

THIRD COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 030492

Amending the Fire Prevention and Protection Code, Chapter 26 of the Code of Ordinances by repealing certain sections and enacting other sections to adopt the 2000 Edition of the International Fire Code and update local Ordinance provisions.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 26, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 26-1 through 26-99 and Sections 26-100 through 26-9103.2 and by enacting in lieu thereof new Sections 26-1 through 26-99 and Sections 26-100 through 26-4803.2 of like subject matter, to read as follows:

ARTICLE I. IN GENERAL

Sec. 26-1 – Sec. 26-99. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 26-100. Adoption of the International Fire Code, 2000 Edition.

There is hereby adopted by the City of Kansas City, Missouri for the purpose of affecting or regulating to structures, process and premises and safeguards from hazard of fire and explosion, that certain codes and standards known as the National Fire Protection Association 101 Life Safety Code and the International Fire Code, 2000 editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified amended or added to by Sections 26-100 through-Section 4803.2 of this Ordinance, three copies of which International Fire Code have been and are now filed in the office of the City Clerk of the City, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the City as defined in Chapter 4 of the Charter of the City. International Building Standards mean Chapter 18 Code of Ordinance, also known as the Building Code.

Sec. 26-100.1. Amendments to the Fire Code.

The International Fire Code, 2000 edition, adopted in Section 26-100 is amended as set forth herein. Provisions of this Article II are in addition to and prevail over the International Fire Code by superseding, amending or deleting language as appears in the following Chapters and sections:

Sec. 26-101.1.1. Title.

Chapter 26, Code of General Ordinances, shall 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 Ordinance and it may be cited as the “Fire Prevention Code.”

Sec. 26-102.3.1. General.

It shall be unlawful for any person, firm, corporation, association, organization, or governmental agency property regulated by the City to erect, construct, enlarge, repair, move, improve, remove, convert or demolish, equip, use 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 or regulations promulgated thereunder which is enforced and administered by the Fire Department.

Sec. 26-103. Fire Prevention Division.

Sec. 26-103.1. General.

A Fire Prevention Division is established within the Fire Department under the direction of the Fire Chief / Director, which shall consist of a Fire Marshal and of such Fire Department personnel as may be assigned thereto by the Chief. The function of this division shall be to assist the Chief in the administration and enforcement of the provisions of this code.

Sec. 26-103.1.1. Defined.

Wherever reference is made in this Code to the Chief it shall mean the City Fire Chief/Fire Department Director and his/her authorized representative. Whenever reference is made in this Code to the Code official it shall mean the Fire Marshal.

Sec. 26-103.2. Authority.

The Chief and members of the Fire Prevention Division shall have such powers of a police officer in the performance of their duties as are set forth in specific provisions in this Code and as provided by law of Missouri.

Sec. 26-103.2.1. Assistance.

The Chief may request, and shall receive, assistance and cooperation of other City officials so far as is required in the discharge of the chief's duties established by this code, or other pertinent law or ordinances.

Sec. 26-104. General Authority and Responsibilities.

Sec. 26-104.3. Right of Entry.

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

Sec. 26-104.3.1. Investigation warrant.

If no consent has been given to enter or inspect any building or structure, an entry or inspection shall not be made without the procurement of an investigation search 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 be issued:

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

Sec. 26-104.3.2. Cause.

Cause supporting issuance of an investigation search warrant shall be deemed to exist in light of reasonable legislation and administrative standards which show that there is reason to believe that a condition of nonconformity exist with respect to building or promises in violation of the Fire Prevention Code and is based upon at least two factors set forth in section 26-104.3.1

Sec. 26-104.3.3. Emergency.

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The Chief may enter the premises without consent or an investigation search warrant to make an inspection or enforce any of the provisions of this Code only when an emergency exists as prescribed in Section 26-104.11, of this Code, or when the premises are abandoned.

Sec. 26-104.3.4. Issuance.

When a complaint in writing is filed by the Director of Neighborhood and Community Services, the Chief, a police officer, a sheriff or the City Attorney, and if such complaint is verified by oath or affirmation stating evidential fact 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 of premises therein described for the purpose requested. Such search warrant maybe 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.

Sec. 26-104.3.5. Scope.

Unless emergency conditions exist, or until a notice of violation is afforded the person, a summons shall not be served upon a resident, property owner or other responsible person alleging a violation of this Code based upon conditions discovered incidental to, and solely as result of, conducting an investigation pursuant to the authority of a search warrant, but which is not the subject of the search warrant.

Sec. 26-104.6. Records.

The Fire Prevention Division shall retain for not less than five years a record of each inspection made showing the findings and disposition of each inspection made. If Code violations are involved such record shall be kept for five years after the violation has been corrected or satisfied.

Sec. 26-104.6.3. Fees for reports, documents, research and copies.

The Fire Prevention Division of the Fire Department shall charge a fee for reports, documents, research for documents and copies of documents pursuant to a fee schedule set by the Chief. Any such fee charged pursuant to the fee schedule shall not exceed the actual cost incurred in providing a report, document, research for a document or a copy of a document.

Sec 26-104.6.3.1. Report requested by City Officials.

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When any report kept by the Chief is requested by a City official, or representative of another governmental agency, the Chief shall furnish the requested report with out charge.

Sec. 26-104.11. Emergency defined; Procedure.

- (1) 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 an existing dangerous condition.
- (2) Authority. In any emergency, the Chief shall have the power to take emergency measures or issue directives to abate or correct the existing dangerous condition. The emergency power herein granted shall include power to cause immediate vacancy of any building and abate the existing dangerous condition.
- (3) Emergency order not appealable. No appeal to the building and Fire Codes Board of Appeals shall lie from an emergency measure or directive, and such measure or directive shall not be reviewed or stayed other than by a circuit court of the county in which is located the premises on which the dangerous condition exists.
- (4) Temporary directive. For a dangerous condition arising after the adoption of this Code that is not specifically addressed by the Code but that in the opinion of the Chief is a dangerous condition that relates to the intention of this Code and that constitutes a distinct hazard to life or property, the Chief may issue a temporary emergency directive to address such condition. The directive shall expire not later than sixty (60) days from the date of issuance or upon the effective date of an Ordinance addressing the condition. Notwithstanding subsection (3) above, a temporary emergency directive may be appealed pursuant to Section 26-108.3 of this Chapter.

