Spaces underneath tables shall be kept free of storage of any kind and of accumulations of paper, refuse and other combustible material.

3. *Location.* Sales or display tables shall be so located that in the event of a fire at the table, the table will not interfere with free exit from the room, in at least one direction.

(c) *Lighting.* Lighting shall not be located directly above cellulose nitrate plastic (pyroxylin) material, unless provided with a suitable guard to prevent heated particles falling.

Tents, canopies and temporary membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather against collapsing. Evidence of structural stability shall be furnished to the chief upon request.

Air-supported and air-inflated structures shall have the design and construction of the fabric envelope, the method of anchoring and inflation systems in accordance with the building code.

Section 77.103. Permits.

(a) *Required.*

1. No person shall do or cause to be done any blasting within the city limits, or outside such limits but on property owned or operated by the city, without first obtaining a permit from the city engineer and the fire chief, subject to all provisions of this article.

2. No person shall manufacture, possess, store, sell, display or otherwise dispose of explosive materials at any location within the city limits, without first obtaining a permit from the chief.

3. No person shall transport any explosive materials within

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the city, without first notifying and obtaining a permit from the chief.

4. No person shall operate a terminal for handling explosive materials within the city, without first notifying and obtaining a permit from the chief.

(b) See Uniform Fire Code, 1991 edition.

(c) *Application.* All applications for permits for blasting or use of explosives shall be signed by the person or his duly authorized agent who desires to do the blasting described in the application and shall contain such other information regarding the proposed blasting as may be required by the city engineer.

(d) *Contents, Duration.* Permits granted under this article shall specify the blasting to be permitted, the time such permit shall be valid and other such conditions and requirements as the city engineer may deem safe and proper, provided that such period of validity shall not extend beyond the calendar year in which the permit is issued.

(e) *Permit Issuance.* Whenever the city engineer shall find, from an examination of the application for blasting permit and such other information as he may deem necessary and proper to find or require, that such blasting can be done with safety to life and property, then he shall issue the permit as in this article provided.

Section 77.104. Bond Prerequisite to Permit.

Before any permit referred to in this article shall have been issued for blasting, the applicant for such permit shall have executed a bond to the city conditioned that he will save the city harmless from and indemnify it from any loss or damage occurring by reason of such blasting. Such bond shall be in the sum of not less than \$10,000.00 and not more than \$150,000.00, with the specific amount being fixed by the city engineer, based on the hazards involved, so that the amount of the bond will be a substantial and reasonable protection for the liability which might occur against such inspection. The city engineer shall, within a reasonable time, inform the grantee of a permit of the requirements of such inspection, and such grantee shall not perform or cause to be performed any blasting under the permit, contrary to such inspection requirements.

Section 77.110. Rate to Inspect Blasting.

The city engineer shall charge the grantee of a blasting permit actual cost involved for inspection of blasting. Additionally, the city engineer shall charge the grantee the actual cost of any seismographic test or readings that may be required in connection with the inspection. No permit for blasting will be issued unless the grantee has the sum of \$500.00 on deposit with the city treasury for payment of such inspection and testing costs. At the completion of the blasting operations after all inspection and testing costs have been determined, the grantee shall pay any balance due within ten days after notice of it is mailed to the grantee at the address given on the

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application for the permit. Any unused balance of the deposit will be refunded or kept on deposit at the grantee's option. If at any time during the period that a permit remains in effect, the city engineer determines that the inspection and testing costs are likely to exceed the amount on deposit and so notifies the grantee in writing, then, within five working days, the grantee shall deposit such additional sum as the city engineer has determined to be required or shall cease blasting.

In the event that any balance due is not paid within the ten-day period provided above, then a charge of \$25.00 shall be paid by the grantee to cover the city's additional collection costs and administrative expenses; additionally, the amount of the deposit required from any grantee, who, within three years prior to the date of application, has failed to pay a balance due within ten days provided above, shall be tripled. Upon written request of the grantee and for good cause shown, the penalties set out in this paragraph may be waived by the city engineer.

Section 77.111. Inventories; Disposition of Explosives when Permit Expires.

