

CHAPTER XIII.

FIRE PROTECTION AND PREVENTION

ARTICLE I. FIRE INSPECTIONS

13-101. INSPECTION OF BUILDINGS. It shall be the duty of the Fire Warden of the City of Gwinner to inspect or cause to be inspected by Fire Department officers or members, not less than once each calendar year all premises, buildings, structures, private dwellings, public thoroughfares, streets and alleys, and all commercial structures and multiple dwellings located within the city limits for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or for the prosecution of any violations of the provisions of any ordinances of the City relating to fire hazards; further provided that the Fire Warden may, in his discretion, inspect any buildings or premises within the city limits at any reasonable time for the above-mentioned purposes.

13-102. WOODEN BUILDINGS: DECLARED NUISANCE, WHEN. Any wooden building or any part thereof which may be erected, raised, enlarged, repaired, or removed contrary to any of the provisions hereof shall be and the same is hereby declared to be a nuisance, and the Chief of Police, Fire Warden, or any policeman upon information of any such violation, shall give notice to the owner or his agent or builder of any such building, to abate, remedy, or remove the same or such part as may be necessary within thirty (30) days from the service of such notice.

13-103. SAME: FIRE WARDEN TO REMOVE OR TEAR DOWN, WHEN. Upon the failure of any such person or persons to comply with such notice the Mayor shall by an order in writing require the Fire Warden to remove or tear down such building or such part thereof as may be necessary and the Fire Warden shall report the costs and such expenses of removal to the City Council for allowance, and such costs and expenses may be collected from the owner or builder of such building in any court of competent jurisdiction.

ARTICLE II. FIRE HAZARDS

13-201. COMBUSTIBLE MATERIAL IN OPEN AIR. No person shall deposit or stack or strew any hay, straw, shavings, paper or other easily combustible material in any yard or lot in open air within one hundred (100) feet of any dwelling house or other buildings not owned or occupied by him.

13-202. SAVED FOR FUTURE USE.

13-203. FIRE NOT TO BE KINDLED IN BUILDING, WHEN. No person shall make, kindle or use any fire in any building not fireproof or in any shed except in a secure fireplace, furnace or stove, or shall make, kindle or use any outdoor fire when necessary for outdoor work within twenty (20) feet of any building or other property

likely to be endangered thereby unless in a secure furnace made for such purpose, or shall leave any such outdoor fire burning after ceasing to use the same.

13-204. FIRE IN STREETS OR ALLEY. No person or persons shall burn any straw, hay, shaving, trash, lumber, leaves, or other combustible material in any street, alley, or vacant lot except by special permission of the Fire Warden.

13-205. FIRE LIKELY TO CAUSE DAMAGE PROHIBITED. No person or persons shall negligently or wilfully make, kindle, use or leave any fire, or shall deposit, leave or use any ashes or any other dangerous combustible or inflammable material, liquid or substance or shall leave or use any lighted candle, lamps, or other light or fire at such time or in such a manner as to cause damage or injury to any building or other property or to endanger any building or other property likely to be damaged or injured by such negligent or wilful act.

13-206. DEPOSIT OF ASHES. No person shall deposit any ashes within any building unless the same be kept in a metallic or other fire proof vessel or receptacle, or deposit the same in any alley or lot where the same may be disturbed by the wind or deposit the same in any wooden vessel in any yard, lot, or alley unless the same be covered and at least ten (10) feet distant from any wooden building or combustible material.

13-207. EXPLOSIVES. No person or persons shall store or keep any dynamite, nitro-glycerin, giant powder or other explosives other than gun powder in any storeroom, wareroom, building, or on any premises within the city limits; and shall not keep more than five (5) pounds of gunpowder in closed metal canisters in a store or warehouse away from artificial heat or light and not more than twenty-five (25) pounds of gunpowder may be kept if in a magazine made of fireproof material or of wood covered with sheet iron and mounted on wheels, and kept securely locked except when necessarily opened for use by authorized persons, and not more than five hundred (500) blasting caps in a similar but separate magazine. Said magazines shall be conspicuously labelled in red letters at least four (4) inches high (EXPLOSIVES) and located within the building on the floor nearest the street level and within ten (10) feet of the street entrance.

13-208. GASOLINE. No person or persons shall keep gasoline in excess of five (5) gallons exclusive of that in the tanks of vehicles in storage within any building and any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than three (3) feet beneath the surface of the ground and approved by the Fire Warden.