Sec. 26-105. Permits.

Sec. 26-105 Sections 105.1, 105.2, 105.3.3 and 105.4 of the 2000 International Fire Code are deleted.

Sec. 26-105.1.1. Fees for permits; Inspection required.

- (1) Before a permit is issued, the Chief shall inspect and approve the receptacles, vehicles, building, devices, premises, storage spaces, or area 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 such concerned

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departments.

- (2) The Fire Prevention Division of the Fire Department shall charge an annual fee for initial and additional inspection permits, certificates of compliance, reinspections, and emergency and walkthrough inspections pursuant to the following:

(a) *Multi-family residential inspections:*

<u>Units</u>	<u>Costs</u>
0 to 4	\$ 30.00
5 to 12	60.00
13 to 20	90.00
21 and up	100.00

(b) *For inspections of businesses:*

<u>Gross Square Feet Cost</u>	<u>Costs</u>
Up to 999	\$ 20.00
1,000 to 2,499	30.00
2,500 to 7,999	50.00
8,000 to 11,999	60.00
12,000 to 49,999	80.00
50,000 and up	100.00

- (c) For initial fire permits \$70.00
- (d) For additional fire permits 45.00
- (e) For re-inspections of noted violations to assure Compliance 70.00
- (f) For non-scheduled high priority inspections or Requested walk through inspections 70.00
- (g) For blasting permits 70.00
- (h) For burning permits 70.00
- (i) For fireworks or pyrotechnic display permits 70.00
- (j) For fire hydrant use permits 70.00

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Sec. 26-105.1.2. Annual fire inspection certificate of compliance.

There shall be a certificate of compliance issued for all annual fire inspections. Such certificate of compliance shall only be issued following an inspection by the Fire Prevention Division.

Sec. 26-105.3.1. Expiration of Permit.

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

Sec. 26-108 Board of Appeals.

Sec. 26-108.1. Purpose.

For the purpose of determining questions of fact as to the acceptability and adequacy of alternative 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 Ordinance.

Sec. 26-108.2. Powers and Duties.

The board shall have the power to approve the use of alternate materials, equipment, and types of construction and methods of preventing fire 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 condition, constitutes 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.

Sec. 26-108.3. Right of Appeal.

Except in emergencies, as set out in Section 26-104.11, of this Code, the right of appeal is as follows:

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- (1) 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 shall 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 therefore. 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.
- (2) Any decision by the Director of Fire may be appealed to the building and Fire Code Board of Appeals, described hereafter as the board. Such appeals shall 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 therefore. Before the board is called, the appellant shall pay a fee of \$75.00, payable to the City Treasurer.
- (3) An appeal to the Director of Fire or to the board stays all enforcement of determination from which the appeal is being taken.

Sec. 26-109. Violations.

Sec. 26-109.3. General.

Any person, firm, corporation, partnership, association, organization or governmental agency that violates any provision 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 separate offense.

Sec. 26-109.3.1. Penalties.

Conviction of 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 both such fine and imprisonment.

Sec. 26-109.3.1.1. 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, to correct or abate a violation or prevent the occupancy of a building or portion thereof, or of the premises, or to prevent an illegal act, conduct of business of illegal use in or about the premises.

Sec. 26-109.3.2. Parking Enforcement.

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- (1) No driver of a vehicle shall stop, park, cause to be placed or leave such vehicle in any marked fire lane except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control signal.
- (2) Violation of this section shall be punishable by a fine of \$50.00. The offending vehicle may be towed, at the owner's expense, if such vehicle is not moved within a reasonable time or is a serious obstruction to the fire lane.

Sec. 26-307. Open burning.

Sec. 26-307.1. Bonfire; Rubbish burning.

- (1) It shall be unlawful for any person, firm, corporation, partnership, association, organization or governmental agency, properly regulated by the City to 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.
- (2) Exceptions to Subsection (1) of this section above:
 - a. Permissible if a permit has been issued pursuant to section 105 section 8-4 of the Code of Ordinances.
 - b. Warming barrels shall be permitted during daylight at a construction or demolition site, provided each sit shall be limited to two barrels, not 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.
 - c. Fires used for recreational purposes, or fires used for the noncommercial preparation of food such as a barbecuing, shall be in accordance with section 26-307
 - d. Fires used for training if granted joint approval of the Chief and the Director of Health.
 - e. The Fire Chief may prohibit issuance of any or all burning permits, or suspend previously issued permits, when atmospheric conditions or circumstances may render such fires hazardous.

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Sec. 26-307.1.2. Incendiary.

It shall be unlawful for any person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the City to deliberately, maliciously or negligently kindle or cause to be kindled a fire upon his/her property or the property of another for the purpose of fraud, spite, revenge, vandalism, or for any reason that may endanger public health safety or cause loss of life or property, or endanger the personnel assigned to respond.

Sec. 26-307.1.3. Notification.

Prior to commencement of open burning the Fire Department shall be notified of the location and expected time such burning may take place.

Sec. 26-307.1.4. Portable fire extinguishers.

Portable fire extinguishers shall be made readily available in the near vicinity to barbecue pits in accordance with UFC Standard section 10-1.

Sec. 26-307.1.5. Discontinuance.

The Chief is authorized to require that recreational fires shall be immediately discontinued if such fires are determined by the Chief to constitute a hazardous condition.

Sec. 26-307.2. Fires used for non-commercial 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 or natural gas. It is prohibited to use, store or maintain freestanding cooking devices on wooden decks or wooden balconies, or below wooden decks or wooden balconies, in multifamily dwellings containing more than two units. All barbecue devices shall be at a distance that is not less than ten (10') feet from all portions of a structure that is attached to, or a part of, a multifamily dwelling containing more than two units.

Sec. 26-307.2.1. 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.

