

## Chapter 6

### **FIRE PREVENTION AND CONTROL\***

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\***Cross references**—Buildings and building regulations, ch. 4; emergency management, ch. 5; flood damage prevention and protection, ch. 7; oil and gas well drilling, ch. 14.



**ARTICLE I. IN GENERAL****Sec. 6-1. Reserved.****Sec. 6-2. Arson reward.**

The city hereby offers a reward of \$500.00 to anyone who secures and furnishes information necessary to and which results in the arrest and conviction of any person who commits the crime of arson within the corporate limits of the city. This reward is a standing offer and shall be paid out of the general fund of the city. (Ord. No. 57, 7-3-1972)

**Secs. 6-3—6-25. Reserved.****ARTICLE II. FIRE MARSHAL****Sec. 6-26. Appointive office created; qualifications; removal; compensation.**

The office of fire marshal is hereby created. Such office shall be independent of other city departments, the fire marshal reporting directly to the mayor and city council. Such office shall be filled by appointment by the mayor, by and with the consent of the city council. The fire marshal shall be properly qualified for the duties of his office, and shall be removed only for cause. He shall receive an annual salary as established by the city council from time to time.

(Ord. No. 38, § 1, 11-2-1970)

**Sec. 6-27. Investigation of fires—Generally.**

The fire marshal shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall begin within 24 hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires, together

with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article.

(Ord. No. 38, § 2, 11-2-1970)

**Sec. 6-28. Same—Suspected arson.**

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause it to be reduced to writing. If he is of the opinion that there is evidence sufficient to charge any person with the crime of arson or with an attempt to commit the crime of arson or of a conspiracy to defraud or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

(Ord. No. 38, § 3, 11-2-1970)

**Sec. 6-29. Same—Confidentiality authorized; power to sequester witnesses.**

All investigations held by the direction of the fire marshal may, in his discretion, be private. Persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(Ord. No. 38, § 6, 11-2-1970)

**Sec. 6-30. Power to summon witnesses, administer oaths.**

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is, by the provisions of this article, a subject of inquiry and investigation and may require the production of any book, paper or document

deemed pertinent thereto. The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any person appearing as a witness before him.

(Ord. No. 38, § 4, 11-2-1970)

**Sec. 6-31. Duty to have witnesses refusing to testify prosecuted.**

Any witness who refuses to be sworn or who refuses to appear or testify or who disobeys any lawful order of the fire marshal or who fails or refuses to produce any book, paper or document touching any matter under examination or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of the investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation, shall be deemed guilty of a misdemeanor, and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted. Any person being convicted of any such misdemeanor shall be subject to punishment as provided in section 1-5 of this Code. Any person so convicted shall have the right of appeal.

(Ord. No. 38, § 5, 11-2-1970)

**Sec. 6-32. Right of entry.**

The fire marshal at any time may enter a building or premises at which a fire is in progress or has occurred and is under control of law enforcement or fire service officials to investigate the cause, origin, and circumstances of the fire. If control of the building or premises has been relinquished, entry must be in compliance with search and seizure law and applicable federal law.

(Ord. No. 38, § 7, 11-2-1970)

**Sec. 6-33. Duty and power to inspect; order to correct dangerous conditions.**

The fire marshal, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and

premises within the city, and it shall be his duty, monthly or more often, to enter upon and make or cause to be entered and made a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair or because of age or dilapidated condition or for any cause, is especially liable to fire and which is so situated as to endanger other buildings or property or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues, and pipes with which they may be connected, or a dangerous arrangement of lighting devices or systems or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustibles, inflammable and refuse materials or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he shall order such to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of such building or premises. However, if the owner or occupant deems himself aggrieved by such order, he may, within five days, appeal to the mayor, who shall investigate the cause of the complaint and, unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant. At the end of each month the fire marshal shall report to the state fire marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.

(Ord. No. 38, § 8, 11-2-1970)

**Sec. 6-34. Maintenance of dangerous buildings, systems, materials prohibited.**

Any owner or occupant of any building or other structure or premises who shall keep or maintain the building, structure or premises with an improper arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which such may be connected, so as to be dangerous in the matter of fire or health or safety of

persons or property of others or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition which shall be dangerous in character to the persons, health or property of others or which shall be dangerous in the matter of promoting, augmenting or causing fires or which shall create conditions dangerous to firefighters or occupants of such building, structure or premises other than the maintainer thereof shall be punished as provided in section 1-5 of this Code. (Ord. No. 38, §§ 9, 10, 11-2-1970)

**Sec. 6-35. Notice required.**

No prosecution shall be brought under section 6-34 of this article until the order provided for in section 6-33 shall be given and the party notified shall fail or refuse to comply with the order. (Ord. No. 38, § 11, 11-2-1970)

**Secs. 6-36—6-50. Reserved.**

**ARTICLE III. INTERNATIONAL FIRE CODE**

**Sec. 6-51. Adopted.**

There is hereby adopted by reference, as though it was copied fully in this section, the International Fire Code, 2006 edition and International Wildland-Urban Interface Code, 2006 edition, published by the Southern Building Code Congress International, Inc.

(Ord. No. 131, § 1, 10-22-1987; Ord. No. 235, § 1, 12-10-2007)

**Sec. 6-52. Purpose.**

The adoption of the code adopted by this article is done to facilitate proper inspection activities by the city relating to construction and to maintenance of buildings within the corporate limits of the city and relating to public safety, health and general welfare.

(Ord. No. 131, § 1, 10-22-1987)

**Sec. 6-53. Precedence of code.**

Any matters in the code adopted by this article which are contrary to city ordinances shall prevail.

(Ord. No. 131, § 2, 10-22-1987)

**Sec. 6-54. Enforcement.**

Within the code adopted by this article, when reference is made to the duties of certain officials, that designated city official who has duties corresponding to those of the named official in such code shall be deemed to be the responsible official insofar as enforcing the provisions of such code are concerned.

(Ord. No. 131, § 3, 10-22-1987)

**Secs. 6-55—6-70. Reserved.**

**ARTICLE IV. FIREWORKS**

**Sec. 6-71. 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 meaning:

*Fireworks* means any composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, and that is defined in 49 CFR 173.56(j) (1996).

*Noisemaker* means any device in which gunpowder and chemicals are used to produce a noise, and any contrivance of inflammable and explosive materials combined of various proportions for purposes of producing a noise by explosion, on the ground or in the air.

(Ord. No. 89, § I, 2-9-1981)

**Cross reference**—Definitions and rules of construction generally, § 1-3.



**Sec. 6-72. Prohibited.**

It shall be illegal for any person to offer for sale, to sell, to purchase, or to discharge any fireworks or noisemakers within the corporate boundaries of the city.

(Ord. No. 89, § II, 2-9-1981)