Each applicant for a permit for blasting shall maintain a daily inventory in detail of all explosives in his possession for blasting purposes, from the date of the application to the final termination of the permit. Such inventory and stocks of explosives included therein shall be subject to inspection and examination at any reasonable time of the office of the city engineer. On the final termination of the permit, all stocks of explosives remaining unused by the permittee shall be shown and reported to the city engineer, as he may direct, and such disposition made thereof as shall be approved or directed by the city engineer.

Section 77.112. Rules and Regulations of City Engineer.

The city engineer is hereby authorized to make and publish, from time to time, rules and regulations in conformity with and for carrying out the provisions of this article respecting the conditions for issuing blasting permits, including the acquisition, daily recording, storage, transportation, disposition of explosives and the method and manner of blasting. In making such rules and regulations the city engineer shall be guided by the recommendations of the United Association of Fire Underwriters.

Section 77.113. Permit revoked.

If, in the opinion of the city engineer, any of the rules and regulations hereby authorized are violated in any manner, the blasting permit may be revoked.

Section 77.202.1. Explosive Handling, Storage and Use.

- (a) Fire marshal's information sheet on blasting must be filled out and all requirements met.
- (b) All magazines must be fenced with a chain linked fence, eight feet in height with barbed wire or razor wire attached to the top.
- (c) A minimum of six feet distance shall be maintained between all portions

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of the fence and magazine.

- (d) The gate leading into the magazine must be locked at all times with a heavy-duty, tamper-proof-type lock.
- (e) The N.F.P.A. 704 placarding system shall be attached to all four sides of the fence with an all-weather-type placard. The triangles, blue, red and yellow, will be assigned the number four with type of agent inside the magazine next to the number. Examples of number would be explosives, blasting agents and detonating devices. The bottom white triangle will have the letter W with a slash through the letter.
- (f) If a one-day supply of blasting material is stored on site overnight, a security guard must be on site at all times. The only assignment this security guard is to perform is security for the explosives or blasting agents.

Exception: The chief may grant a variance to these requirements upon receiving a written request accompanied by a showing that adequate safeguards are provided, including proper storage magazines within a secured enclosure, with proper berms, and located in accordance with nationally recognized standards. See appendix VI-E.
- (g) The security guard must have M.S.D.S. sheets in his possession at all times, along with the fire marshal's division form.
- (h) The security guard must be familiar with what is stored inside the magazines.
- (i) Vehicles used to haul explosives on site must have a minimum of a 2-A, 10-B:C type of fire extinguisher with the vehicle at all times.
- (j) Vehicles used to haul explosives on site must be placarded in accordance with NFPA 704, System, as noted in section 1 of the guidelines. The placards shall be placed on all four sides of the transportation vehicle.
- (k) The fire marshal's office shall be called when blasting is to be done.
- (l) The fire marshal's office shall be notified when blasting job is complete and all blasting equipment has been removed.
- (m) Maximum allowed storage of explosives, blasting agents, and detonators will be limited to a one-day supply.

Section 78.102(a). Definition.

The term ``fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a

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visible or an audible effect by combustion, explosion, 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 fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other devices containing any explosive substances. 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 Commerce Commission regulations for packing and shipping of toy paper caps, nor any toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times.

Section 78.103. Fireworks.

(a) *Fireworks.*

(1) *Manufacturing.* The manufacturing of fireworks is prohibited except under special permits as required by local and state regulations. See section 4.108 of the Uniform Fire Code, 1991 edition.

(2) *Displays.* Permit for public display by pyrotechnic expert--generally. Fireworks may be sold for use by experienced pyrotechnic experts in a public exhibition or display of fireworks, provided the person desiring to purchase such articles of fireworks shall exhibit to and file with the seller a permit, or a copy thereof, issued by the commissioner of licenses.

(b) *Pyrotechnic special effects material.* See Uniform Fire Code, 1991 edition.

(c) *Investigation and approval by director of fire department; fee.* An application for a permit for public exhibition or display of fireworks shall be filed with the commissioner of licenses at least ten days before the date set for the display. A copy of such application shall be sent at once to the director of the fire department, 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 persons to be in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this chapter, he shall so advise the commissioner of licenses. No permit shall be issued unless the approval in writing therefor, signed by the director of the fire department, is filed with the commissioner of licenses. The applicant for a permit shall, at the time of filing application therefor, pay the commissioner of licenses a fee of \$10.00 which sum shall be refunded in the event the application for such permit is denied.