Sec. 26-307.2.2. Fire extinguishing equipment.

Buckets, shovels or garden hoses shall be readily available for use at recreational fires.

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Sec. 26-403. Public Assemblages and Events.

Sec.26-403.3. Standby personnel, Fireguards.

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 have one or more experienced on-duty firefighters, as required and approved by the chief, to be on duty at such place as a fireguard. A firefighter performing fireguard duties shall be subject to the supervision of the Fire Prevention Division. The firefighter shall be in proper uniform and remain on duty during the times such place is open to the public, or when such performance, display, contest or activity is being conducted. Before each such performance, display, contest or activity, the firefighter shall inspect the premises of such place for compliance with the Fire Prevention Code, and shall keep diligent watch for fire during the time such performance, display, contest or activity is being conducted and take prompt measure 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 a fireguard.

Sec. 26-403.3.1. Compensation

When a firefighter is required by the Chief to be on fireguard duty at such place of assembly, the person in charge of the assembly shall compensate the City of Kansas City, Missouri at the equivalent of the prevailing fireguard wage rate, per hour for a minimum of four hours, per fireguard. The prevailing fireguard wage rate shall be the firefighter's existing hourly salary rate for overtime.

Sec. 26-503. Fire Apparatus Access Road.

Sec. 26-503.3.1. Fire lane marking.

Curbs or specific area designated by the Chief or his/her designee shall be painted yellow, from the bottom curvature of the curb where it blends with the driving surface too the point at the top where the curb blends with the side walk for the entire length of the curb. In the absent of curb or side walk, an area specified by the fire Chief or his/her designee shall, consist of a ten inch (10") wide yellow painted strip.

Sec. 26-505. Premises Identification.

Sec. 26-505.1.1. Address numbers.

New and existing building address numbers on buildings subject to the provisions of this Code shall be approved by the Fire Prevention Division.

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Sec. 26-508. Fire Protection Water Supplies.

Sec. 26-508.5.2.1. Fire Protection System Inspections.

Personnel performing required inspections of fire protection systems shall meet qualifications in accordance with Chapter 18 and Chapter 26 of Ordinances and the 2000 International Fire Code and International Building Code, and shall be approved by the Chief.

Sec. 26-508.5.5. Clear space around hydrants.

A five-foot (5') clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved by the chief.

Sec. 26-508.5.6. Protection of fire-protection equipment and fire hydrants.

Fire hydrants and fire-protection equipments shall be protected by utility or other owners from anticipated vehicular damage using reasonable protection methods as determined by the chief.

Sec. 26-605. Electrical Equipment, Wiring and Hazards.

Sec. 26-605.10. Protection of electrical equipment.

Electrical equipment shall be protected by the utility or other owners from vehicular traffic or other damage as determined by the Chief to be reasonably necessary to protect the public from harm.

Sec. 26-901. Fire Alarm Systems.

Sec. 26-901.6.1.1. Inspections.

Fire alarm systems shall be inspected yearly in accordance with NFPA 72. Documentation of inspections shall be sent to the Fire Prevention Division.

Sec. 26-901.9. Fire alarm reporting when premises are not monitored.

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

Sec. 26-903. Automatic Sprinkler Systems.

Sec. 26-903.3.7.1. Fire connection identification.

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Fire Department connections shall be marked as follows. The sign shall be 12 inches wide and 18 inches high and shall be placed on a standard sign post. The sign shall be white in color and shall have printed thereon the words "FIRE LANE NO PARKING" in red three inch block lettering. The area to the Fire Department's connection shall be free from obstruction. If the area immediately in front of the Fire Department connection is not a designated fire lane the area shall be protected from encroachment by marking the paved surface "FIRE DEPARTMENT CONNECTION".

Sec. 26-904. Alternative Automatic Fire-Extinguishing Systems.

Sec. 26-904.2.2. Deep Fat Fryers or Cookers.

When synthetic high temperature oils are used in deep fat fryers or cooking, a 40K fire extinguisher is required within 30 feet of unobstructed travel to the potential fire site.

Sec. 26-904.2.3. Fixed temperature-sensing elements, fusible metal alloy.

Fixed temperature-sensing elements of the fusible metal alloy type shall be replaced at least annually from the date of installation. They shall be saved and attached or initialed by the installer.

Sec. 26-904.2.3.1. Tags.

The year of manufacture and the date of installation of fixed temperature-sensing element shall be marked on the system inspection tag. The tag shall be signed or initialed by the installer.

Sec. 26-904.2.4. Fixed temperature-sensing elements, other.

Fixed temperature-sensing elements other than the fusible metal alloy shall be inspected and cleaned or replaced if necessary in accordance with the manufacturer's instructions every twelve (12) months or more frequently to ensure proper operation of the system.

Sec. 26-904.11.6.3. Cleaning.

Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease. Cleaning shall be recorded, and records shall state the extent, time and date of cleaning. Such records shall be maintained on the premises and a copy forwarded to the Fire Prevention Office upon completion.

Sec. 26-907. Fire Alarm and Detection Systems.

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Sec. 26-907.2.6.3.1. Duties.

- (1) It shall be the duty of the owner of every building regulated by this section to provide an approved working operable fire warning system.
- (2) It shall be the duty of the owner of every lodging house, hotel and every vacant dwelling unit within every partially occupied dwelling and apartment house regulated by this section to maintain an operable fire warning system.
- (3) It shall be the duty of the occupant of every dwelling and apartment house regulated by this section to maintain a working smoke detectors within his dwelling unit provided as part of the building's fire warning system.

Sec. 26-2403. Access, Location and Parking.

Sec. 26-2403.2.5. Location.

Tents and canopies shall not be leashed together and shall not be located within twenty feet (20') of buildings, lot lines, other temporary membrane structures, other tents or canopies, vehicles or internal combustion engines in accordance with section 2403 of the International Fire Code, 2000 edition.

Sec. 26-2406. Fire Safety Requirements.

Sec. 26-2406.1. Flame resistant treatment.