13-209. COMBUSTIBLE MATERIALS ON STREETS, ALLEY, OR NEAR BUILDINGS. No person or persons shall allow to remain longer than thirty-six (36) hours or overnight in any street, alley, or on any sidewalk or premises within thirty (30) feet of any buildings empty boxes, barrels, rubbish, trash, waste paper, excelsior, or other like combustible materials.

13-210. OILY WASTE OR RAGS. No person shall keep or permit to be kept on the premises any oily waste or oily rags unless at all times when not actually in use such oily waste and oily rags are kept in a covered metal can.

13-211. CARELESS SMOKING. Any person, who, by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in any manner, in which lighters or matches are employed who shall in any careless, negligent or reckless manner whatsoever, whether wilfully or wantonly or not, set fire to any building, furniture, curtains, drapes, house or household fittings or furnishings whatsoever in any hotel, public rooming house, tenement house, or any public building so as to endanger life or property in any way or to any extent shall be guilty of violating this ordinance and shall be subject to penalty as hereinafter set forth.

13-212. NOTICE TO BE POSTED. A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, public rooming houses, lodging houses, and other places of public assemblage within the City of Gwinner, advising tenants of the provisions of this chapter.

13-213. FIRE TO BE REPORTED IMMEDIATELY. Every fire of any kind, and from whatever source, occurring in or about any hotel, rooming house, lodging house, or apartment hotel in the City of Gwinner shall be reported immediately to the Fire Department.

13-214. FIRE WARDEN, AUTHORITY TO INSPECT. All owners or occupants of buildings are required to permit the Fire Warden to inspect their buildings to see if the foregoing provisions are complied with; and it is hereby made the duty of the Fire Warden to make such inspection whenever and wherever he may suspect a violation of any of the foregoing provisions.

13-215. FIRE WARDEN'S DUTY. Whenever the Fire Warden shall find in any building or other place combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or other highly inflammable materials especially liable to fire and which is so situated as to endanger property or shall find obstacles to or on fire escapes, stairs, passage ways, doors, or windows apt to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order the same to be removed or remedied, and such order shall be complied with by the owner or occupant of such premises or building subject to appeal within twenty-four (24) hours to the Mayor who shall within five (5) days review such order and file his decision thereon and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant.

Any owner or occupant failing to comply with such order within ten (10) days after said appeal shall have been determined, or if no appeal is taken then within ten (10) days after the service of said order, shall be liable to the penalty as hereafter stated.

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of the same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance to said premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a true copy of said order or if said person is absent from the jurisdiction of the officer making the order by mailing such copy to the owner's last known post office address and time will commence to run from the date of mailing.

ARTICLE III.
STORAGE, USE, AND HANDLING OF LIQUIFIED OR COMPRESSED
PETROLEUM OR OTHER FLAMMABLE GASES

13-301. STORAGE WITHIN THE CITY LIMITS A FIRE HAZARD. That the storage, use and handling of liquefied petroleum gases within the city limits of the City of Gwinner is hereby declared to be a fire hazard.

13-302. INSTALLATIONS REPORTED. No person, firm or corporation shall maintain, install, or use any compressed or liquefied petroleum or other type of compressed gas system or equipment used in connection with such systems in the City of Gwinner without filing with the City Auditor a written report thereof, describing the kind of system installed and the amount of gas to be stored.

13-303. QUALIFIED INSTALLER. No installation of any kind of pressed or liquefied petroleum or other type of compressed gas system or equipment used in connection with such systems except acetylene shall be made without the installer having first filed with the City Auditor of the City of Gwinner a statement to the effect that he is qualified to install the equipment for the use of compressed or liquefied petroleum or other type of compressed gas system.

13-304. INSPECTING AUTHORITY. The Chief of the Fire Department or someone designated by him, who has duly qualified as an inspector of compressed or liquefied or other type of compressed gas systems or equipment's shall make an inspection of all compressed or liquefied petroleum or other type of compressed gas systems and equipment as soon after installation as it is convenient to do so, and give his approval or disapproval of the installation in writing by serving a copy thereof on the owner and installer, setting forth his reasons if disapproved, and file the original of his report approving or disapproving such installments, with notation of service as aforesaid and the date thereof, with the City Auditor, and the owner and installer shall, if installation is not approved, comply with the inspector's report immediately.

