

## CHAPTER 9

### FIRE PREVENTION AND PROTECTION\*

#### ARTICLE I. IN GENERAL

##### **Sec. 9-1. Blocking streets at emergencies.**

- (a) Whenever an emergency shall occur in the city, it shall be lawful for the fire chief or his authorized representative of the fire department to blockade any street, sidewalk or any other place if in his judgment, it is necessary to ensure the efficient working of the men, hose, and apparatus under his command. To protect the hose of said department from damage, he is hereby authorized to require of the chief of police, or other officer in charge of any police station, a detail of policemen sufficient in his judgment therefor who, for the time being, shall act under the instructions of said chief or his authorized representative of the fire department. (Ord. 1117, § 1, 9-16-91)
- (b) No person shall break through, or attempt to break through, any blockade established as provided in subsection (a). (Code 1976, § 7-307; Ord. 1117, § 1, 9-16-91)

##### **Sec. 9-2. Scope and Application.**

There is hereby created a fire insurance proceeds fund. The City is hereby authorized to utilize the procedures established by K.S.A. § 40-3901, et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the City, arising out of any fire, explosion or wind damage, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article. (Ord. No. 1191, § 1, 3-28-94, Ord. No. 1308, § 1, 8-25-97)

##### **Sec. 9-3. Procedure.**

- (a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75% of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to 15% of the covered claim payment, unless the Community Development Director of the City has issued a certificate of the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired,

rebuilt, or otherwise made the premises safe and secure. (Ord. No. 1308, § 1, 8-25 97).

- (b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy term.
- (c) Upon the transfer of the funds a required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, where upon the Community Development Director shall contact the named insured or insureds by registered mail, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-4. Fund Created; Deposit of Moneys.**

The City Treasurer is hereby authorized and shall create a fund to be known as the “Fire Insurance Proceed Fund.” All moneys received by the City Treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-5. Building Inspection; Investigation, Removal of Structure.**

- (a) Upon receipt of moneys as provided for by this article, the City Treasurer shall immediately notify the Community Development Director of said receipt, and transmit all documentation received from the insurance company or companies to the Community Development Director.
- (b) Within twenty (20) days of the receipt of moneys, the Community Development Director shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. § 12-1750, et seq., as amended.
- (c) Prior to the expiration of the 20 days established by subsection (b) of this Section, the Community Development Director shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. § 12-1750, et seq., as amended.
- (d) If the Community Development Director has determined that proceedings under K.S.A. § 12-1750, et seq., as amended, shall be initiated, he or she will do so immediately, but no later than 30 days after receipt of the moneys by the City Treasurer.
- (e) Upon notification to the City Treasurer by the Community Development Director that no proceedings shall be initiated under K.S.A. § 12-1750, et seq., as amended, the

City treasurer shall return all such moneys received, plus accrued interest, to the insured or insured as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-6. Removal of Structure; Excess Moneys.**

If the Community Development Director has proceeded under the provisions of K.S.A. § 12-1750, et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-7. Same; Lien Created.**

If the Community Development Director, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. § 12-1756, any proceeds received by the City Treasurer under the authority of section 9-3 (a) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. § 12-1756. Upon reimbursement from the insurance proceeds, the Community Development Director shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under section 9-3 (a), the Community Development Director shall publish a new lien as authorized by K.S.A. § 12-1756, in an amount equal to such excess expenses incurred. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-8. Effect Upon Insurance Policies.**

This article shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-9. Insurers; Liability.**

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. § 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article. (Ord. 1191, § 1, 3-28-94)

**Sec. 9-10--9-15. Reserved.**

**ARTICLE II. FIRE DEPARTMENT****GENERALLY****Sec. 9-16. Established.**

There is hereby established a fire department. (Code 1976, § 7-101)

**Sec. 9-17. Mutual aid pacts and civil defense cooperation.**

- (a) The chief of the fire department may enter into mutual assistance pacts with the chiefs of the fire departments of such other cities for the purpose of planning in advance what men and equipment of each department will be made mutually available under the authority of the K.S.A. Section 12-111 upon the occurrence of any emergency.