Prior to the issuance of a permit, the owner, operator or lessee shall submit documentation of proof of flame retarding treatments in accordance with section 2406 of the International Fire Code, 2000 edition.

Sec. 26-2703. Hazardous Materials – General Requirements.

Sec. 26-2703.5.1. Location, general.

Visible hazard identification signs as specified in section 2703.5 of the International Fire Code, 2000 edition, shall be placed at entrances to locations where hazardous materials are stored, dispensed, used are handled in quantities requiring permits. Signs shall be provided at specific entrances designated by the Chief.

Sec. 26-2703.5.2. Markings.

Individual containers and cartons of packages shall be conspicuously marked or

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labeled in accordance with nationally recognized standards.

Sec. 26-2703.12.5. Outdoor central areas, standards.

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.

Sec. 26-2703.12.6. Outdoor central areas, location.

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 both this Code and with specifications set forth in the National Protection Association (NFPA) 49, Hazardous Chemicals Data Edition, and NFPA 325M, Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solid, 1991 Edition.

Sec. 26-2703.12.7. Outdoor central areas, responsibility.

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 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.

Sec. 26-2703.12.8. Outdoor central areas, spills.

- (1) Provisions shall be made for containing of neutralizing spills or leakage of hazardous materials which may occur during storage, handling, transportation or use.
- (2) Any person or corporation involved in a hazardous materials incident and required to report a spill, leakage or discharge to the Missouri Department of Natural Resources pursuant to State Law shall pay the costs expended by the Fire Department in responding to such hazardous materials incident. Such costs shall be determined pursuant to a cost recovery menu form containing items customarily required at a hazardous materials incident and the reasonable costs of such items. The cost recovery menu form shall be designed and promulgated pursuant to Fire Department regulation and shall be filled out and completed at the scene of the hazardous materials incident or as soon thereafter as practicable.

Sec. 26-2703.12.9. Outdoor central areas, MSDS.

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Material Safety Data Sheets, (MSDS), shall be readily available for all hazardous materials on premises.

Sec. 26-2703.12.10. Outdoor central areas, storage.

Chapter 27 of the International Fire Code, 2000 edition, is specifically adopted herein pursuant to this section for storage cabinets, transportation and storage tank requirements.

Sec. 26-3301. Explosives and Fireworks, General.

Sec. 26-3301.2. Required permits.

- (1) No person shall do or cause to be done any blasting within the City limits, or outside such limits, except on property owned or operated by the city, without first obtaining a permit from the City Engineer and Fire Chief, subject to all provisions of this article.
- (2) No person shall manufacture, possess, store, sell, display or otherwise dispose of explosive material
- (3) No person shall transport any explosive materials within the city, without first notifying a permit form 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.

Sec. 26-3301.2.1. Application.

All applications for permits for blasting or use of explosives shall be signed by the person, or such person's duly authorized agent, desiring 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.

Sec. 26-3301.2.2. Contents, duration.

Permits granted under this article shall specify the blasting to be permitted, the time such permit shall be valid and other 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.

Sec. 26-3301.2.3. Permit issuance.

Whenever the City Engineer shall find, from examining the application for a blasting

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permit and from such other information as the City Engineer may deem necessary and proper to find or require, that such blasting can be done with safety to life and property, then the City Engineer shall issue the permit as provided in this article.

Sec. 26-3301.2.4. Charge for inspection for blasting.

The City Engineer shall charge the grantee of a blasting permit the 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 may 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 cost have been determined, the grantee shall pay any balance due within ten days after notice is mailed to such grantee at the address given on the application for the permit. Any unused balance of the deposit may 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 inspection and test cost are likely to exceed the amount deposited, the grantee shall, upon notice, 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 prior provided above, then a charge of \$25.00 shall be paid by the grantee to cover the city's additional collection cost 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, 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.

Sec. 26-3301.2.5. Permit revoked.

If in the option of the City Engineer, any of the rules and regulations hereby authorized are violated in any manner, the blasting permit may be revoked.

Sec. 26-3301.2.6. 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 upon a condition that he shall hold the City harmless and indemnify it from any loss or damage occurring by reasons 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 may be a substantial and reasonable protection for the liability exposure as determined by the inspection. The City Engineer shall, within a reasonable time, inform the grantee of permit of the requirements of such inspection, and such grantee shall not perform or cause to be preformed any blasting under the permit, contrary to such inspection requirements.

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Sec. 26-3304. Explosive Materials, Storage and Handling.

Sec. 26-3304.1. Blasting sheet.

The Fire Marshal's information sheet on blasting shall be filled out and all requirements met.

Sec. 26-3304.2.1. Magazine fence.

All magazines shall be fenced with a chain linked fence, eight feet in height, with barbed wire or razor wire attached to the top and shall be surrounded by a berm approved by the Chief.

Sec. 26-3304.10.11. Inventories; disposition of explosive 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 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 City Engineer. On final termination of the permit, all stock of explosives remaining unused by the permittee shall be shown and reported to the City Engineer, as he/she may direct, such disposition made thereof as shall be approved or directed by the City Engineer.

Sec. 26-3305. Manufacture, Assembly and Testing of Explosives, Explosive Material and Fireworks.

Sec. 26-3305.1.1. Manufacturing.

The manufacturing of fire works is prohibited except under special permits as required by local and state regulations.

Sec. 26-3308. Firework Display Permits.

Sec. 26-3308.1. Display; Permits for public display by pyrotechnic expert generally.

Fireworks may be sold for use by experienced pyrotechnic experts in 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.

Sec. 26-3308.2. Permit; Application.

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- (1) Filing an application for a permit for a public exhibition or display of fireworks shall file with the commissioner of licenses a written application, in triplicate, duly subscribed and sworn by the applicant.
- (2) Contents. Such application shall set forth the following:
 - a. 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.
 - 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 actual firing and discharging of the fireworks.
 - e. The number and kind of fireworks to be discharged.
 - f. The manner and place of the storage of such fireworks between the date of purchase and date of display.
 - g. A diagram or sketch of the ground 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 may be restrained, and the location to all nearby trees, telegraph and telephone line of other overhead obstructions.

