

## CHAPTER 9

### FIRE PREVENTION\*\*

#### Article 1. Fire Prevention Code

##### Sec. 9-1. Fire Prevention Code.

An Ordinance establishing minimum regulations governing the safeguarding the 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, known as the Fire Prevention Code; and repealing existing ordinances of the municipality of the City of Wilburton, State of Oklahoma.

Be it ordained by the City Council of the City of Wilburton as follows:

##### SECTION 1. Adoption of Fire Prevention Code.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the municipality of the City of Wilburton, being marked and designated as "The BOCA National Fire Prevention Code, Tenth Edition, 1996," as published by the Building Officials and Code Administrator International, Inc., be and is hereby adopted as the Fire Prevention Code of the municipality of the City of Wilburton in the State of Oklahoma; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

##### SECTION 2. Inconsistent Ordinances Repealed.

That Ordinances of the municipality of the City of Wilburton entitled Fire Prevention and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

##### SECTION 3. Additions, Insertions and Changes.

That the following sections are hereby revised as follows:

Section F-101.1 Insert: City of Wilburton

Table F-107.2.3 Insert

SECTION 4. Establishment of Limits.

That the limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code/1996 in which the storage of explosive materials is prohibited are hereby established as follows:

SECTION 5. Saving Clause.

That nothing in this Ordinance or in the Fire Prevention Code hereby adopted shall be construed to affect any lawsuit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6. Date of Effect.

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and be in effect immediately after the date of final passage and approval.

Sec. 9-2. Fire Department to Enforce Code.

1. The Fire Prevention Code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department.
2. 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 may appoint such inspectors as the Council may authorize.

Sec. 9-3. Definitions.

Whenever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean this city.

Sec. 9-4. Limits Within Which Storage of Flammable Liquids is Prohibited.

1. The limits referred to in NFPA 58 and 54 of the National Fire Prevention Code, in which storage of flammable liquids in outside above ground tanks is prohibited, in which bulk storage of liquids petroleum gas is restricted, and the limits referred to Sections of NFPA code 54 & 58 of the code are hereby adopted in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

Within the area bounded on the south by the south side of blocks 52, 53,54,55 and 56; on the east by the center line of Southeast 3rd street ; on the north by the north side of Blocks 45,46,47,48 and 49; on the west by the center line of Northwest 3rd Street

2. The limits referred to in NFPA 54 & 58 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as the limits of the city.
3. Provided that this section shall not prohibit any such installations in existence at the time of this code or ordinance is adopted.

Sec. 9-5. Limits in Which Bulk Storage of Liquefied Petroleum Gases and Explosives is to be Restricted.

The limits referred to in NFPA 54 & 58 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gases is prohibited, and the limits referred to in NFPA 54 & 58 of said code, in which storage of explosives and blasting agents is prohibited, are hereby established as the limits of the city.

Sec 9-5 A Provisions for Bulk Storage Facilities of Liquefied Gases prior to the Adoption of City Ordinance.

Block 53 lot 6 and section 11-5-19 100 feet × 308 feet which have established bulk storage facilities in which have been granted rights for such facilities by the City Council. All facilities must comply with all rules of NFPA 54 & 58 of the Fire Prevention Code.

Sec. 9-6. Modifications.

The chief of the fire department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the 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 and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 9-7. 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 does not apply or that the true intent and meaning 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.

Sec. 9-8. New Materials, Processes or Occupancies Which May Require Permits.

The chief of the fire department and the other inspectors 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 now 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.

Sec. 9-9. Penalties.