13-305. DEFINITION OF FIRE DEPARTMENT. The term "Chief of the Fire Department" shall mean and include any officer, member or inspector of the Fire Department specially deputized by the Chief of the Fire Department.

13-306. STORAGE TANKS, CAPACITY, LOCATION, AND RESTRICTIONS.

(a) No compressed or liquefied petroleum gas storage shall exceed One Hundred (100) gallons water capacity on any premises within the residential limits of the City of Gwinner.

(b) Bulk storage of liquified petroleum gas is limited to thirty thousand (30,000) gallons water capacity per individual storage container within the limits of areas designated by resolutions of the City Council, as bulk storage areas.

(c) Bulk storage areas for liquefied petroleum gas storage shall be subject to approval by the Chief of the Fire Department, Fire Marshall and the City Council.

(d) Underground storage of liquefied petroleum gas shall not be permitted within the City of Gwinner.

(e) No cylinder of liquefied petroleum gas shall be located under or inside any building within the city limits of Gwinner, except that not more than one (1) cylinder at any one time may be located in buildings where such cylinders are to be used for welding, flame cutting or other industrial use on a temporary permit. Cylinders so installed within the limitations of this paragraph shall be so placed and connected in the manner that may be prescribed by the Chief of the Fire Department.

(f) All cylinders and regulating equipment shall be protected by metal or masonry enclosures, well ventilated, wherever deemed necessary by the Chief of the Fire Department for the protection against tampering and mechanical injury.

(g) All cylinders and regulating equipment for domestic use shall be located outside of the building containing the burner.

(h) All storage containers and cylinders shall be set up on bases which have been waterproofed and approved by Underwriter's Code and said bases shall be maintained at all times in a level position.

13-307. TRANSPORTING AND STORING GAS CYLINDERS. All cylinders, either empty or full, shall be at all times in the upright position and shall be securely held in this position by metal chain sufficiently strong to stand sudden changes in the speed of transporting vehicles, and all full and used cylinders and containers shall be stored in an upright position.

13-308. VALVES. All shut-off valves on cylinders and all regulating valves shall be protected from the elements by a metal cover.

13-309. REPLACEMENT OF CYLINDERS. The changing of cylinders shall be by daylight only and no fire or artificial light other than incandescent vapor proof lights shall be permitted within ten (10) feet of the cylinders.

13-310. REFILLING OF STORAGE CONTAINERS FROM TANK WAGON. The refilling of all storage containers shall be by daylight only.

13-311. DAYLIGHT HOURS DEFINED. Daylight hours shall be known and defined as any time between sunrise and sunset as established by any recognized authority.

13-312. OPERATIONAL INSTRUCTIONS TO BE POSTED, FIRE DEPARTMENT. Printed instructions for the operation and maintenance of the equipment installed shall be permanently attached in such a position on the equipment so as to be visible and legible.

13-313. APPROVAL OF EQUIPMENT OR ITS ASSOCIATED EQUIPMENT. All items of the equipment forming a part of the complete installation of any installation for the use of liquified petroleum gas shall be approved or listed as being approved for its specific location in the system or purpose for that which it was designated by the Underwriter's Laboratories, Inc. or a comparable nationally recognized testing laboratory.

13-314. STANDARDS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS ADOPTED BY REFERENCE. The National Board of Fire Underwriters' current pamphlet No. 58, and amendments thereto made, from time to time, and the whole thereof, containing standards of the National Board of Fire Underwriters for the storage and handling of liquified petroleum gases, copies of which are on file in the office of the City Auditor, is and are hereby adopted and made a part of this ordinance by reference.

13-315. SAME: The National Board of Fire Underwriters' pamphlet No. 59, and the whole thereof, containing standards of the National Board of Fire Underwriters for the storage and handling of liquified petroleum gases at Utility Gas Plants, and dated March, 1949, copies of which are on file in the office of the City Auditor, is hereby adopted and made a part of this ordinance by reference.

13-316. PENALTY. Any person, firm, association or corporation who shall violate any of the terms and provisions of this article or who shall, when notified in writing by the City Fire Warden or the City Council shall fail, neglect, or refuse to take steps to correct the condition complained of, within the time specified in such notice, as hereinbefore provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment, in the discretion of the court, for each such offense. Each day any person, firm, association or corporation shall violate any of the provisions of this ordinance shall constitute a separate offense.