Sec. 26-3308.2.2. Pyrotechnic special effects material.

A permit is required to manufacture, compounds, store or use pyrotechnic special material. A permit for use shall be granted only to a pyrotechnic operator.

Sec. 26-3308.3. Investigation and approval by Director of Fire Department; Fee.

An application for permit for public exhibition or fireworks shall be filed with the Commissioner of Licenses at least ten days before the date set for display. A copy of such application shall be sent at once to the Director of 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 person to be in charge of the firing and discharge of the fireworks.

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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 approved in writing and signed by the Chief and is filed with the Commissioner of Licenses. The applicant for a permit shall at the time of filing the application 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.

Sec. 26-3308.4. Displays.

Fireworks displays shall be in accordance with Section 3308 of the 2000 International Fire Code. Only fireworks Division 1.3, Division 1.4G and Division 1.4S fireworks are allowed to be used.

Sec. 26-3308.4.1. Operators at public display; Firewatch.

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.

- (1) 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 or other overhead obstruction.
- (2) 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 to be discharged, and only persons in active charge of the display shall be allowed inside these line.
- (3) Firing projectile. All fireworks that fire a projectile shall go into the air as nearly as possible at an angle of not more than 25 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 shall fall into such body of water.
- (4) 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.
- (5) 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.

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In such cases, the Chief may authorize the display at future date suitable to the group holding the display.

- (6) Fire extinguishers at public display. At a public display of fireworks, at least two extinguishers of at least 2.5 gallon capacity each shall be available to extinguish any class A type fires. The extinguisher shall be kept at as widely separated points as possible within the actual area in which the discharge is being done.
- (7) 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 limits as defined in chapter 4 of the Charter of the City of Kansas City, Missouri.

Sec. 26-3308.12. Bond or Insurance policy required; Amount.

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 certification on insurance or copy thereof, with a company acceptable to the Director of Finance and approved as to by the City Attorney, stating that the applicant has in effect liability insurance in the 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 cancellation may be given to the City of Kansas City, Missouri. The certificate of insurance shall evidence coverage afforded for any and all displays which are presented by or for the named insured (applicant) during the period.

Sec. 26-3309. Prohibition of Fireworks.

Sec. 26-3309.1. Sale, use and possessing; definition.

- (1) Except as hereinafter provided, it shall be unlawful for any person to possess, keep, offer for sale, expose for sale, sell at retail, use or explode any fireworks in the city.
- (2) For the purposes of this section, the term "fireworks" shall mean and include any combustible or explosive composition, or any substances or combination of substances, or

Sec. 26-3309.2. Exemptions.

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

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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 carry 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 railroad, trucks, aircraft or other instrumentalities of transportation, or of blank pistols for show or theater, or for signals or ceremonial purposes in athletics or sports, or for use by military organizations.

Sec. 26-4700. Modifications.

Sec. 4700.1. When granted.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief may grant modifications for individual cases. A modification shall be granted following a determination by the Chief that an exigent circumstance exists, that such modification is in conformity with the intent and purpose of this Code and such modification does not lessen health, life and fire safety requirements or any degree of structural integrity. The details of actions granting modification shall be recorded and entered in the files of the Fire Department.

Sec. 26-4702. Compliance with technical articles.

Sec. 26-4702.1. Test, general.

Whenever there is insufficient evidence of compliance with any technical provision of this Code or evidence that materials or construction do not conform to the requirements of such technical provision, the Chief may require a test be performed as evidence of compliance. Such test shall be made at no expense to the city.

Sec. 26-4702.2. Test, methods.

Test methods shall be as specified by the technical articles or by other recognized test standards. In the absence of recognized and accepted test methods for the proposed alternate, the Chief shall determine test procedures.

Sec. 26-4702.3. Test by approved agency.

All tests shall be made by an approved agency. Reports of such test shall be retained by the Chief for the period required for the retention of public records.

Sec. 26-4703. Conflicting provisions.

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Sec. 26-4703.1. General.

If a conflict exists between the provisions or requirements of this chapter and any other chapter of this Code, then the provisions and requirements of this chapter shall govern.

Sec. 26-4703.2. Most restrictive to govern.

Wherever conflicting provisions or requirements occur between this chapter and other technical chapters, codes or laws, the most restrictive shall govern.

Sec. 26-4703.3. Technical provisions.

Where, in any specific case, provisions within any technical provision of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 26-4703.4. Last in time to prevail.

Where conflicts occur between any specific provision of this Code and any administrative provisions in any technical provision of this Code which is then applicable, those provisions becoming the law last in time shall prevail.

Sec. 26-4704. Permit required for alteration of structure.

Sec. 26-4704.1. Building code permit.

If violations of this Code are discovered which are to be abated by alteration to a building or structure, a permit to perform such work shall be obtained from the City Building Code Administrator.

Sec. 26-4800. Central station, remote station and proprietary fire alarm signaling system.

Sec. 26-4800.1. Title.

This article shall be known as the Central Station, Remote Station and Propriety Fire Alarm Signaling Systems article of the Fire Prevention and Protection Code of the City, may be cited as such and will be referred to herein as "this article."

Sec. 26-4800.2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different

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meaning.

- (1) “*Central station alarm signaling system*” means a central station having a system, or groups of systems, receiving fire alarms and in which the operations of circuits and devices are signaled automatically to, recorded in, maintained and supervised from an approved central station fire alarm signaling system having competent and experienced observers and operators who shall, upon receipt of a signal, take such action as shall be required by the standards in this article.
- (2) “*Chief*” means the Fire Chief of the City Fire Department or his/her authorized representative.
- (3) “*City*” means the City of Kansas City, Missouri.
- (4) “*Fire alarm signal*” means a detectable signal, audible, visually or both, generated by fire alarm signaling system, sending a demand to the City Fire Department for dispatch of emergency services of the type offered by that department.
- (5) “*Fire alarm system end user*” means a person using a system or group of systems, reporting fire alarms, in which the operation of circuits and devices are signaled automatically to, recorded in a and supervised by a central station, remote station or proprietary alarm system monitor which takes appropriate action to forward fire alarms to the City Fire Communications Center , sometimes referred to this article as an alarm end user.
- (6) “*Person*” means any person, firm, association, corporation, partnership, organization or government agency properly regulated by the city.
- (7) “*Proprietary fire alarm signaling system*” means a system that contiguous and noncontiguous properties under one ownership from a central fire alarm signaling system associated exclusively with such protected property sites, where trained, competent personnel are in constant attendance, who shall, upon receipt of a signal, take such action as shall be required by the standards in this article.
- (8) “*Remote station alarm signaling system*” means a remote station having a system or a group of systems, receiving fire alarms and in which the operations use supervised dedicated circuits to transmit fire alarm signals from one or more protected premises to signal receiving equipment at the City Fire Communications Center , where appropriate action is taken.

