

ORDINANCE 39

GENERAL FIRE PROVISIONS

BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF THE CITY OF SUMMERSET, Meade County, South Dakota that the following Ordinance 39 – General Fire Ordinance be adopted as follows:

Chapters:

- 39.01.01 Driving over a fire hose
- 39.01.02 Parking Near Station or Hydrant
- 39.01.03 Unlawful to Tamper with Fire Appliances or Hydrants
- 39.01.04 False Alarms
- 39.01.05 Problematic Systems
- 39.01.06 Refuse Fires
- 39.01.07 Controlled Burns by Permit
- 39.01.08 Authorized Controlled Burns
- 39.01.09 Open Fires
- 39.01.10 Recreational Fire
- 39.01.11 Ban on Outside Burning
- 39.01.12 Fireworks Displays
- 39.01.13 Fireworks Sales
- 39.01.14 Installation of Key Boxes
- 39.01.15 Hazardous Materials
- 39.01.16 Unattended Gas Pumps

39.01.01 DRIVING OVER OR ON A FIRE HOSE

No vehicle shall drive over any unprotected hose of the Fire Department when laid down on any street or alley or elsewhere to be used during any emergency or during any training session without the consent of the Fire Chief or designated officer in charge of the scene.

39.01.02 PARKING NEAR STATION OR HYDRANT

As provided for at Section 22.05.07 of Summerset City Ordinance, no person shall park on any street or public ground within five (5) feet on either side of a fire hydrant.

No person shall place any vehicle or object within fifteen (15) feet of an entrance to a place where fire apparatus is stored.

As per Section 507.5.5 of the International Fire Code entitled “Clear space around hydrants”, a three (3) foot clear space shall be maintained around the circumference of

fire hydrants, except as otherwise required or approved. No person shall place on public or private ground any posts, fences, structures, vehicles, growth, trash, storage or any obstruction within a three (3) foot circumference of any fire hydrants, fire department connections or fire system controls. The fire department shall not be deterred or hindered in any way from gaining immediate access to fire-protection equipment private or public.

39.01.03 UNLAWFUL TO TAMPER WITH FIRE APPLIANCES OR HYDRANTS

No person shall tamper with, remove, disturb or deface fire hydrants and/or appliances utilized by the fire department for firefighting except for the purpose to extinguish fire, training, testing, recharging or making necessary repairs, when allowed by the City Administrator or the Fire Chief, when so authorized.

39.01.04 FALSE ALARMS

No person shall signal or transmit an alarm which is false in nature.

39.01.05 PROBLEMATIC SYSTEMS

For the purposes of this Ordinance a “false alarm” is an alarm that is not sounded as a result of a real or perceived emergency and includes false alarms sounded due to human error or equipment malfunctions.

The Summerset Chief of Police will designate an employee to maintain a listing of alarm responses for at least the previous year. The designee will retrieve a report of alarm responses from the Computer Aided Dispatch (CAD) system.

Upon determining that a business or facility has caused two false alarms within twelve months, an attempt will be made to contact management of that business or facility to notify them that subsequent false alarms will result in a monetary fine.

Whenever any duly authorized law enforcement personnel have responded to 2 false alarms within any period of 12 calendar months to the same premises in response to any police alarm or police alarm system as provided for herein, the owner or occupant of the real property on which the alarm or alarm system is installed shall pay to the City for each false alarm thereafter the sum of \$50 as partial compensation for those costs incurred by the City’s Police Department in responding to the false alarm.

If the location has had more than five but less than eight other false alarms in the preceding 12-month period, the fee shall be \$75. If the location has had eight or more other false alarms in the preceding 12-month period, the fee shall be \$100.

The City Board of Commissioners may from time to time adjust the dollar amount of the applicable fees set forth herein by resolution.

In the event an invoice for payment hereunder is unpaid more than 30 days after the due date, the Chief of Police may order that the central station service shall disconnect the police alarm system from its service upon 20-days' notice to the owner or occupant of the subject property.

