

CHAPTER 162

FIRE PREVENTION CODE

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162.01 ADOPTION OF INTERNATIONAL FIRE CODE. There is adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the 2003 Edition of the *International Fire Code* and Appendices of said Code, published by the International Code Council, Inc., to provide a coordinated set of regulations under which there may be promoted uniform construction and maintenance of such regulations by governmental agencies. This code is adopted as the official Fire Prevention Code of the City and by this reference is adopted as fully as if set out at length in this chapter. Wherever the word "Municipality" is used in the Fire Prevention Code adopted in this chapter, it is held to mean the City of Burlington. The official copy of the Fire Prevention Code, as adopted in this chapter, including a certificate by the Clerk as to its adoption and the effective date, is on file at the office of the Clerk. Copies of such Code are available at the office of the Clerk for public inspection.

162.02 AMENDMENTS TO CODE. The 2003 Edition of the *International Fire Code* is amended as follows:

1. Section 105 (PERMITS) is repealed and there is adopted in lieu thereof the following:

Section 105 Required Permits: It is unlawful for any person, firm or corporation to use a building or premises for which a permit and/or inspection is required without previously obtaining a valid permit and/or inspection and paying associated fees. Permits and/or inspections required by the Bureau of Fire Prevention and the schedule of fees for such service will hereafter be established through resolution by the City Council. Permits and/or inspections required by the Bureau of Fire Prevention are as follows:

- Open burning
- Spray or Dipping Operations
- Compressed Gases
- Explosives and Blasting Agents
- Fireworks
- Flammable and Combustible Liquids
- Hazardous Chemicals
- Liquefied Petroleum Gases
- Liquor Inspections
- State Required Inspections

2. Section 301.2 (Permits) is repealed and there is adopted in lieu thereof the following:

Section 301.2 Permits: Permits are required to conduct open burning as set forth in Section 307 Open Burning

3. Section 307 (OPEN BURNING AND RECREATIONAL FIRES) is repealed and there is adopted in lieu thereof the following:

Section 307 Open Burning:

Open Burning Defined. Open burning shall be defined as any fire in an outside location.

Open Burning Prohibited. No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain, kindle or maintain within the City any open burning fire.

Exceptions. Exceptions shall include only the following:

Exception 1: Religious and Ceremonial Fires.

Religious and ceremonial fires are defined as the burning of materials on the ground and not in a manufactured container for religious, ceremonial, or similar purposes and in accordance with this section.

Prior to the commencement of a religious or ceremonial fire, the fire department shall be notified and a permit obtained.

Fuel shall be limited to clean lumber, logs, or charcoal. The size and location of these fires may be modified with the approval of the fire chief.

The time period of the religious or ceremonial fire shall be approved by the fire chief and shall be included on the permit.

Exception 2: Outdoor Cooking Fires.

Outdoor cooking fires are defined as the burning of materials where fuel being burned is contained in manufactured outdoor fireplaces or grills used for food preparation and in accordance with this section.

A permit is not required for outdoor cooking fires.

Outdoor cooking fires shall be conducted within safe distances from buildings, structures and combustible materials. Fuel shall be limited to clean lumber, logs, propane, natural gas or charcoal.

Exception 3: Training Fires.

Training fires are defined as fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fire fighting.

Prior to commencement of open burning, the fire department shall be notified and a permit obtained. EPA notification shall be accomplished as per their requirements.

The time period of the training fire shall be approved by the fire chief and shall be included on the permit.

Exception 4: Disaster Rubbish.

Disaster rubbish is defined as the open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

Prior to commencement of open burning, the fire department shall be notified and a permit obtained.

The time period of the disaster rubbish fire shall be approved by the fire chief and shall be included on the permit.

Exception 5: Leaves.

Leaves are defined as leaves and twigs smaller than one inch in diameter and two feet in length.

Open burning of leaves shall be permitted on Wednesdays and Saturdays between 10:00 a.m. and 5:00 p.m., April 1 through April 21 and November 1 through November 30.

A permit is not required for leaf burning.

Exception 6: Landscape Waste.

Landscape waste is defined as the open burning of tree trimmings and brush on large areas of agricultural land within the incorporated limits of the City. Landscape waste shall be only that material that originates on the premises.

Prior to commencement of open burning, the fire department shall be notified and a permit obtained.