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Sec. 26-4800.3. Standards.

The Standards No. 71 and 72, published by the national Fire Protection Association, and standard for safety UL 827, published by Underwriters' Laboratories, Inc., are adopted and incorporated in this Code by reference as if set forth herein, and shall be in force and effect in the city, including but not limited to provisions set forth in the central station, remote station and proprietary fire alarm signaling article of the Fire Prevention and Protection Code of the city.

Sec. 26-4800.4.1. Prohibited connections.

The following signaling systems are prohibited from direct connection with the City Fire Communications Center, but may be connected to an approved fire alarm-signaling systems:

- (1) Any fire alarm system that after reporting a fire to the City Fire Communications Center, holds a telephone line open until released by hanging up the telephone.
- (2) Any fire alarm system automatically activated that gives only a single message.
- (3) Any type of fire alarm monitoring systems that, in the opinion of the Chief significantly impairs the efficient operation or any activity of the Fire Department.
- (4) Any person who is monitoring a fire alarm shall report such alarm immediately, and it is unlawful to delay such report for any reason.

Sec. 26-4800.5.1. Permit.

It shall be unlawful for any person to operate or offer central station or remote station fire alarm signaling services in the City without first obtaining a City permit for such operation. Proprietary fire alarm signaling systems and alarm end users are exempt. Revocable permits, which are not transferable, may be granted upon filing of an application to be approved by the Fire Chief, establishing that the applicant meets these conditions:

- (1) That the installation and operation of the signaling devices connected to the City Fire Communication Center shall meet the requirements of this article and standards regarding certification by the Underwriters' Laboratories, Inc., or other such agencies approved by the Chief;
- (2) That the applicant shall pay for the cost of the equipment and the expense of installation or removal; and

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- (3) The station alarm system permittee shall agree in writing to indemnify and hold harmless the city, its agents and employees, and to provide errors and omissions insurance approval by the Director of Finance, with limits of at least \$1,000,000.00 protecting the city, its agents and employees against claims for property damage and bodily injury, including death, arising from the negligent acts of the permit tee owner, operator, agents of the employees in the exercise of permit privileges granted in this article.

Sec. 26-4800.5.2. End user to use only permitted station alarm operators.

- (1) No fire alarm system end user shall contract with, or use the services of central station or remote station alarm signaling system which is not permitted by the City to perform fire alarm signaling service within the city.
- (2) All station fire alarm permit tee operators shall promptly report to the Chief any significant change in the location or method operation of the alarm signaling system. Failure to report any such charge may constitute grounds for cancellation of operator's permit.

26-4800.6.1. Installation and maintenance cost.

Installation and removal of fire alarm signaling equipment at the Fire Communications Center shall be subject to the approval of the Chief. All past and recurring changes incurred in installation, maintenance, monitoring and removal of alarm systems permitted by this article shall be borne by the permittee. Any damaged to the City Fire Communications Center structure or equipment as a result of such installation or removal shall be repaired and charged to the responsible central station or remote station fire alarm signaling system operator.

Sec. 26-4800.6.2. Removal of equipment.

The supervisor of the City Fire Communications Center , upon determining that any cabinet, device, attachment or terminal is not operated or maintained in accordance with the provisions of this code, shall order removal of same at owner's expense. Failure to obey such order shall be deemed a misdemeanor, and such violations shall be penalized as provided in section 26-109 of the Fire Prevention and Protection Code.

Sec. 26-4800.7. Maintenance and periodic test, testing at the City Fire Communications Center.

The testing of fire alarm signaling systems at the Fire Communication Center shall be conducted in accordance with rules and regulations established by Chief in order to assure proper processing of emergency alarms signals and prevent interruption by nonrelated

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activities.

Sec. 26-4800.7.1. Maintenance.

All fire detection, alarm signaling and protection systems operating through a central station, remote station or proprietary fire alarm signaling system, shall at all times be maintained in operational condition. Maintenance personnel for these systems shall keep the alarm system operator informed of any system which is being serviced or taken out of operation. The station alarm system operator shall be responsible for any false alarms transmitted by the system personnel to City Fire Communications Center as a result of such maintenance activities.

Sec. 26-4800.8. Alarm signal.

All central station, remote station and proprietary fire alarm signaling systems will, upon receipt of fire alarm signal, transmit the same to the City Fire Communications Center without any delays.

Sec. 26-4800.8.1. Limitations on fire alarm signaling systems operations.

- (1) Fire alarm signaling systems connected to the City Fire Communications Center , which systems send signals other than fire alarms signals, as defined in this article, are not permitted to establish or maintain a direct communication line into the City Fire Communications Center .
- (2) *Exception to Subsection (1) of this Section above:* Calls to the City Fire Communications Center providing information regarding the on line or off line status of fire protection and detection systems may be allowed as required by the NFPA. If there is a loss of the supervised communications link between the Center and directly connected fire alarm signaling system, following a reasonable lapse of time as prescribed by the chief, the City Fire Communications Center shall receive notification of the status of the communications link.

Sec. 26-4800.8.2. Existing alarm systems.

Fire alarm signaling systems connected to the City Fire Communication Center prior to January 1, 1994, which systems periodically send signals to the City Communication Center other than fire alarm signals, shall not be permitted to continue such system connection after January 1, 1994.

