

CHAPTER 8

FIRE PREVENTION

Article 1. Fire Prevention Code

Sec. 8-1-1. Fire Prevention Code.

The city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion has adopted the International Fire Code. Copies of this Code have been made and are filed in the public library of the city. The code is hereby accepted and incorporated as fully as set out at length herein; and from the date on which this code shall take effect, the provisions thereof shall be controlling within the limits of the city. (Ord. No. 2004-07, 02/16/2004)

Note: For fire department, see Chapter 1, Article 7 of this code. See also Section 7-6-1 et. seq. on 9-1-1 Ordinance 97-21, 10/20/97. See also Chapter 4 of this code.

Sec. 8-1-2. Fire department to enforce code.

- (a) The Fire Code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department.
- (b) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary, and the city manager may appoint such inspectors as the council may authorize. (Code 1972, Sec. 8-2.)

Sec. 8-1-3. Definitions.

Whenever the word "municipality" is used in the fire code, it shall be held to mean the City of Chickasha, Oklahoma. (Code 1972, Sec. 8-3.)

Sec. 8-1-4. Limits within which storage of flammable liquids in outside above ground tanks are prohibited.

- (a) The limits referred to in the International codes, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby established as the fire limits of the city.
- (b) The limits referred to in the International codes, in which new bulk plants for flammable liquids are prohibited, are hereby established as the fire limits of the city. (Ord. No. 2004-07, 02/16/2004)

Sec. 8-1-5. Limits in which bulk storage of liquefied petroleum gases are to be restricted.

- (a) The limits referred to in the International codes, in which bulk storage of liquefied petroleum gas is prohibited, are hereby established as the city limits. (Ord. No. 2004-07, 02/16/2004)
- (b) It is unlawful for any person, firm or corporation hereafter to establish, erect, construct or enlarge a plant or place of business where liquefied petroleum gas or gases are to be manufactured, distributed or handled within the city except as allowed in Section 16-4-18 of the City of Chickasha code. (Code 1972, Sec. 8-5; Ord. No. 90-5, 3/8/90.)

Sec. 8-1-6. Modifications.

The chief of the fire department, with approval of the city council, shall have power to modify any of the provisions of the fire code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in any way of

carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed shall be entered upon the minutes of the council and a signed copy shall be furnished the applicant. *(Code 1972, Sec. 8-6.)*

Sec. 8-1-7. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision of the chief. *(Code 1972, Sec. 8-7.)*

Sec. 8-1-8. New material, processes, or occupancies, which may require permits.

The city manager and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those enumerated in said code. The chief of the fire department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. *(Code 1972, Sec. 8-8.)*

Article 2. Fireworks

Sec. 8-2-1. Fireworks defined.

The word "fireworks" shall have the meaning prescribed for it by the International code. *(Ord. No. 2004-07, 02/16/2004)*

Sec. 8-2-2. Manufacture, sale and discharge of fireworks.

- (a) The manufacture of fireworks is prohibited within the municipality except as hereinafter provided. It shall be unlawful for any person to offer for sale, sell at retail, or use, or explode any fireworks; provided that the city council shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the city council, and shall be of such a character, and located, discharged or fired as in the opinion of the city council, after proper inspection, shall not be hazardous to property or endanger any person.
- (b) Application for permits shall be made in writing to the city clerk at least thirty (30) days in advance of the date of the display. After such privilege shall have been granted, sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. *(Code 1972, § 8-11.)*

Sec. 8-2-3. Bond for fireworks display required.

The permittee shall furnish a bond in the amount deemed adequate by the city council for the payment of 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 agents, employees, or subcontractors. *(Code 1972, § 8-12.)*

Sec. 8-2-4. Disposal of unfired fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining, and as required by the city council. *(Code 1972, § 8-13.)*

Sec. 8-2-5. Exceptions.