**\*State law reference--**Fire safety and prevention, K.S.A. 31-132 et seq.

- (b) The chief of the fire department is hereby authorized and directed to cooperate with any state, district or local civil defense agency for the purpose of coordinating his mutual assistance pact with the overall planning of civilian defenses. (Code 1976, § 7-106)

**Sec. 9-18. Fire prevention measures.**

It shall be the duty of the fire chief to adopt all prudent measures for the prevention of fires and for this purpose he or his authorized representative under his direction may, upon request or whenever he has reason to believe that the safety of life and property demands it, and as often as he may deem necessary, enter any building, yard or premises in the city during reasonable hours for the purpose of inspection, and where dangerous, unsafe or hazardous conditions are found to exist he shall give such directions for the alteration, change or removal or better care or management of the same as he may deem proper, and such directions shall be obeyed and complied with by the person directed in that regard and at their expense. (Code 1976, § 7-111; Ord. 1117, § 1, 9-16-91)

**Secs. 9-19--9-25. Reserved.****VOLUNTEERS****Sec. 9-26. Monthly practices and drills.**

The members of the volunteer fire department shall meet at least once each month for practice and drill. The fire chief shall keep a record of attendance of same. (Code 1976, § 7-102)

**Sec. 9-27. Attendance at fires.**

The chief of the fire department shall make a written record of attendance of volunteer firemen upon each fire call and shall present such record to the city clerk. (Code 1976, § 7-107)

**Sec. 9-28. Compensation.**

- (a) The Merriam Volunteer Fireman's Association shall be paid the sum of two dollars and fifty cents (\$2.50) for attendance at each fire and/or rescue call; when the sum of three thousand five hundred dollars (\$3,500.00) has been expended in any one calendar year, no further payments shall be allowed for fire and/or rescue calls.
- (b) When the sum of three thousand five hundred dollars (\$3,500.00) has been expended in any one calendar year as set forth above, said sum shall be paid to the duly authorized secretary-treasurer of the Merriam Volunteer Fireman's Association. (Ord. No. 729, §§ 1, 2, 1-3-77; Ord. No. 970, § 1, 10-15-84; Ord. No. 1018, § 1, 5-19-86; Ord. No. 1120, § 1, 11-4-91)

**Secs. 9-29--9-35. Reserved.****ARTICLE III. FIRE CODE**

**Sec. 9-36. Incorporating International Fire Code.** There is hereby incorporated by reference and adopted as the Fire Code of the City of Merriam, in the state of Kansas, for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises within the corporate limits of the City of Merriam, Kansas and providing for the issuance of permits and collection of fees therefore; for hazardous uses or operations, that certain code known as the "International Fire Code," 2006 Edition, as published by the International Code Council, including the appendix chapters as follows:

- Appendix B Fire-Flow Requirements For Buildings
- Appendix C Fire Hydrant Locations And Distribution
- Appendix D Fire Apparatus Access Roads
- Appendix E Hazard Categories
- Appendix F Hazard Ranking
- Appendix G Cryogenic Fluids - Weight And Volume Equivalents

save and except such portions as are hereafter deleted, modified or amended.

There is also hereby adopted and incorporated by reference the 2003 NFPA 101 Life Safety Code as published by the National Fire Protection Association. In the event that a conflict shall arise between such Life Safety Code and the International Fire Code, 2006 Edition, as

incorporated herein, the Fire Marshal shall determine, taking into consideration the public health, safety and welfare, which of the two codes shall apply. Furthermore, in the event that a conflict shall arise between the Fire Code adopted and amended herein and the International Building Code as adopted and amended pursuant to Chapter 5, the more stringent provisions shall apply.

At least one (1) copy of said International Fire Code and one (1) copy of said NFPA 101 Life Safety Code shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 1594" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this Ordinance, and filed in the offices of City Clerk of the City of Merriam to be open to inspection and available to the public at all reasonable business hours. (Ord. No. 1420, § 1, 5-20-02, Ord. No. 1477, §1, 08-16-04, Ord. No. 1594, § 1, 02-25-08).

**Sec. 9-37. Definitions.**

Wherever the word *jurisdiction* is used in the International Fire Code, it shall be held to mean the City of Merriam, Kansas. (Ord. No. 1068, § I, 11-7-88; Ord. No. 1239, §1, 3-27-95; Ord. No. 1335, § III, 7-27-98; Ord. No. 1420, § 2, 5-20-02).