Sec. 26-4800.9. Certification.

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The establishment and installation of fire signaling devices in the City Fire Communications Center and the maintenance, operation and use of all fire alarm signaling systems shall be certified by the Underwriters' Laboratories, Inc., or such other agencies as appear on a list approved by the Chief and available for inspection during regular business hours in the Fire Prevention Division.

Sec. 26-4800.9.1. Intent.

A device or system having materials, methods of operation or forms different from those detailed in this article may be examined and tested by the Chief, according to the intent of this article, and if found equivalent, may be approved by the Chief.

Sec. 26-4800.9.2. City Fire Communications Center availability.

If circumstances occur beyond the control of the Fire Department, for example a change in technology of the Fire Communications Center impairing the availability of space or use of the facilities at the City Fire Communications Center, then the city, its agents and employees shall not be responsible to the owner, operator or customers of a fire alarm signaling for damages arising from cessation of alarm services caused by such circumstances.

Sec. 26-4800.10. Subscribers' records.

It is the responsibility of the operator of a fire alarm signaling system, as defined in this article, to maintain a current record at Fire Communications Center, including subscribers additions, the cancellations or deletions, in a form approved by the chief, of all subscriber listing. It shall be unlawful for anyone to transmit a fire alarm signal through the City Fire Communications Center for an alarm monitoring service customer unless a card for that customer, with current information, is in possession of the City Fire Communications Center at the time the fire alarm signal reaches that Center.

Sec. 26-4800.11. Permit fees.

Central station, including those situated outside of the city, and remote station fire alarm signaling operators providing monitoring services within the City limits, shall be charged a permit fee of \$100.00 on an annual basis for permit to operate or offer station alarm signaling system services within the corporate limits of the city.

Sec. 26-4800.11.1. Permit revocation.

The imposition of penalties prescribed in section 29-109 of the Fire Prevention and Protection Code shall not preclude the Chief from ordering, upon reasonable grounds, a hearing to show cause why a permit should not be revoked. Such hearing shall be conducted as set forth in section 26-108.1 and 26-108.2 of this code.

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Sec. 26-4800.12.1. Operator duties, failure to comply, penalty.

It is the duty of any person responsible for the operation of a fire alarm signaling system, as described in this chapter, to keep the system and its component parts in an operable condition at all times, so as to render continuing dependable service and prevent issuance of a false alarm. The Chief, upon determining that a system or any of its components is causing a frequency of false alarms, shall issue notice to the responsible person to correct the cause. Failure or refusal to comply with such orders within a reasonable time shall be in violation of this article and subject the responsible party to penalty set forth in section 26.109 of the Fire Prevention and Protection Code.

Sec 26-4800.12.2. False alarm.

It shall be unlawful for any person to use a fire alarm signaling system, which reports, or causes to report, five or more false alarms within any calendar year. For the purposes of this section, "false alarm" is defined as a fire alarm signal eliciting a response by the City Fire Department when a situation requiring an immediate response does not in fact exist. An alarm shall not be considered a false alarm if it is determined that the alarm was caused by:

- (1) A natural or manmade catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes, riots or other similarly violent conditions.
- (2) Vandalism causing physical damage to the premises.
- (3) Telephone outage.
- (4) Severe weather causing physical damage to the premises.
- (5) The test of local alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds and when the City Fire Communications Center has been notified of the test.

Sec. 26-4800.12.3. Notification.

A person charged by the Fire Department for initiating a false alarm shall be notified in writing of each false alarm determination.

Sec. 26-4800.12.4. Review of alarm determination.

The Fire Prevention Division shall, when requested, review the determination that an

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alarm was false. Such review may be granted only if the person requests such a procedure within fifteen days of the notice of false alarm determination. A request for determination by the Fire Prevention Division shall include at least the following:

- (1) The person's name;
- (2) The address at which the alarm is installed;
- (3) The date of the alarm signal being contested; and
- (4) The facts upon which the request for a determination is made.

Sec. 26-4800.12.5. False alarm penalties.

Any person convicted of using an alarm system, which reports or causes to report five or more false alarm within a calendar year shall be fined in accordance with the following schedule:

- | | | |
|-----|---|----------|
| (1) | First offense- Fifth false alarm..... | \$25.00 |
| (2) | Second offense-Sixth false alarm..... | \$50.00 |
| (3) | Third offense-Seventh false alarm.... | \$75.00 |
| (4) | Fourth offense-Eighth false alarm.... | \$100.00 |
| (5) | Fifth offense-Ninth false alarm..... | \$125.00 |
| (6) | Sixth offense of any subsequent offense-Tenth false alarm
and each subsequent false alarm..... | \$250.00 |

Sec. 26-4800.12.6.. Separate offenses.

Each day, or any portion of a day, of violation of any provision of this chapter shall constitute a separate offense.

Sec.26-4800.12.7. Mail-in fine.

Persons who do not request a review of a false alarm determination may avoid a court appearance by mailing to Fire Department within ten days of receipt of the notice of the determination the proper amount of fine as set forth in the above penalty schedule.

Sec. 26-4801. Central Station Systems.

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Sec. 26-4801.1. Standards.

All central station fire alarm signaling systems shall be constructed, maintained and used in conformity with standards appearing in the National Fire Protection Association Standard No. 72, The International Fire Code and the other pertinent provisions of this chapter.

Sec. 26-4801.1.1. Intent.

A device or system having materials, methods of operation or forms different from those detailed in this chapter may be examined and tested by the Chief, according to the intent of this chapter, and if found to be equivalent such system may be approved by the Chief.

Section 26-4801.2. Fire Department response.

The Fire Department will respond with Fire Department units to all automatic fire alarms signals transmitted to the City fire Communication Center. The first officer arriving at the scene of the automatic signal will make all reasonable attempts to determine if the signal is valid or a false signal. Upon determination by the officer in charge that, in his/her judgment, the automatic alarm is false alarm, the Fire Department will not hold the fire companies out of service awaiting the arrival of the fire alarm signaling company representative of the owner of the premises. The officer in charge will notify the fire alarm dispatcher that such parties will handle the automatic signal.