Nothing in this article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations. *(Code 1972, § 8-14.)*

Sec. 8-2-6. Seizure of fireworks.

The chief of police shall seize, take, and remove at the expense of the owner all stocks of fireworks offered for sale, or held in violation of this article. *(Code 1972, § 8-15.)*

Sec. 8-2-7. Certain sections of Fire Prevention Code repealed.

Repealed by Ord. No. 90-5, 3/8/90.

Sec. 8-2-8. State statutes on fireworks adopted.

- (a) All provision contained in 68 O. S. 1991, Sections 1621 through 1634 inclusive, regulating fireworks is hereby adopted by reference and made a part of this code.
- (b) The state statutes referred to herein are minimum standards and do not supplant the regulations on fireworks that have been or may be adopted by ordinance by the mayor and city council of the City of Chickasha, Oklahoma. *(Code 1972, § 8-16.1.)*

Article 3. Bonfires

Sec. 8-3-1. Bonfires: permit required.

No person shall kindle or maintain a bonfire or shall knowingly furnish the materials for any such fire, or authorize any such fire to be kindled or maintained on or in any street, alley, road, land or public grounds or upon any private lot unless a written permit so to do shall first have been secured from the fire chief or city fire marshal. There shall be no charge for this permit. *(Code 1972, § 8-17.)*

Article 4. Fire Extinguishers

Sec. 8-4-1. License required to service fire extinguishers.

It shall be unlawful and an offense for any person, firm, or corporation to engage in the business or occupation of repairing, recharging or servicing pressure type fire extinguishers within the City of Chickasha, Oklahoma, without first having passed an examination and secured a license therefore as provided herein. *(Code 1972, § 8-18.)*

Sec. 8-4-2. Fire chief to conduct examination.

Every person, before engaging in such occupation or business, shall submit to an examination by the fire chief of the City of Chickasha, Oklahoma, or his designated assistant. The examination shall be held at the headquarters of the Chickasha fire department and shall be in such form as may be prescribed by the fire chief of Chickasha, Oklahoma, or his designated assistant, for the purpose of determining and finding the fitness and qualification of the applicant to repair, recharge or service pressure type fire extinguishers in said city, and if after such examination the fire chief, or his designated assistant, shall find that such applicant qualified for such business or occupation it shall be the duty of the fire chief, or his designated assistant, to certify in writing as to the fitness of such person to engage in such business or occupation. *(Code 1972, § 8-19.)* The exam may be waived upon proper certification from the State of Oklahoma.

Sec. 8-4-3. License; fee; expiration.

Every person who passes such examination and receives such certificate of fitness shall upon the payment of the annual license fee herein required to the city clerk of Chickasha, Oklahoma, receive from said clerk a license to engage in the business or occupation of repairing, recharging or servicing pressure type extinguishers; said license shall expire on the 30th day of April next succeeding its issuance and shall be renewed annually thereafter upon the payment of the annual license fee without further examination. (Code 1972, § 8-20.)

Sec. 8-4-4. Unlawful to repair without license.

It shall be unlawful and an offense for any person, firm or corporation to engage or employ any person who has not been approved and licensed as provided herein to repair, recharge or service any pressure type fire extinguisher within the City of Chickasha, Oklahoma. (Code 1972, § 8-21.)

Sec. 8-4-5. Fee levied.

There is hereby levied an annual license fee in the amount of twenty dollars (\$20.00), which shall be paid by the applicant or licensee before entering upon or proceeding further with the duties of repairing, recharging or servicing any pressure type fire extinguisher within the City of Chickasha, Oklahoma. (Code 1972, § 8-22.)

Article 5. Fire Protection Outside Corporate Limits of City of Chickasha

Sec. 8-5-1. Authorization, contracts or agreements and charge.

