

(Published in the Morning Sun on December 1st, 2015)

ORDINANCE NO. G-1237

AN ORDINANCE amending Section 34-31 through Section 34-40, Section 34-42 and Section 34-43 of the Pittsburg City Code and adopting by reference the 2012 Edition of the International Fire Code as a standard of the International Code Council (ICC), except such parts or portions thereof as are deleted, modified, supplemented or amended by Section 34-33 through Section 34-40 and repealing Ordinance No. G-1097 of the City of Pittsburg, Kansas.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Section 34-31 of the Pittsburg City Code is hereby amended as follows:

ARTICLE II. INTERNATIONAL FIRE CODE

Sec. 34-31. Adoption.

There is hereby adopted by the Governing Body for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as International Fire Code, 2012 Edition, published by the International Code Council (ICC), being particularly the 2012 Edition thereof, save and except such portions as are deleted, modified, supplemented or amended in Section 34-40. No fewer than three copies of such International Fire Code, 2012 Edition, shall be marked or stamped "Official Copy as adopted by Ordinance No. G-1237" with all Sections or portions thereof deleted, modified, supplemented or amended clearly marked to show any such deletions or amendments, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. (Code 1975, § 9-101)

State law references: Adoption by reference, K.S.A. 12-3009 et seq., 12-3301 et seq.

Section 2. Section 34-32 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-32. Enforcement.

(a) The International Fire Code, as adopted and amended in Section 34-40 shall be enforced by the Fire Department, which shall be operated under the supervision of the Chief of the Fire Department, who shall be appointed by the City Manager.

(b) The party responsible for the enforcement of the International Fire Code is the Fire Chief or designee. (Code 1975, § 25-201)

Section 3. Section 34-33 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-33. Definitions.

The following words, terms and phrases, when used in the International Fire Code, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Jurisdiction means the City.

(Code 1975, § 9-103)

Cross references: Definitions generally, § 1-2.

Section 4. Section 34-34 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-34. Flammable or combustible liquids storage.

The limits referred to in Sections 5704.2.9.6 and 5706.2.4.4 of the International Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows: Tanks capable of holding in excess of 500 gallons are prohibited in all zoning districts except those districts zoned industrial unless such tanks are used for agricultural purposes or lawfully existed prior to the adoption of this article. (Code 1975, § 9-104)

Section 5. Section 34-35 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-35. Liquefied petroleum gases storage.

The limits referred to in Section 6104.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: Tanks capable of holding in excess of 500 gallons are prohibited in all zoning districts except those districts zoned industrial and uses lawfully existing prior to the adoption of this article. (Code 1975, § 9-105)

Section 6. Section 34-36 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-36. Explosives and blasting agent storage.

The limits referred to in Section 5601.1 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: within the City limits. (Code 1975, § 9-106)

Section 7. Section 34-71 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-37. Compressed natural gas storage.

The limits referred to in Section 5304 of the International Fire Code in which the storage of compressed natural gas storage is prohibited are hereby established as follows: within any residential zoning district and/or CP-4 planned central business district. (Code 1975, § 9-107)

Section 8. Section 34-38 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-38. Flammable cryogenic fluids storage.

The limits referred to in Section 5504 of the International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: within the City limits. (Code 1975, § 9-108)

Section 9. Section 34-39 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-39. Hazardous materials storage.

The limits referred to in Section 5004 of the International Fire Code in which the storage of hazardous materials is prohibited is hereby established as follows: all zoning districts except industrial zoned districts. (Code 1975, § 9-109)

Section 10. Section 34-40 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-40. Amendments to the International Fire Code.

The International Fire Code is amended and changed in the following respects:

Section 5601.1.3 is hereby amended to read:

5601.1.3 Fireworks. The storage, use, and handling of fireworks are prohibited.

Exceptions:

- 1) Storage and handling of fireworks are allowed as required for explosives in Section 5604;
- 2) The use of fireworks for display is allowed as set forth in Section 5608; and
- 3) The sale, storage, use, and handling of class C fireworks are prohibited except as specifically allowed by Ordinance No. G-840 Sec. 34-73 of the City.

Section 603.8 is hereby amended to read:

603.8 Incinerators. Freestanding incinerators shall be constructed of concrete, masonry or metal and shall have a completely enclosed combustion chamber. Incinerators shall be equipped with a spark arrester constructed of iron, heavy wire mesh or other noncombustible material with openings not larger than one-half inch (12.7mm). All incinerators shall be constructed in accordance with the *International Building Code (IBC)*, *International Fuel Gas Code (IFGC)*, and the *International Mechanical Code (IMC)*.