Sec. 26-4801.3. Systems situated outside the city.

The Chief may issue permits to central fire alarm signaling systems located out side of the City authorizing the monitoring of fire alarms within the corporate limits of the City if, in the opinion of the Chief, the intent of this chapter is being met. The permittee shall be held accountable for any failures of its signaling system to notify the City Fire Communications Center an automatic fire alarm signal received from an end user customer. The permittee, or authorized representative, shall pay his travel expenses, if any, and he shall respond to and appear at the City Fire Department headquarters, during reasonable business hours, upon receiving notice from the Chief that a hearing is to be held to determine if the operator's permit should be revoked for failure to meet and maintain the standards and requirements set forth in the provisions of this chapter. Failure of the permittee to appear at such hearing, after receiving reasonable notice of alleged violation of the code, the time and place of the hearing, may constitute grounds for revocation of the permit.

Sec. 26-4801.4. Permit revocation.

The imposition of penalties prescribed in section 26-109 of the Fire Prevention and Protection Code shall not preclude the Chief from ordering, upon reasonable grounds, a hearing to show cause why a permit should not be revoked.

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Sec. 26-4801.5. Reporting alarms.

Any fire alarm transmitted by a central station fire alarm signaling system to the City Fire Communications Center shall be done by direct voice communications of a type that is subject to the approval of the Chief.

Sec. 26-4802. Remote Station System.

Sec. 26-4802.1. Limited use of the City Fire Communications Center.

As a public service, and in furtherance of the public safety and welfare, limited use of the City Fire Communication Center facilities may be available, upon approval of the Chief, for monitoring remote station alarm signaling systems, subject to the provisions of this chapter and regulations of the Fire Department.

Sec. 26-4802.1.1. Remote alarm signaling license.

There shall be only one remote alarm signaling systems operator licensed to operate in the City. The operator's license shall expire one year from date of issuance and shall be revocable. The operator shall provide remote alarm signaling for the optional alarm service made available by the City to protect the public safety and welfare of target hazard structures, which due to the type of business or activity conducted within such structure, or due to important building characteristics, involve significant safety hazards to occupants or property. Target hazard structures shall be designated by the Chief and shall include, but not be limited to, nursing homes, hospitals, high rise buildings, schools, auditoriums and certain businesses described in CERCA, Title 3, Hazardous Materials. The licensed remote alarm signaling systems operator shall comply with all laws, orders, ordinances, provisions of this chapter and other public requirements, including standards of the National Fire Protection Association.

Sec. 26-4802.2. Standards.

All remote station fire alarm signaling systems shall be constructed, installed, maintained and used in accordance with the National Fire Protection Association Standard No. 72 and the provisions of this chapter.

Sec. 26-4802.3. Intent.

A device or system having materials, methods of operation or forms different from those detailed in this chapter may be examined and tested by the Chief, according to the intent of the chapter, and found equivalent may be approved by the Chief.

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Sec. 26-4802.4. Approval by the Chief.

Complete information regarding the remote station alarm signaling system, including specifications, wiring diagrams and floor plans of the remote station fire alarm signaling system and all customer installation shall be submitted to the Chief for approval prior to installation of equipment or wiring or in the event of major alterations or repairs.

Sec. 26-4802.5. Revocable permits.

A revocable, nontransferable permit to install and operate a remote station fire alarm signaling system may be issued upon written application to the Chief and his/her determination that:

- (1) The interface between the remote fire alarm signaling terminals and the computer facilities at the City Fire Communication Center shall comply with requirements established by the Chief. The proposed connection and operation of the remote fire alarm signaling system shall meet the standards set forth by the National Fire Protection Association and the provisions of this chapter.
- (2) The connection, operation, testing and maintenance of the remote fire signaling systems shall not, in the opinion of the Chief, unreasonably impair the Fire Communication Center operations.
- (3) The application demonstrated that adequate equipment and workforce shall be available to repair, maintain or otherwise service the alarm systems.
- (4) The applicant has executed a hold harmless and indemnifying agreement, and has procured liability insurance.
- (5) The applicant qualifies as a target hazard structure.

Sec. 26-4802.6. Qualified personnel.

The remote station alarm signaling system operator shall provide, at the City Fire Communications Center, personnel who meet reasonable performance quality standards set by the Chief, to conduct equipment testing in the presence of City personnel designated by the Chief or his/her designee. Such test is to be in accordance with NFPA 72.

Sec. 26-4802.7. Maintenance.

The remote station operator shall maintain a record with the Fire Communication Center listing the names and addresses of the owners and person responsible for the care and maintenance of the premises within which there is installed a remote station alarm signaling system. The Fire Communications Center shall control the status of all alarm accounts. The

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remote alarm signaling service provided by the operator to its customers shall be conducted such that the operator's customers' routine calls for maintenance, repairs and service are directed to the operator, not the Fire Communication Center, and such operator may then contact the Fire Communication Center regarding such routine calls. All remote fire detection and alarm systems shall at all times be maintained in operational condition. It shall be unlawful for any person to render the remote fire alarm signaling system unserviceable, for whatever reason, without verbal notification being first given to the Fire Communication Center, followed immediately by written notice if such system shall be out of service for more than 24 hours. The City Fire Communication Center shall be orally advised in advance of maintenance procedures which may interrupt signal service. The operator's installation of its equipment in the Fire Communication Center shall be under the supervision of the Superintendent of such Center.

Sec. 26-4803. Proprietary Signaling Systems.

Sec. 26-4803.1. Standards.

All proprietary fire alarm signaling systems shall be constructed, installed, maintained and used in conformity with standards appearing in the National Fire Protection Association standard No. 72, the International Fire Code, and other pertinent provisions of this article.

Sec. 26-4803.2. Intent.

A device or system having materials, methods of operation or form different from those detailed in this article may be examined and tested by the Chief, and if found to be equivalent it may be approved by the Chief.

Approved as to form and legality:

Assistant City Attorney