The Chief of Police may waive charges for any response made within 14 days after initial installation. However, notification is not required to implement the penalty phase of the ordinance.

Notifications can be in person, by mail or by telephone and will be documented.

Any invoice issued may be appealed first to the Chief of Police then to the Board of Commissioners.

The payment of all penalties will be due within 30 days of the invoice. All payments received will be forwarded to the City Finance Office on a weekly basis. The Chief of Police will be provided with a monthly summary of all outstanding billings. The City may proceed in any manner authorized by law to collect full payment.

The Chief of Police will be responsible for overall monitoring of this alarm ordinance enforcement and will initiate disconnect proceedings and other enforcement provisions in his or her discretion.

That all provisions of the ordinances of the City of Summerset in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Code of Ordinances as a whole.

That nothing in this ordinance is deemed to prevent the City from proceeding under other Code enforcement mechanisms and that any person, firm or corporation violating any of the provisions or terms of this ordinance may be subject to the same penalty as provided for in the Ordinances of the City of Summerset, as heretofore amended, which may be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

39.01.06 REFUSE FIRES

No person shall set or cause to be set or allow upon their premises, public or private, any fire, the purpose of destroying any paper, rubbish, trees, leaves, grass, household trash or other materials.

39.01.07 CONTROLLED BURNS

No controlled burns shall be allowed without first obtaining a permit from the South Dakota Division of Wildfire.

39.01.08 AUTHORIZED CONTROLLED BURN

The City, when deemed necessary, for the purpose of fire prevention, pest or rodent control, may conduct a controlled burn on property under its control.

39.01.09 OPEN FIRES

No person shall set or cause to be set or allow to be set upon their premises any open fire exposed to the wind and elements so that coal, flame, cinders or burning parts thereof may be blown towards or against any surrounding or adjacent property.

39.01.10 RECREATIONAL FIRE

A recreational fire is a fire maintained in a manner approved by the local Fire Chief that does not constitute a nuisance under 90.12.01 of the City Ordinances. The use of approved devices or structures is permitted within the City when there is no ban on outside burning in effect. Any recreational fire must be located at least eight (8) feet back from the property line and at least five (5) feet away from any structure or other combustible materials. The use of a non-approved device or structure shall be a violation of this ordinance.

39.01.11 BAN ON OUTSIDE BURNING

The City of Summerset bans backyard fire pit burning when the South Dakota Grasslands Fire Danger is Very high or Extreme for Summerset.

The ban prohibits the use of outdoor appliances such as chimeneas, fire places, recreational fires, fire pits, etc. Typical cooking appliances, such as LP gas fire appliances, remain acceptable.

Most fire stations have signs for the Fire Danger as determined by the National Weather service or you can look on the National Weather service website to determine our fire danger.

39.01.12 FIREWORKS DISPLAY

It shall be unlawful for any discharge or cause to be discharged, except as hereinafter permitted, any fireworks.

The use of certain novelty fireworks within the City are permitted and are limited to the following:

1. Party poppers (not to exceed 0.25 grain)
2. Snappers (not to exceed 0.02 grain)
3. Sparklers (not to exceed 3.5 oz)
4. Toy caps (not to exceed 0.25 grain)
5. Flitter sparklers (not to exceed 0.2 oz)

Nothing in this Ordinance shall prohibit a public display and discharge of fireworks, providing such licensed individual, firm, partnership or corporation planning to make a public display and discharge of fireworks, shall first secure a written permit from the City of Summerset and Chief of the Fire Department upon which jurisdiction falls.

This Ordinance extends to and shall cover all of the territory within the corporate limits of the City of Summerset and its one-mile jurisdiction, County of Meade, State of South Dakota.

Any violator of this ordinance is guilty of a Class II misdemeanor.