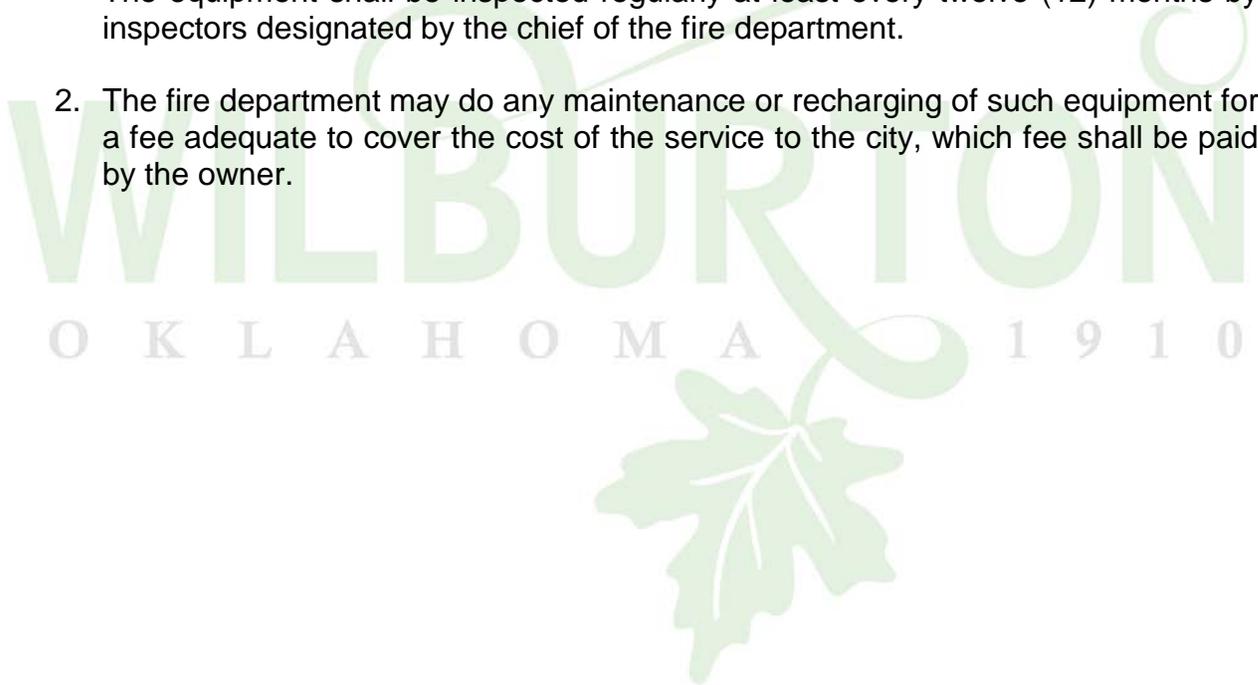
1. Any person, firm, or corporation who shall violate any of the provisions of the provisions of the Fire Prevention Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not to exceed Two\_Hundred Fifteen dollars (\$215.00) including costs. 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; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 9-10. Separability.

The council hereby declares that, should any section, paragraph, sentence or word of this chapter or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the council that it would have passed all other portions of the chapter independent of the elimination here from of any such portion as may be declared invalid.

Sec. 9-11. Fire Extinguishes in Business Occupancies.

1. Every person, firm or corporation owning or operating a place of business within the city is hereby required to own, keep and maintain therein such fire fighting equipment or fire extinguishers as the chief of the fire department may require. The equipment shall be inspected regularly at least every twelve (12) months by inspectors designated by the chief of the fire department.
2. The fire department may do any maintenance or recharging of such equipment for a fee adequate to cover the cost of the service to the city, which fee shall be paid by the owner.



## **Article 2. Fireworks and Explosives**

### **Sec. 9-12. Explosives.**

It shall be unlawful for any person or persons to store, keep, to have on their premises or in their possession any explosive articles in the nature of dynamite, blasting powder or other explosive materials or any kind or nature without first having complied with the laws of the State of Oklahoma for the purpose of selling, storing or keeping such articles.