Section 78.104. Permit Application.

(a) *Filing.* An applicant for a permit for a public exhibition or display of fireworks shall file with the commissioner of licenses a written application, in triplicate, therefor, duly subscribed and sworn by the applicant.

(b) *Contents.* Such application shall set forth the following:

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- (1) The name of the 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.
- (2) The date and time of day at which the display is to be held.
- (3) The exact location planned for the display.
- (4) 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.
- (5) The number and kinds of fireworks to be discharged.
- (6) The manner and place of the storage of such fireworks between the date of purchase and the date of display.
- (7) 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 communications, the lines behind which the public will be restrained, and the location of all nearby trees, telegraph and telephone lines or other overhead obstructions.

Section 78.203(a) and (b). See Uniform Fire Code, 1991 edition.

Section 78.203(c). Insurance Policy Required; Amount, Conditions.

Before a permit shall be issued for a public exhibition or display of fireworks, the applicant shall have on file with the director of finance a certificate of insurance or a copy thereof, with a company acceptable to the director of finance and approved as to form by the city attorney, stating that the applicant has a liability insurance policy in an amount acceptable to the director of finance, but in no event less than \$500,000.00 combined single limit for bodily injury and property damage. In addition, the certificate of insurance shall state that the City of Kansas City is an additional insured and that a mandatory ten-day notice of material change or policy cancellation will be given to the City of Kansas City, Missouri. The certificate of insurance must evidence coverage is afforded for any and all displays of fireworks and/or pyrotechnical displays which are presented by or for the named insured (applicant) during the period.

See section 78.203(d) through (k) of the Uniform Fire Code, 1991 edition.

Section 78.204. Conduct of Display.

- (a) *Distance Restrictions.* 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 railroad or other means of travel, or 50 feet from the nearest aboveground telephone or telegraph line, tree

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or other overhead obstruction.

(b) *Location of Audience.* 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 persons in active charge of the display shall be allowed inside these lines.

(c) *Firing Projectile.* All fireworks that fire a 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, provided that where such fireworks are to be fired beside a lake or other large body of water they may be directed in such a manner that the falling residue from the deflagration will fall into such body of water.

(d) *Unfired Fireworks.* Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

(e) *Prohibited in Windstorms.* No fireworks display shall be held during a windstorm in which the wind reaches a velocity of more than 20 miles per hour. In such cases, the chief of the fire prevention division may authorize the display at a future date suitable to the group holding the display.

(f) *Operators at Public Display.* There shall be at least two able-bodied persons at least 21 years of age on duty at all times during a public fireworks display. The two persons shall be in actual charge of the discharging of the fireworks and shall be competent for the task.

(g) *Fire Extinguishers at Public Display.* At a public display of fireworks, at least two extinguishers of at least 2 1/2 gallons capacity each shall be available to extinguish any class A type fires. The extinguishers shall be kept at as widely separated points as possible within the actual area in which the discharging is being done.

Section 78.205. Sale, Use and Carrying of Fireworks Prohibited.

Except as hereinafter provided, it shall be unlawful for any person to carry on or about their person, offer for sale, expose for sale, sell at retail, use or explode any fireworks in the city.

Section 78.206. Enforcement of Provisions.

The chief of police is charged with the duty of enforcing all the provisions, terms and regulations of this chapter relating to fireworks.

Section 78.207. Storage of Fireworks to be Sold at Wholesale.

Fireworks to be sold at wholesale shall be kept in a building used solely for the storage of fireworks. Such buildings must comply with pertinent fire prevention code and building code

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requirements for the type of occupancy and shall be protected by a sprinkler system. A fire department permit is required for this storage.

Section 78.208. Seizure of Fireworks.

The chief of the fire prevention division shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored or held in violation of this article.

Section 78.209. Exemptions from Chapter.

Nothing in this article shall be construed as prohibiting any resident wholesaler, dealer or jobber from carrying on or about his person or selling at wholesale such fireworks as are not herein prohibited, nor from carrying on or about his person or selling any kind of fireworks, provided the same are to be shipped directly out of the city in accordance with Interstate Commerce Commission regulations governing the transportation of explosives and other dangerous articles by motor, rail or water; nor as prohibiting the carrying on or about the person or use of fireworks in a public exhibition by pyrotechnic experts as hereinbefore authorized; nor as prohibiting the manufacture, storage, carrying on or about the person or use of signals, fuses or fireworks necessary for the safe operation of the railroads, trucks, aircraft or other instrumentalities of transportation, or of blank cartridges and blank pistols for show or theater, or for signals or ceremonial purposes in athletics or sports, or for use by military organizations.