**Sec. 9-38. Establishment and duties of the bureau of fire prevention.**

- (a) The International Fire Code and the NFPA 101 Life Safety Code shall be enforced by the bureau of fire prevention in the fire department of the City, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The Fire Marshal shall be in charge of the bureau of fire prevention and shall be appointed by the Chief of the Fire Department on the basis of his qualifications. References to the "Code official" in the Fire Code shall mean the Fire Marshal.
- (c) The Chief of the Fire Department may detail such members of the department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the governing body the employment of technical inspectors when such assistance is needed.

(Ord. No. 1068, § I, 11-7-88; Ord. No. 1239, § 1, 3-27-95; Ord. No. 1335, § III, 7-27-98, Ord. No. 1420, § 3, 5-20-02)

**Sec. 9-39. Establishment of limits.** That the geographical limits referred to in certain sections of the International Fire Code, 2006 Edition, are hereby established as follows:

**Section 3204.3.1.1** Geographical limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited: The entire city limits of the City of Merriam, Kansas.

**Section 3404.2.9.5.1** Geographical limits in which the storage of Class I and Class II liquids in above-ground tanks outside of building is prohibited: The entire city limits of the City of Merriam, Kansas.

**Section 3406.2.4.4** Geographical limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited: The entire city limits of the City of Merriam, Kansas.

**Section 3804.2** Geographical limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas: The entire city limits of the City of Merriam, Kansas.

(Ord. No. 1068, § I, 11-7-88; Ord. No. 1117, § 1, 9-16-91; Ord. No. 1239, § 1, 3-27-95; Ord. No. 1335, § III, 7-27-98, Ord. No. 1420, § 3, 5-20-02, Ord. No. 1477, §4, 08-16-04, Ord. No. 1594, § 2, 02-25-08)

**Sec. 9-40--9-43. Reserved.**

**Sec. 9-44. Appeals.**

Whenever the Chief disapproves an application or refuses to grant a permit requested, 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 to the board of structure appeals within 30 days from the date of the decision appealed. (Ord. No. 1068, § I, 11-7-88; Ord. No. 1239, §1, 3-27-95; Ord. No. 1335, § III, 7-27-98)

**Sec. 9-45. New Material, processes or occupancies which may require permits.**

The Community Development Director, the Fire Chief and the Chief of the Bureau of Fire Prevention of the City shall act as a committee to 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 said code. The Chief of the Bureau of Fire Prevention shall post a list of same in a conspicuous place in his office and distribute copies to interested parties. (Ord. No. 1068, § I, 11-7-88; Ord. No. 1239, §1, 3-27-95; Ord. No. 1335, § III, 7-27-98)

**Sec. 9-46. Violation; Penalties.**

- (a) Any person who shall violate any of the provisions of this chapter, the International Fire Code or the NFPA 101 Life Safety Code or standards hereby adopted or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this chapter, shall be guilty of a misdemeanor, punishable by a fine of not more than five-hundred dollars (\$500) or by imprisonment not exceeding thirty (30) days, or both such fine

and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (b) In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(Ord. No. 1117, § I, 9-16-91; Ord No. 1239, § I, 3-27-95; Ord. No. 1335, § III, 7-27-98, Ord. No. 1420, § 5, 5-20-02, Ord. No. 1477, §2, 08-16-04; Ord. No. 1594, § 3, 02-25-08)

**Sec. 9-47. Amendments and modifications made to the International Fire Code.**

The following sections of the 2006 International Fire Code are hereby amended and/or modified as follows:

**Section 101 General** shall be amended to read as follows:

**Section 101.1 Title.** These regulations shall be known as the Fire Code of City of Merriam, hereinafter referred to as "this code".

**Section 102 Applicability** shall be amended by adding the following subsection:

**Section 102.6.1 Electrical Code.** Wherever the term ICC Electrical Code is used in this code it shall be replaced with the term "NFPA-70" (National Electrical Code) as listed in chapter 45.