- (a) The City of Chickasha, Oklahoma, is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the State of Oklahoma for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the State of Oklahoma.
- (b) Any contract hereinafter entered into by the City of Chickasha, Oklahoma, with individual owners, firms, private corporations or associations, or political subdivisions, for outside aid, or mutual aid, for fire protection, shall provide for payment by said owner, firm, private corporation or association, or political subdivision, to the City of Chickasha, Oklahoma, for each fire apparatus and personnel at the rate of \$250.00 for the first hour or any portion thereof, and \$150.00 per hour for each additional hour or portion thereof. The City may also charge for any such response mentioned above that results in overtime cost for City personnel. All monies received from said call shall go into the General Fund to be used for General Fund purposes. (Ord. No. 99-21, 10/04/1999).
- (c) The Fire Department of the City of Chickasha is hereby authorized and directed to answer all fire calls outside the corporate limits of the City of Chickasha within a distance of 5 miles from the nearest fire station unless, in the opinion of the Fire Chief, or chief officer in charge at the time, it is inexpedient to do so on account of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions, and the charge for such operations shall be \$250.00 per hour for the first hour or any portion thereof, and \$150.00 per hour for each additional hour or portion thereof. The City may also charge for any such response mentioned above that results in overtime cost for City personnel. All monies received from said call shall go into the General Fund to be used for General Fund purposes. (Ord. No. 99-21, 10/04/1999).

Article 6. Penalty

Sec. 8-6-1. Penalty

Any person, firm, or corporation violating the provisions of this article or any part thereof shall be deemed guilty of an offense and, upon conviction therefore or plea of guilty thereto, shall be fined in an amount not to exceed the maximum amount allowed by law for non-jury trials and court costs. All such persons ordered to correct violations or defects must do so within a reasonable time. Each day a prohibited condition is allowed to continue shall constitute a separate offense. (*Ord. No. 1782, 3/27/86; Ord. No. 1909, 12/10/87; Ord. No. 2003-05, 05/19/2003*).

Violations shall not be permitted to continue. All such persons ordered to correct violations or defects must do so within a reasonable time. Each day a prohibited condition is allowed to continue shall constitute a separate offense.

Article 7. Life Safety Code

Sec. 8-7-1. Life Safety Code adopted.

The city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion has adopted that certain codes known as the International Fire and Building Codes. Copies of the International Codes have been made and now are filed in the library of the city. (*Ord. No. 2004-07, 02/16/2004*.)

Note: See also Chapter 4.

Sec. 8-7-2. Fire Department and/or City Inspector to enforce code.

- (a) The applicable life safety code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department. (*Ord. No. 2004-07, 02/16/2004*)
- (b) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary, and the city manager may appoint such inspectors as the council may authorize. (*Ord. No. 2004-07, 02/16/2004*)
- (c) The city inspector shall also have the authority to enforce the applicable life safety codes. (*Ord. No. 2004-07, 02/16/2004*)

Sec. 8-7-3. Modifications.

The chief of the fire department, with approval of the city council, shall have power to modify any of the provisions of the applicable life safety code upon application in writing by the owner or lessee, or his duly authorized agent, provided that any modification shall provide greater protection to public safety. The particulars of such modification when granted or allowed shall be entered upon the minutes of the council and a signed copy shall be furnished the applicant. (*Ord. No. 2004-07, 02/16/2004*)

Sec. 8-7-4. Appeals.

Whenever the chief of the fire department or any other duly authorized officer of the city shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the adverse decision to the city council within thirty (30) days from the date of the adverse decision. (*Ord. No. 2004-07, 02/16/2004*)

Sec. 8-7-5. Penalties.

Violation of the applicable life safety code shall be punished as set forth in Section 8-6-1 of this chapter. (*Ord. No. 2004-07, 02/16/2004*)

Article 8. LEFT BLANK INTENTIONALLY

Article 9. Hazardous Materials

Sec. 8-9-1. Hazardous Materials Emergency Response.