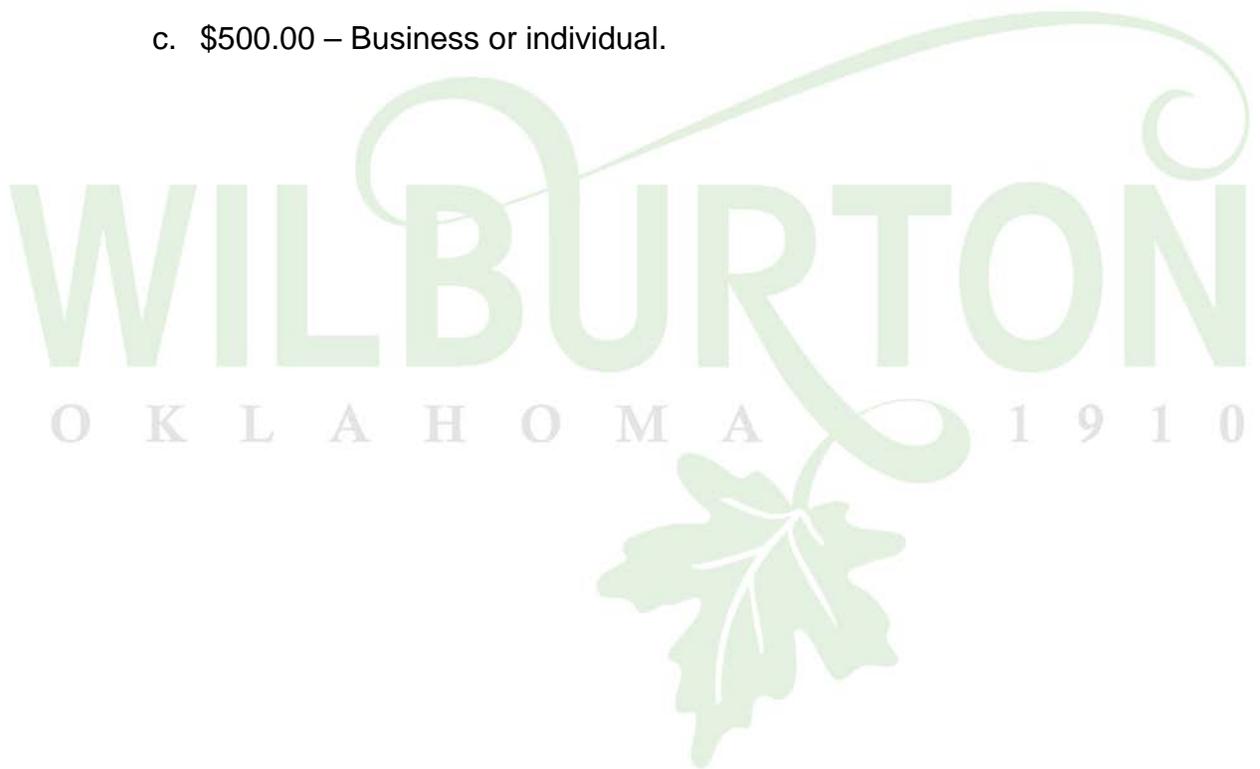
### **Sec. 9-13. Fireworks Prohibited.**

1. It shall be unlawful and an offense for any person, firm, corporation to sell or have in his or its possession or to discharge, ignite or in any manner aid, assist or abet in the discharging or igniting any size, type or description, skyrockets, pistols, torpedoes, Roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, also small display ground pieces, cones, cap pistols, cannons or other appliances using caps containing chlorate or pot ash mixture within the city limits and/or the fire limits established by the council of the City of Wilburton, Oklahoma, County of Latimer, State of Oklahoma, and the above and foregoing section shall be in effect at all times within the business district of the City of Wilburton.
2. The only exception to this provisions shall be when written permission is given by the mayor to any civic, religious, business or recognized group for the conducting of special events that are civic in nature.
3. Permission must be given three (3) days before events.
4. Notice must be given the fire chief who shall inspect the proposed site as to safety and protection of persons and property.

### **Sec. 9-14. Storage Prohibited.** *[Amended 4/2009; Ord. No. 09-1066]*

1. It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling, school, theater or other places of public amusement and any person storing explosives for sale to the general public must comply with the general statutes of the State of Oklahoma in the sale and storage of said explosives.
2. For the purpose of selling fireworks inside the city limits, a permit must be obtained from the City Clerk prior to any selling.

3. Firework Stands shall be permitted annually for the periods of June 1<sup>st</sup> through Midnight July 7.
4. The Fees are established as follows:
  - a. \$5.00 – Local (*Latimer County*) churches, schools and nonprofit organizations with proof of status.
  - b. \$250.00 – Out of County churches, schools and nonprofit organizations wwith proof of status.
  - c. \$500.00 – Business or individual.



### **Article 3. Public Burning**

#### **Sec. 9-15. Public Burning Prohibited.**

It is unlawful for any person, firm or corporation to burn trash material within the city limits of the city.



#### **Article 4. Penalty**

##### **Sec. 9-16. Penalty.**

1. Any person, firm or corporation who shall violate any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provisions declared such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not exceeding Two Hundred Fifteen dollars (\$215.00) including costs.
2. Each day upon which any such violation continues, shall constitute a separate misdemeanor.