**Section 105 Permits** shall be amended as follows:

**Section 105.6 Required Operational Permits** shall be amended by deleting all operational permits except the following:

**Section 105.6.14 Explosive**

**Section 105.6.23 Hot Work Operations**

**Section 105.6.30 Open Burning**

**Section 105.6.36 Pyrotechnic Special Effects Material**

**Section 105.6.4.3 Temporary Membrane Structures, Tents and Canopies**

**Section 105.6 Required Operation Permits** shall be amended by adding the following subsection:

**Section 105.6.11.1 Cut natural or resin bearing tree.** An operational permit is required to store, use or display any cut natural or resin-bearing tree in a public building.

**Section 105.7 Required construction permits** shall be amended by deleting the

following:

**Section 105.7.13 Temporary membrane structures, tents and canopies** may be deleted in its entirety.

**Section 108 Board of Appeals** shall be amended so that wherever "Board of Appeals" is used, it shall be amended to read "Board of Structure Appeals".

**Section 109 Violations** shall be amended to read as follows:

**Section 109.3 Violation penalties.** Violations of this code shall be subject to the provisions of Sec. 9-46 of the Merriam Code.

**Section 111 Stop Work Order** shall be amended to read as follows:

**Section 111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500).

**Section 308 Open Flames** shall be amended to read as follows:

**Section 308.3 Open flame.** A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without meeting the criteria that is found throughout Section 308.

**Section 308.3.1 Open-flame cooking devices.** Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One and two-family dwellings.
2. Where buildings and decks are protected by an automatic sprinkler system.
3. Gas fired cooking grills may be used at 3-plexs and 4-plexs.

**Section 308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound (0.454 kg) LP-gas capacity) shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One, two, three and four-family dwellings.

**Section 505 Premises Identification** shall be amended to read as follows:

**Section 505.1 Address numbers.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.77mm). The Code Official may require that additional premise identification signage be placed on the rear of a structure as well. The Code Official may require that lighting or alternative signage be provided.

**Section 506 Key boxes** shall be amended to read as follows:

**Section 506.2 Key box maintenance.** The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall also be maintained in working order by the operator/owner/occupant of the building.

**Section 508 Fire Protection Water Supplies** shall be amended to read as follows:

**Section 508.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code official.

Exceptions:

1. For Group R-3, R-4, & Group U occupancies, the hydrant distance may be increased to 600 feet.
2. Distance requirements may be modified by the building official, for due cause, if the structure is sprinkled throughout.
3. A fire hydrant shall be located within 75 feet of any standpipe or automatic sprinkler connection.

**Section 508.5.2.1 Line and hydrant tests.** Line and hydrant test - Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with the AWWA standards adopted by Water District Number One of Johnson County and maintained to AWWA-M17.

**Section 508.5.2.2 Hydrants - Color.** Hydrants - Color. All hydrants shall be painted and highly visible. Private hydrants shall be painted red in color.

**Section 806 Decorative vegetation in new and existing buildings** shall be amended by adding the following subsection:

**Section 806.6 Permit.** All natural cut trees in all occupancies other than R-2 apartment house individual units and R-3 and R-4 occupancies, shall be required to obtain a permit as required by Section 105.6.11.1.

**Section 903 Automatic sprinkler systems** shall be amended to read as follows:

**Section 903.3.7 Fire Department Connections.** The location for fire department connections shall be approved by the code official. The connection shall be located within 75 feet of a fire hydrant.

**Section 905 Standpipe systems** shall be amended by adding the following subsection:

**Section 905.3.4.1.1 Hose Requirements.** Hose may be eliminated from the hose cabinet upon written permission of the Code Official.

**Section 905.5.3.1 Hose Requirements.** Hose may be eliminated from the hose cabinet upon written permission of the Code Official.

**Section 907 Fire Alarm and detection systems** shall be amended as follows:

**Section 907.2.1 Group A** shall be amended by deleting the Exception.

**Section 907.2.2 Group B** shall be amended by deleting the Exception.

**Section 907.2.3 Group E** shall be amended by deleting Exception 2.

**Section 907.2.4 Group F** shall be amended by deleting the Exception.

**Section 907.2.7 Group M** shall be amended by deleting the Exception 2.

**Section 907.2.8.1 Manual Fire Alarm System** shall be amended by deleting Exception 2.

**Section 907.2.9 Group R-2** shall be amended by deleting Exception 2.

**Section 907.3.1.7 Group R-2** shall be amended by deleting Exception 2.

**Section 912 Fire Department Connections** shall be amended as follows:

**Section 912.2.3 FDC** shall be located within 75 feet of a hydrant.

**Section 1004 Occupant Load** shall be amended by adding the following subsection:

**Section 1004.2.1 Overcrowding.** A person shall not permit overcrowding or admittance of any person beyond the approved occupant load. The Code Official, upon finding overcrowded conditions or obscuration in aisles, passageways or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the occupancy, performance, presentation, spectacle or entertainment to be stopped until such a condition or obstruction is corrected and the addition of any further occupants prohibited until the approved occupant load is reestablished.

