COUNCIL BILL NO. 2015-364 ORDINANCE NO.

AN ORDINANCE amending Chapter 58, Fire Prevention and Protection, by repealing and enacting a new Section 58-1, Bonfires and outdoor rubbish fires, and by repealing and enacting a new Article II, Fire Prevention Code, and setting a date when this ordinance shall become effective.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 58, Fire Prevention and Protection, Article I, In General, Section 58-1, be repealed, and a new Chapter 58, Fire Prevention and Protection, Article I, In General, Section 58-1, be enacted to read as follows:

"Sec. 58-1. - Bonfires and outdoor rubbish fires.

No person shall light, kindle or maintain any residential vegetative waste fire or a recreational bonfire, or authorize any open burning, without a permit from the fire chief or his designee.

(1) Such permitted fires shall be limited to piles in size as follows:

a. On any residential lot less than ¾ acre in size, the size of any pile shall be less than three feet in diameter by two feet high.

b. On any lot of ¾ acre or more in size but less than five acres, the size of any piles shall be less than 12 feet in diameter by six feet high and must have clearance of at least 200 feet from any structure.

c. Burning is allowed during daylight hours only.

(2) Burning relating to land clearing may be allowed at the discretion of the fire chief or his designee only upon the following conditions:

a. Any person wishing to conduct a burn related to land clearing must submit a detailed plan for the burn site with 24-hour contact information for the supervisor of the burn site.

b. Such a person must also obtain a permit from the Missouri Department of Natural Resources prior to receiving any permit from the City of Joplin.

c. Such a person must obtain an operation permit from the City of Joplin for each three days which the burn will be operating. The permit fee shall be fifty $50.00 per each three-day period.

d. Only burns using air curtain destructors shall be allowed.

e. Such a person must insure that the burn is supervised by at least one person continuously when the burn is active.

f. Such person must insure that a method of completely extinguishing the burn is present on-site at all times the burn is active.

g. No such permit shall issue unless proper clearance is present. For purposes of this article proper clearance shall be at least 300 yards from any structure or paved roadway.

(3) Burning of vegetative waste material or rubbish for disposal or warming during construction, demolition of buildings or structures is strictly prohibited. Exceptions will be made for contained outdoor cooking fires, barbeque or smoking fires within approved grills, smokers, spits, fire pans, chimneys or outdoor fireplaces.

(4) The fee for a burn permit is set out in section 58-68 of this Code."

Section 2. That Chapter 58, Fire Prevention and Protection, Article II, Fire Prevention Code, Division 2, International Fire Code, be repealed, and a new Chapter 58, Fire Prevention and Protection, Article II, Fire Prevention Code, Division 2, International Fire Code, be enacted to read as follows:

"Division 2. International Fire Code

Sec. 58-51. - Adopted.

The ~~**2006**~~ **2012** Edition of the International Fire Code and appendices B, C, D, F, G, **& I**, as supplemented or amended, is hereby adopted and made a part hereof by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Not less than three copies of said code as supplemented or amended have been and now are filed in the office of the city clerk and the same is incorporated as if fully set out at length in this division.

Sec. 58-52. - Definitions.

(a) Whenever the word "municipality" is used in the fire prevention code adopted by this division, it shall be held to mean the city.

(b) Wherever the term "corporation counsel" is used in the fire prevention code adopted by this division, it shall be held to mean the city attorney.

Sec. 58-53. - Amendments.

The fire prevention code adopted by the provisions of this division is hereby amended, altered, and changed in the following respects:

Section 101.1 is amended by inserting the name of this jurisdiction, "City of Joplin, Missouri."

Section 104.6.2 is amended by adding "The fire code official or his designees shall perform annual fire safety inspections of each A, B, M, F, I, E, H, S, R3 daycare occupancies in the City limits of Joplin & R1, R2, R4 occupancies.

Section ~~***109.3***~~ **109.4** is amended by inserting: [Misdemeanor, $500.00, 100 days].

Section 111.4 is amended by inserting: [$25.00, $500.00].

Section 307.1 is amended to read "307.1 General. See Ordinance Section 58-1 of the City of Joplin, Code of Ordinances.

Section 505.1 is amended to read "505.1 Address Numbers. See Ordinance Section 106-137 of the City of Joplin, Code of Ordinances."

Section ~~***3301.1***~~ **5601.1** is amended to read as follows: "The provisions of this chapter and Ordinances 58-62 and 58-63 of the City of Joplin, Code of Ordinances, shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, fireworks, and small arms ammunition."