- (a) The Fire Department will be the primary response agency to hazardous materials incidents within the City of Chickasha, Oklahoma. The fire department is responsible for controlling the incident and will remain in charge until no further danger is present. *(Ord. No. 2002-12, 03/04/2002.)*
 - (b) A “hazardous materials incident” is defined as any release of a “hazardous substance” from its intended container that has the potential to harm persons, property, or the environment. *(Ord. No. 2002-12, 03/04/2002.)*
 - (c) A “hazardous substance” is defined as any substance that, because of its quantity, concentration, physical properties, or chemical characteristics poses a significant present or potential threat if released from its intended container. This includes, but is not limited to, substances regulated by federal, state, or local regulations or statutes as hazardous substances. *(Ord. No. 2002-12, 03/04/2002.)*
 - (d) The following described persons shall be jointly and severally liable to the City for payment of all costs incurred by the City as a result of a hazardous materials release, and shall be known herein as the “Responsible Party or Parties”. *(Ord. No. 2002-12, 03/04/2002.)*
 - (1) The person or persons whose accidental, negligent or willful act or omission proximately caused such release, discharge, or deposit;
 - (2) The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge or deposit without regard to fault or proximate cause; and
 - (3) The person or persons who owned or had custody or control of the container, which held such hazardous waste or substance at the time or immediately prior to such release, discharge, or deposit without regard to fault or proximate cause.
 - (e) Industry and businesses within the City of Chickasha that participate in the “Voluntary Hazardous Materials Funding Program” will not be charged for any emergency response to their location. To qualify for this exemption, a current program document must be on file with the City at the time of the incident. Cleanup and recovery costs are still the responsibility of the responsible party or parties. *(Ord. No. 2002-12, 03/04/2002.)*
 - (f) The cost of emergency responses to facilities not participating in the “Voluntary Hazardous Materials Funding Program”, transportation accidents, or outside the City limits shall be billed to the responsible party or parties according to the following fee schedule:
 - (1) Leaks from damage to low-pressure natural gas lines \$250.00, plus actual costs incurred.
 - (2) Small fuel spills of less than twenty gallons - \$250.00, plus actual costs incurred.
- All other hazardous materials incidents:
- (1) Initial response inside the City limits - \$500.00.
 - (2) Initial response outside the City limits - \$2,500.00.
 - (3) Cost for each responding City vehicle - \$200.00 per hour with a minimum charge of two (2) hours. Time will be billed in 15-minute increments.

- (4) Cost for each responding City employee - \$25.00 per hour, with a minimum of two (2) hours. Time to be billed in 15-minute increments.
- (5) Actual cost of equipment and supplies used in the incident.
- (6) Actual cost of any contract labor or materials used in the incident.
- (7) Any other costs incurred by the City as a direct result of the incident. *(Ord. No. 2002-12, 03/04/2002.)*

The above costs apply only to the emergency response phase and do not include costs incurred by the responsible party or parties for cleanup and recovery. Cleanup and recovery costs remain the responsibility of the responsible party or parties.

- (g) Businesses and industries within the City limits may choose to participate in the "Voluntary Hazardous Materials Funding Program". Participants in the program will be assessed a fee annually based on their hazard level. The Fire Chief shall assign each participant to a hazard level based on the potential hazard posed by each business or industry. The Fire Chief shall review hazard levels annually and revise hazard levels as necessary. *(Ord. No. 2002-12, 03/04/2002.)*
- (h) The Fire Chief is authorized to cleanup or abate the effects of any hazardous substance or waste unlawfully, accidentally, or negligently released, discharged or deposited upon or into any property or facilities within the City. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other public official, to cleanup or abate the effects of any hazardous substance or waste, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in subsection (d) of this section shall be liable to the City for all costs incurred as a result of such supervision or verification. *(Ord. No. 2002-12, 03/04/2002.)*
- (i) The remedies provided in this section shall be in addition to any other remedies provided by law. *(Ord. No. 2002-12, 03/04/2002.)*