Section 78.210. Penalty.

Any person violating the provisions of this article shall be subject to provisions and penalties set forth in section 3.101 of this code.

Section 78.211. Throwing Firecrackers or Other Fireworks.

- (a) It shall be unlawful for any person to throw or otherwise deposit, or attempt to throw or otherwise deposit, any firecracker, squib, cherry bomb, grenade, torpedo or other combustible fireworks whatsoever into, at or upon any motor vehicle, or at any person or group of persons, or so near any such person or group of persons as to endanger same.

Section 79.501. Storage of Class I and Class II Liquids.

Storage of class I and class II liquids in aboveground tanks outside of buildings is prohibited if such liquids are being dispensed to or by the public within the city limits as defined in chapter 4 of the Charter of the City of Kansas City, Missouri.

Section 80.103(a), (b), (c). See Uniform Fire Code, 1991 edition.

Section 80.103(d). Manufacture, Storage, Transportation or Use of Hazardous Materials.

- (1) The manufacture, storage, transportation or use of hazardous materials shall be safeguarded with such protective facilities as public safety requires.

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- (2) The chief may require the following:
 - (a) The separation of any material that in combination with other substances may bring about a fire or explosion or may liberate a flammable or poisonous gas.
 - (b) The separation of occupancies or buildings from other storage when the quantity stored constitutes a fire or life hazard.
- (3) Defective containers which permit leakage or spillage shall be disposed of or repaired in accordance with recognized safe practices; no spillage shall be allowed to accumulate on floors or shelves.
- (4) Where kept for retail sales in containers or packages usual to the retail trade, storage shall be neat and orderly and shelves shall be of substantial construction.
- (5) Where specific requirements are not otherwise established, storage, transportation or use of hazardous materials shall be in accordance with nationally recognized standards or good practices.
- (6) Visible hazard identification signs shall be placed at all entrances to and in locations where hazardous materials are stored, handled or used in quantities requiring a permit. Such signs shall comply with specifications set forth in the Uniform Fire Code standard 79-3, 1991 edition, which adopts certain provisions, also adopted herein as they appear in the National Fire Protection Association (NFPA) 49, Hazardous Chemicals Data, 1991 edition, and NFPA 325M, Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids, 1991 edition.
- (7) The owner, operator or manager of any premises involved in manufacture, storage, transportation or use of hazardous materials is responsible for the completion of the hazardous evaluation and the posting of a placard at each entrance to such premises, publishing the properly coded hazard warnings in accordance with the standards and guidelines appearing in the NFPA technical publications adopted herein.
- (8) Satisfactory provisions shall be made for containing or neutralizing spills or leakage of hazardous materials which may occur during storage, handling, transportation or use.
 - (a) Material safety data sheets shall be readily available for all hazardous materials on the premises.
- (9) For storage cabinet, transportation and storage tank requirements, see Uniform Fire Code, article 80.

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Section 80.103(e). Violations and Penalties.

- (1) Violations. Any person, firm, corporation, partnership, association, charitable organization or governmental agency properly regulated by the city which violates any of the provisions of the fire prevention code shall be deemed guilty of an ordinance violation. Each and every day or portion thereof during which any violation of each of the provisions of this code is committed, continued or permitted shall be a separate offense.
- (2) Penalties. Any violation of this code shall be punishable by a fine of not more than \$500.00 or by imprisonment of not more than 180 days, or by both such fine and imprisonment.
- (3) The imposition of penalties herein prescribed shall not preclude the city attorney from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, or correct or abate a violation or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct of business or use in or about the premises.

Section 80.107. Identification Signs.

Visible hazard identification signs as specified in Uniform Fire Code standard no. 79-3 shall be placed at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit. Signs shall be provided at specific entrances designated by the chief.

Individual containers, cartons or packages shall be conspicuously marked or labeled in accordance with nationally recognized standards. See also section 80.301(d), Uniform Fire Code, 1991 edition.

Approved as to form and legality:

Assistant City Attorney