

CHAPTER VII. FIRE

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ARTICLE 1. FIRE DEPARTMENT

- 7-101. FIRE DEPARTMENT ESTABLISHED. The fire department of the city is hereby established. Officers shall consist of a chief, assistant chief, captain, lieutenant and fire prevention officer. Members shall number no fewer than 10 nor more than 30 members. The chief, assistant chief and members of the department shall be appointed by the mayor and confirmed by the council in the same manner as other officers and employees are appointed. The members appointed shall be volunteers.
- 7-102. MEETINGS; COMPENSATION. The members of the fire department shall meet at least once each month for practice and drill. The chief shall keep a record of attendance of members at such meetings. The department shall receive the following fees from the City for the services of members of the department:
- (a) Chief and other officers:
 - (1) For attending each fire alarm - \$15;
 - (2) For attending meetings, drills and practices - \$15
 - (b) Other firefighters:
 - (1) For attending each fire alarm - \$10;
 - (2) For attending meetings, drills and practice - \$10
- All money shall be paid to the Cimarron Fire Department for use by the Fire Department.
- 7-103. WORKSHOPS AND SEMINARS.
- (a) The officers and fire fighters may attend workshops to enhance knowledge of fire-fighting services. The chief and assistant chief will administer the details as to which firefighters will attend workshops and seminars. Out-of-pocket expenses will be paid on the basis used to reimburse city employees for out-of-pocket expenses.
 - (b) The reimbursement budget for workshops and seminar training away from Cimarron cannot exceed \$750 per year without City Council approval.
- 7-104. SUPERVISION OF DEPARTMENT. The chief of the fire department shall be under the supervision of the mayor. The chief shall control and have responsibility for the care and condition of the fire apparatus and equipment. It shall be his or her duty to see that all such apparatus and equipment is ready at all times for immediate use in case of a fire alarm. The chief of the department shall submit an annual report in writing of the condi-

tion and operation of the fire department and its apparatus and equipment to the governing body at its first meeting in October. (Code 1961, 6-103)

- 7-105. **POWER OF CHIEF.** The chief of the department shall: (a) be responsible for the discipline and training of the members, and may suspend any member for failure to attend practice drills or after refusal to obey orders.
(b) Direct the use of all fire apparatus and equipment; command all firefighters in the discharge of their duties.
(c) Take such prudent measures as he or she may deem necessary for the preservation of life and the protection of property while extinguishing a fire, and shall have full power, control and authority over all persons whomsoever present during any fire.
(Code 1961, 6-104)
- 7-106. **COMMAND AT FIRES.** The chief of the fire department shall have full power and command over all persons whomsoever present at fires, and shall direct the use of all fire apparatus and equipment, and command all firefighters in the discharge of their duties. He or she shall take such measures as he or she may deem necessary in the preservation and protection of property and extinguishing of fires. (Code 1961, 6-105)
- 7-107. **POWER OF ASSISTANT CHIEF.** The assistant chief and other officers of the department shall, during the absence of the chief, have all the powers and perform all the duties herein imposed upon the chief of the department.
- 7-108. **DUTIES OF FIREFIGHTERS.** It shall be the duty of all members of the fire department to attend any alarm of fire or practice drill in accordance with the regulations of the department and at the direction of their superior officers. Any subordinate officer or firefighter who refuses or neglects to attend any alarm of fire without submitting an excuse satisfactory to the chief, or who fails to attend three fire calls a year, or who fails to attend three consecutive monthly meetings, or who neglects or refuses to do his or her duty or obey the orders of his or her superior officer, or who shall leave his or her post of duty while at a fire or drill without the permission or excuse of the chief or superior officer will have his attendance reviewed by the Officer's Council. If it is found by the Council that there is not sufficient or good cause for the absence, the member may be expelled from the department. (Code 1961, 6-107)
- 7-109. **RECORD OF FIRES.** The chief of the fire department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how extinguished, value of building and contents, loss on building and contents, insurance on building and contents, members responding to the alarm and other information deemed advisable. It shall be his or her further duty to make a report of any fire and to furnish such information as may be required by the rules and regulations of the State Fire Marshal. (Code 1961, 6-108)
- 7-110. **OFFICERS COUNCIL.** The Officers Council shall be comprised of the chief, the assistant chief, captain, lieutenant and fire prevention officer. The chief will preside at Council meetings. Meetings will be held at the call of the chief or a majority of the members.