The time period of the landscape waste fire shall be approved by the fire chief and shall be included on the permit.

Rules Governing Open Burning Permitted in Accordance With the Aforementioned Exceptions.

1. Attendance/Fire Extinguishing Equipment. Burning material shall be constantly attended by a person familiar with the open burning regulations with appropriate fire extinguishing equipment readily available.
2. Wind Speed. No fire may be kindled when wind velocity exceeds fifteen (15) miles per hour.
3. Distance From Structures or Other Combustible Materials. Open burning shall not be conducted within 50 feet of any structure or other combustible material. Conditions which could cause the fire

to spread to within 50 feet of a structure shall be eliminated prior to ignition.

Exception: Clearance from structures and other combustible material is allowed to be reduced to not less than 25 feet when the pile size is 3 feet or less in diameter and 2 feet or less in height.

Exception: Landscape waste fires shall be permitted only when the open fire will be at least one quarter mile or more from any building inhabited by other than the land owner or tenant conducting the open burning and is maintained at safe distances from other combustible materials.

4. Discontinuance. The Fire Chief is authorized to require that open fires be immediately discontinued if determined that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined to constitute a hazardous condition.

4. Section 2206.2.3 (Above-ground tanks located outside, above grade) is repealed and there is adopted in lieu thereof the following:

Section 2206.2.3 Above-ground tanks located outside above grade: Class I, II and III-A liquids shall be stored in closed containers, or in tanks located underground or in special enclosures in accordance with Section 2206.2.6.

Exception: Installation of above ground tanks utilizing Class I liquids for fueling motor vehicles within SP-1 (AIRPORT) zoned areas in the City shall be permitted if in compliance with NFPA 30A, 2000 Edition, *Code for Motor Fuel Dispensing Facility and Repair Garages*; Chapter 4, Storage of Liquids, Section 4.3.2 Aboveground Storage Tanks.

Exception: Installation of above ground tanks utilizing Class II and III liquids for fueling motor vehicles within M-1 or M-2 zoned areas in the City shall be permitted if in compliance with NFPA 30A, 2000 Edition, *Code for Motor Fuel Dispensing Facility and Repair Garages*; Chapter 4, Storage of Liquids, Section 4.3.2 Aboveground Storage Tanks.

5. Section 3301.2.4 (Financial responsibility) is repealed and there is adopted in lieu thereof the following:

Section 3301.2.4 Financial Responsibility: Fireworks: The permittee shall furnish to the Fire Prevention Bureau a copy of Certificate of Liability insurance in the amount of \$1,000,000.00 to provide payment for all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agent, employees, or subcontractors.

162.03 FIRE LIMITS. The fire limits are established as follows:

Commencing at a point east of the intersection of Court Street and Front Street at the low water mark on the west bank of the Mississippi River, and running west on Court Street to Main Street, thence north on Main

Street to High Street, thence west on High Street to Fourth Street, thence south on Fourth Street to Columbia Street, thence west on Columbia Street to Central Avenue, thence south on Central Avenue to Valley Street, thence east on Valley Street to Seventh Street, thence south on Seventh Street to Market Street, thence east on Market Street to Fifth Street, then south on Fifth Street to Division Street, thence east on Division Street to Third Street, thence south on Third Street to Angular Street, thence east on Angular Street to Main Street, thence south on Main Street to Locust Street, thence east on Locust Street and Locust Street produced to the low water mark on the west bank of the Mississippi River, thence north along such low water mark to the place of beginning, excepting from the above described district the following: Commencing at a point where Division Street extended meets the low water mark, thence west to the intersection of Division and Main Streets, thence south on Main Street to Angular Street, thence east on Angular Street and Angular Street produced to the low water mark on the west bank of the Mississippi River, thence north along such low water mark to the place of beginning.

The district within the fire limits is known as the “Fire District” and all buildings erected therein shall conform to the requirements prescribed for buildings within the fire limits or district by the Building Code.

162.04 AUTHORITY TO REQUIRE PERMITS. The Council shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which require permits, in addition to those now enumerated in the Fire Code. The Chief of the Bureau of Fire Prevention shall post a list of the permits so required in a conspicuous place in the Chief’s office and shall distribute copies thereof to interested persons.

162.05 PENALTY. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances.

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