**Section 3301 General** shall be amended to read as follows:

**Section 3301.1.3 Fireworks.** It shall be unlawful to possess, store, sell or handle and use Division 1.3G or Division 1.4G fireworks unless a permit has been obtained for public display.

**Section 3301.2.4 Financial responsibility.** Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

**Section 3304 Explosive materials storage and handling** shall be amended by adding the following subsection:

**Section 3304.1.1 Storage.** It shall be unlawful to store explosives in quantities that are regulated by Chapter 33 of this code, other than small arms ammunition and all items governed by section 3306 of this code, within the City limits of Merriam.

**Exception:** One day's use may be allowed by permit, providing all NFPA 495 regulations and 2006 IFC regulations are being met.

**Section 3305 Manufacture, assembly and testing of explosives, explosive materials and fireworks** is hereby deleted in its entirety.

**Section 3308.11 Retail display and sale** is hereby deleted in its entirety.

**Section 3404 Storage** shall be amended as follows:

**Section 3404.2.9.5.1 Locations where above-ground tanks are prohibited** shall be amended by adding the following Exception:

**Exception:** Individual tanks less than 660 gallons in capacity and having a total aggregate of less than 1100 gallons shall be permitted.

**Section 3404.2.13.1.3 Out of service for 1 year.** Underground tanks that have been out of service for a period of 1 year shall be removed from the ground in accordance with Section 3404.2.14.

**Section 3404.2.13.1.4 Tanks abandoned in place** is hereby deleted in its entirety.

**Section 3404.4.2.4 Storage adjacent to buildings.** A maximum of 1,100 gallons (4163L) of liquids stored in closed containers and portable tanks is allowed adjacent to a building located on the same premises and under the same management, provided that:

1. The building does not exceed one story in height. Such building shall be of fire-resistance-rated construction with noncombustible exterior surfaces or noncombustible construction and shall be used principally for the storage of liquids;
2. The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than 2 hours, having no openings to above-grade areas within 10 feet (3048mm) horizontally of such storage and no openings to below-grade areas within 50 feet (15,240mm) horizontally of such storage.

**Table 3404.4.2 Outdoor liquid storage in containers and portable tanks** shall be amended by changing the maximum quantity for all classes of liquid to be 1,100 gallons for both container and portable tank storage.

**Table 3405.3.8.2 Maximum allowable quantities for dispensing of flammable and combustible liquids in outdoor control areas** shall be amended by changing the maximum allowable quantity for Class IIIB combustible liquids to 1,100 gallons.

(Ord. No. 1420, §6, 5-20-02, Ord. No. 1477, §3, 08-16-04, Ord. No. 1594, § 4, 02-25-08).

**Sec. 9-48. Bond required for blasting.**

Prior to the issuance of a blasting permit by the Fire Department, or other proper city authority, the permittee shall give or cause to be given to the City a bond in the sum of five hundred thousand dollars (\$500,000.00) with sufficient sureties, to be approved by the City Attorney, conditioned that said party will faithfully comply with all the terms and conditions of the Fire Department or applicable law, code or ordinance, all rules and regulations made in pursuance thereof, and indemnify and hold said city and the public harmless against all loss, cost, expenses, damages and injuries to person or property which may be sustained by reason of the carelessness or negligence of said permittee in the blasting operations, or by reason of any failure or neglect to comply with any of the terms, conditions, rules or regulations aforesaid. The fire chief may specify a greater amount of bond when, in his opinion, conditions at the location of use indicate that a greater amount is required. Public agencies shall be exempt from this bond requirement. No bond as specified herein shall run for a longer period than five (5) years without being renewed and said bond shall remain in force and effect for two (2) years after completion of such blasting permitted. (Ord. No. 1335, § III, 7-27-98)