(Ordinance 874 – 2/05/96)

ARTICLE 2. FIRE PREVENTION

- 7-201. **FIRE CODE INCORPORATED.** There is hereby adopted by the governing body of the City of Cimarron for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1976 edition and 1982 amendments thereof and the whole thereof, of which code no fewer than three copies have been and now are filed in the office of the clerk of the City of Cimarron and the same are hereby adopted and incorporated as fully as if set out at length herein. (Code 1984)
- 7-202. **BURNING OUTSIDE FIRE LIMITS.** It shall be unlawful for any person or persons to burn trash, rubbish, leaves, lumber, straw, grass or any other combustible material outside the fire limits, except between the hours of 6 a.m. and 7 p.m. and then only under the supervision of an adult person, and when there is no high wind. Such trash shall be burned in an enclosed container or incinerator covered with steel netting with a one inch mesh, or with a steel plate. If such burner is constructed of wire, an attendant shall remain on watch as long as any fire remains therein. (Code 1961, 7-101)
- 7-203. **BURNING IN FIRE LIMITS.** It shall be unlawful for any person, firm or corporation to burn any trash, leaves, lumber, straw, paper, boxes, grass or other combustible materials openly within the fire limits of the city or within 25 feet of any building in the city, except when such fire is contained in a refuse burner or incinerator constructed of iron, steel, concrete, brick or stone in a substantial manner and the opening of the top of the burner or incinerator covered over and protected by a steel netting one inch mesh, or with steel plate with no larger than $\frac{1}{4}$ inch holes therein and only during the hours between 6 a.m. and 7 p.m. (Code 1961, 7-102)
- 7-204. **INSPECTION.** The chief of the fire department or assistant chief shall, whenever he or she has reason to believe that the safety of life or property demands, enter any building, yard or premises in the city, during reasonable hours, for the purpose of inspection. Where dangerous, unsafe or hazardous conditions are found to exist, he or she shall direct such conditions removed or altered. (Code 1961, 7-103)
- 7-205. **FIRE HAZARDS; OBSTRUCTING FIRE DEPARTMENT.** It shall be unlawful for any person, firm or corporation to cause or create anywhere within the city, or to permit or suffer on any premises under his, her or their control, any situation or condition that is conducive to or likely to cause or permit the outbreak or spreading of fire. All such conditions and situations and more particularly, the accumulation of combustibles in any building in the city or the storage of hot ashes in wooden boxes or the disposal of the same immediately adjacent to any nonfire resistant building or structure or stacking or

storing haw within 500 feet of any building located within the fire limits, is declared to be a fire hazard. The placing of stools, benches, chairs or any other obstructions in the ashes, hallways, doorways or exits or any theater, auditorium, church or other place of indoor public assemblage, or the failure to provide all such places with sufficient, accessible and unobstructed fire exits and escapes shall be fire hazard. The obstruction of any street, avenue, alley or fire hydrant, or the existence of any condition that might hinder or delay the fire department in the performance of its duties shall be unlawful. (Code 1961, 7-104)

ARTICLE 3. FIREWORKS

7-301. FIREWORKS DEFINED. The term “fireworks” shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets, or other device containing any explosive substance. Nothing in this section shall be construed as applying to toy paper caps containing not more than .25 of a grain of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes or public or private transportation, nor applying to the military or navy forces of the United States or of this state, or to peace officers, nor as prohibiting the sale of use of blank cartridges for ceremonial or theatrical or athletic events. (Code 1961, 7-201)

7-302. WHEN SALE OF FIREWORKS LAWFUL. (a) LICENSE REQUIRED TO DISTRIBUTE FIREWORKS. No person, firm, corporation, or limited liability company shall sell, deliver, or give away any fireworks within the corporate limits of the city unless such person, firm, corporation, or limited liability company shall have first obtained from the city fire chief or his or her designee a license authorizing such distribution of fireworks. The license shall be in a form approved by the fire chief and shall be prominently displayed at the licensee’s place of business. The cost therefore shall be \$1.50 per separate location for each licensee. The license shall only authorize the distribution of fireworks during the days set forth in subsection (b) in the year in which issued.

(b). WHEN SALE OF FIREWORKS LAWFUL. It shall be unlawful, except from June 27 through July 5 of any year for any person, firm, corporation, or limited liability company to sell, deliver, or give away any fireworks within the corporate limits of the city.

(Ordinance 901 – 6/09/2000)