Section 307 is deleted and hereby amended to read:

307.1 General. Open burning shall be conducted in accordance with Section 307, and regulations of the Kansas Department of Health and Environment. Open burning of materials will be limited to real estate zoned as single family residential and approval of a written burn permit from the Pittsburg Fire Department.

Exceptions:

- 1) Recreational fires shall be allowed without the use of an open burn permit if the following conditions are met:
 - a. The fire cannot be located within 25 feet of a structure, combustible material, or property line;

- b. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition;
- c. A permanent water source shall be readily available;
- d. Burning material shall be constantly attended by an adult and supervised until the fire has been extinguished; and
- e. The fire must be contained within a safety enclosure constructed of brick, cement, stone, or metal.

2) Ceremonial fires or special functions for which a special events permit has been issued.

3) The burning of natural yard materials that are generated from the residential property shall be allowed without the use of a burn permit if burned in a safety enclosure constructed of brick, cement, stone, or metal with openings covered with steel netting, one-half inch mesh or with a steel plate with no larger than one-half inch holes, and only between the hours of at least one hour after sunrise and two hours before sunset. The same requirements as listed above in 307.1, Exception 1, a-e shall be required.

307.2 Permit. Prior to commencement of open burning, a permit shall be obtained from the Fire Department.

307.3 Location. Open burning shall not be conducted within 25 feet of any property line, structure or combustible material when the pile size is four feet or less in diameter by three feet or less in height. Any pile larger than the four-foot diameter by three-foot height shall be at least 100 feet from any roadway or from a structure or adjacent property line, unless written permission is obtained from the neighboring property owners.

307.4 Material restrictions. The open burning of heavy smoke producing material such as heavy oils, roofing material, tar paper, tires, or other similar materials is prohibited. The open burning of garbage, paper, aluminum or tin cans, bottles, glass containers, rags, rubbish or similar materials is prohibited. The material to be burned should be dry before it is burned, must be generated on the property through the normal cleaning of the property, and may not be transported from another location to that property.

307.5 Time and conditions. Burning operations shall not be started until at least one hour after sunrise. Addition of new material to the fire shall cease two hours before sunset. Burning shall not be conducted during inclement weather, foggy conditions or extensive cloud cover. Wind speed will not be more than 15 mph and must be from a direction which will not cause a

nuisance to any occupied structure or public roadway. The ground around the fire area shall be cleared to form a fire break to prevent fire spread.

307.6 Fire extinguishing equipment. A fully charged hose connected to an adequate water supply or other approved fire extinguishing equipment shall be readily available for use at open burning sites.

307.7 Attendance. Burning material shall be constantly attended by an adult familiar with permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

307.8 Discontinuance. Burning shall be discontinued immediately if the Fire Department determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Fire Department to constitute a hazardous condition.

Section 319 is hereby created and shall read:

Section 319. Parade floats.

319.1. Decorative material. Decorative material on parade floats shall be noncombustible or flame retardant.

319.2 Fire protection. Motorized parade floats and towing apparatus shall be provided with a minimum 2-A, 10-B: C-rated portable fire extinguisher readily accessible to the operator.

319.3 Motorized parade float exhaust. Exhaust discharge pipes from motorized parade floats shall extend beyond the exterior of the float.

319.4 Float inspection. All floats shall be inspected by the Fire Department prior to entering into a parade. The Fire Department shall issue an inspection certificate to floats certifying they are in compliance with this Section.

(Code 1975, § 9-110)

Section 11. Section 34-42 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-42. Permits required.

The chief of the Fire Department shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The chief shall post such list in a conspicuous place at the fire stations and distribute copies thereof to interested persons. (Code 1975, § 9-112)

Section 12. Section 34-43 of the Pittsburg City Code is hereby amended as follows:

Sec. 34-43. Penalties.

(a) Any person who violates or knowingly authorizes the violation of any of the provisions of the International Fire Code, as adopted and amended in Section 34-40 or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Building Code Board of Appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty in subsection (a) of this Section shall not be held to prevent the enforced removal of prohibited conditions. (Code 1975, § 9-113)

Secs. 34-44--34-70. Reserved.

Section 13. Ordinance No. G-1097 and any other ordinance of the City in conflict with the provisions set forth are hereby repealed.

Section 14. This ordinance shall take effect and be in force on January 1, 2016 and after having been passed and published in the City's official newspaper.

APPROVED this 24th day of November, 2015

ATTEST:



Mayor – Chuck Munsell



City Clerk – Tammy Nagel