39.01.13 FIREWORKS SALES

For a period, each year from June 27 through July 5 and from December 28 through January 1, fireworks may be sold within the City limits. Said sales shall be in accordance with all state and federal requirements and no person shall be permitted to conduct such sales without a license issued by the City. To obtain a license to conduct such sales, the person shall first submit an application, including a copy of a valid sales tax license issued in applicant's name to the Summerset Finance Office. An application fee, set by resolution, payable to the City of Summerset shall be submitted with the application. The Board of Commissioners may revise the fees as set forth herein from time to time by resolution. After review, the City Finance Office shall issue or deny the license request within 5 business days.

At no time shall a collapsible lantern or similar structure of thin paper or similar material, deigned to be lit and then released into the air, be allowed for sale or use within the City of Summerset or within one mile of City limits.

39.01.14 INSTALLATION OF KEY BOXES

The following properties shall be required to have key boxes installed which contain keys to allow the Fire Department immediate access necessary for life saving, firefighting and/or law enforcement purposes:

- A. All multiple dwelling housing units;
- B. Motels and Hotels with four (4) or more units not having doors from each guest room going directly to the outside or not having an employee on premises 24 hours each day;
- C. All buildings or structures which are three or more stories high;
- D. Buildings with fire alarm systems and/or fire suppression systems;
- E. All building with elevators;
- F. Buildings, other than commercial, the owner of which requests that the Police and/or Fire Department have a key;
- G. All building in Commercial, Highway Service and Industrial zoned area of the City for which a permit is required;
- H. Covered malls as defined in the Building Code;
- I. Buildings or sites containing Hazardous Materials;
- J. Schools;
- K. Public or government owned buildings; and
- L. Buildings, which are determined by the City Administrator or his/her designee to be difficult to access or those buildings having absentee landowners.

All properties falling within the foregoing categories shall be required to have key boxes installed. The type and location of boxes must be approved by the City Administrator or his/her designee. Key boxes shall contain keys to gain access to the property as required by the City Administrator or his/her designee.

All existing buildings, which fall into the above categories but are not in compliance with this Section shall, within twelve (12) months of written notification from the City Administrator or his/her designee install a key box in compliance with this Section.

The Fire Department shall maintain a list of occupancies where key boxes are installed. The Department shall visit each site annually and open key boxes and notify landowners of any required maintenance.

At any time, a landowner changes the locks on a structure with a key box, the landowner shall notify the Fire Department of said key change. The Fire Department shall arrange a time to place a new master key in the lock boxes.

Any building with a twenty-four (24) hour, seven (7) day-a-week guard service or personnel on duty who is awake within the interior of the site may be exempt from installation of a key box upon the approval of the City Administrator or his/her designee.

39.01.15 HAZARDOUS MATERIALS

No person shall store, manufacture, distribute or in any way handle any materials declared to be hazardous by the International Fire Code and without first notifying the Summerset City Administrator.

Persons storing, manufacturing, distributing or in any way handling any hazardous material must register with the City Administrator and receive approval as required to begin his/her operation.

The following information shall be provided to the City:

- A. Names of contact person;
- B. Phone number of contact person;
- C. List of materials, quantities, storage location;
- D. Use of material;
- E. Site plan of property; and
- F. Emergency plan

Any person storing, manufacturing, distributing or in any way handling hazardous materials shall provide the local Fire Department with a MSDS (Material Safety Data Sheet) for each material stored, handled or distributed.

Any person manufacturing, distributing or in any way handling hazardous materials shall be responsible for any cost incurred by the Fire Department and/or the City during any event, fire or spill caused by the person.

Any person shall placard his/her property, structures and storage facilities as required by NFPA (National Fire Protection agency) and as required by the Codes adopted by the City.

39.01.16 UNATTENDED GAS PUMPS

Any gas filling station within the City which provides 24-hour service or pay at the pump service must provide 24-hour staffing or install recorded video monitoring device, which provide surveillance of the pumps which are accessible during all hours of operation.