- 7-303. **DISCHARGE.** (a) The discharging, firing or igniting of fireworks is hereby prohibited except from 8 a.m. CDT to midnight CDT June 27 through July 5 of any year. The governing body may grant prior permission for the public display of fireworks by responsible persons. Such display shall be of such a character and so located, discharged, and fired as shall not be hazardous to surrounding property or endanger any person or persons.
- (b) **EXCEPTIONS.** Notwithstanding subsection (a), the discharging, firing or igniting of fireworks is hereby prohibited from June 27 through July 5 of any year in which:
- (1). The governing body of the City of Cimarron, Kansas shall declare a fire hazard emergency within the corporate limits of the City of Cimarron during such time;
 - (2). The Commissioners of Gray County, Kansas, shall by any manner permitted by law prohibit or attempt to prohibit any burning within the boundaries of Gray County, Kansas, during such time; or
 - (3). The Kansas State Fire Marshal shall by any manner permitted by law prohibit or attempt to prohibit any burning within the boundaries of Gray County, Kansas, during such time.
- (Ordinance 901 – 6/09/2000)
- 7-304. **DISCHARGING IN FIRE LIMITS PROHIBITED.** It shall be unlawful for any person to shoot, fire or discharge any fireworks as defined in section 7-301 of this article in the fire limits of the city. (Code 1961, 7-204)
- 7-305. **SALE.** Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store. (Code 1961, 7-205)
- 7-306. **RETAIL DISPLAY OF FIREWORKS.** All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty at all times at counters where such fireworks are on display. Fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty. Signs reading “Fireworks for Sale – No Smoking Allowed” shall be displayed in the section of the store set aside for the sale of fireworks. (Code 1961, 7-206)
- 7-307. **FIRE EXTINGUISHERS REQUIRED.** Not less than two fire extinguishers of a size greater than or equal to five pounds must be kept onsite at all locations where fireworks are sold. (Ordinance 901 – 6/09/2000)
- 7-308. **RESTRICTIONS AS TO GASOLINE INSTALLATION.** Fireworks shall not be stored, kept, sold, discharged within 200 feet of any gasoline pump, gasoline filling

station, gasoline bulk station, propane bottle station or storage facility, or any building in which gasoline is volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.”

- 7-309. PENALTIES. (a) Fireworks which are sold, offered for sale, given away, used, or discharged in violation of §§7-301 through 7-308 shall be subject to seizure by any law enforcement official, the fire chief, or any member of the fire department who has been duly authorized by the fire chief.
- (b) DESTRUCTION. Fireworks seized under this section may be disposed of by summary destruction at any time subsequent to 30 days from the seizure of 30 days from the final termination of proceedings under the provisions of this section.
- (c) PETITION FOR REVIEW. Any person whose fireworks are seized under the provisions of this section may, within 10 days after the seizure, submit a written petition to the fire chief requesting the return of the fireworks seized and stating the specific grounds upon which the petitioner seeks the return of the seized fireworks. Upon the filing of the petition, the fire chief shall immediately notify any involved law enforcement officer or fire department member.
- (d) HEARING. If any petition filed requests a hearing, the fire chief or his representative shall hear the person’s petition within 30 days after the receipt of the petition. The fire chief shall give not less than 10 days written notice of the hearing. The fire chief shall file a decision within 15 days after the hearing.
- (e) FILING DECISION IN LIEU OF HEARING. If a hearing is not requested, the fire chief shall file his decision within 15 days after the filing of the petition.
- (f) NOTICE OF DECISION. Notice of the fire chief’s decision shall be sent to the petitioner and any involved law enforcement agency.
- (g) DISPOSITION OF SEIZED FIREWORKS. The fire chief may order the fireworks seized under these regulations disposed of, or, if illegally or erroneously seized, returned to the petitioner.
- (h) PUBLIC NUISANCE. Any act or acts constituting a violation of §§7-301 through 7-308 shall be deemed a public nuisance pursuant §11-123 of the Code of the City of Cimarron. (Ordinance 901 – 6/09/2000)

ARTICLE 4. FLAMMABLE LIQUIDS, L-P GASES

- 7-401. UNIFORM FIRE PREVENTION CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations concerning fire prevention, the Fire Prevention Code(s) NFPA 30 dated July 14, 1984,

NFPA 30A dated July 5, 1984 and NFPA 58, the 1983 edition as recommended by the National Fire Protection Association, Inc., such code(s) being made as a part of the ordinances are code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of these code(s) shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Cimarron," and shall be filed with the city clerk to be open to inspection and available to the public all reasonable hours of business. Any person violating any provision of these code(s) shall be punished as provided in section 1-112 of this code. (Code 1986)

ARTICLE 5. FIRE LIMITS

7-501. FIRE LIMITS. The following shall be and are hereby declared to be the fire limits of the city; all lying in Original Townsite: Beginning at the northeast Corner of Lot 18, Block 21, thence East to the Northwest Corner of Lot 18, Block 22, thence South to the north line of Lot 14, Block 11, thence east along north line of Lot 14, Block 11, Lots 5 & 8, Block 10 to the east line of Second Street, thence south to the north line of ATSF right-of-way, thence east to the west line of Fifth Street, thence South to the south line of ATSF right-of-way, thence west to the west line of Second Street, thence south 100 feet to the south line of Lot 11, Block 37, thence west along south line of Lots 11 and 2, Block 37 to the west line of First Street, thence south to south line of Lot 14, Block 36, thence west on south line of Lot 14, Block 36 to the east line of alley, Block 36, thence south to north line of Avenue "D," thence west to the east line of Main Street (K23), thence north to north line of Avenue "B," thence west to west line of alley in Block 35, thence north to south line of ATSF right-of-way, thence west to east line of Cedar Street, thence north to north line of ATSF right-of-way, thence east to the east line of Ash Street, thence north to north line of Lot 14, Block 12, thence east to west line of alley of Block 12, thence north to place of beginning. (Code 1986)