Chapter 80 Referenced Standards

Section NFPA ~~**72-10**~~ is amended to **72-13**

Sec. 58-54. - Enforcement.

The fire prevention code shall be enforced by the bureau of fire prevention.

Sec. 58-55. - Violations; penalty.

(a) Any person who shall violate any of the provisions of the fire prevention code adopted by this division or fail to comply therewith, or who shall violate or fail to comply with any order duly 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 within the time fixed in this division, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-5 of the Joplin City Code. 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 set out in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 58-56. - Modifications.

The fire chief or his designee shall have power to modify or grant variance to any of the provisions of the current adopted fire code upon application in writing of the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the fire prevention code; provided that the spirit of such code shall be observed, public safety secured with equal or greater protection, and substantial justice done. The particulars of such modification or variance, when granted or allowed, and the decision of the fire chief or his designee thereon, shall be entered upon the records of the fire department, and a signed copy shall be furnished to the applicant.

Sec. 58-57. - New materials, processes or occupancies requiring permits.

The building board of appeals, with the fire chief or his designee and the chief building official, 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 the fire prevention code.

Sec. 58-58. - Appeals.

Whenever the fire chief or his designee shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal in writing the decision of the fire chief or his designee to the building board of appeals within 30 days from the date of the decision appealed. The applicant may appeal in writing the decision of the building board of appeals to the Joplin City Council within 30 days from the date of the building board decision.

Sec. 58-59. - Reserved.

Sec. 58-60. - Geographic Limits.

That the geographic limits referred to in certain sections of the ~~**2006**~~ **2012** International Fire Code are hereby established as follows:

Section ~~***3404.2.9.5.1***~~ ***5704.2.9.6.1*** The storage of Class I and Class II liquids in above-ground tanks (exceeding 660 gallons) outside of buildings is prohibited in the City limits of Joplin, Missouri.

Section ~~***3804.2***~~ **6104.2** The storage of liquefied petroleum is restricted for protection of heavily populated or congested areas in the City limits of Joplin, Missouri.

Section ~~***3301***~~ **5601**The storage of explosives shall be restricted and comply with provisions set forth in Chapter ~~**33**~~ **56** of the International Fire Code.

Section ~~*3301.1.3*~~ **5601.3** Possession, manufacture, storage, sale, handling, and use of fireworks shall be in accordance with Chapter ~~**33**~~ **56** of the International Fire Code and all Joplin City ordinances pertaining to fireworks.

Sec. 58-61. - Reserved.

Sec. 58-62. - Routes for vehicles transporting explosives and blasting agents.

The routes for vehicles transporting explosives and blasting agents are hereby established as designated by the traffic engineer.

Sec. 58-63. - Routes for vehicles transporting hazardous chemicals or other hazardous materials.

Vehicles transporting hazardous materials and chemicals shall be routed to avoid congested traffic in densely populated areas. The routes referred to in this section are to be established as designated by the traffic engineer.

Sec. 58-64. - Compliance with fireworks regulations.

Notwithstanding the provisions of the ~~**2006**~~ **2012** International Fire Code adopted by this division, all persons shall comply in all respects with the provisions of sections 58-65 through 58-67 relative to fireworks and devices of like character.

Sec. 58-65. - Possession and use of fireworks generally.

(a) No person shall set off, ignite, discharge, use, or possess for such purpose, 1.4G (formerly known as Class C) or 1.3 G (formerly known as Class B) fireworks which include: any toy cannon, blank cartridge, firecracker, torpedo, pinwheel, pyrotechnic materials, or any explosive material used in fireworks displays or material with substance consisting of chlorate of potash and sulphur, or device for discharging or exploding such objects or substances by concussion or ignition, within the city or any of the city parks, except on July 1, 2, 3 and 4 of each year, and on July 5 when July 4 occurs on Sunday and July 5 is celebrated as the official holiday, between the hours of 12:00 noon and 11:00 p.m. Exceptions: 1.4G party favor devices, such as champagne bottles, poppers, snaps, and confetti pistols.

(b) The exceptions set out in subsection (a) of this section shall not be construed to permit the discharge, use or possession of bottle rockets. No person, at any time, shall set off, ignite, discharge or use, or possess for such purpose, bottle rockets within the city or any of the city parks, except as provided in section 58-67. For the purposes of this section, bottle rockets shall be defined as any device that contains less than one-eighth ounce of chlorate of potash and sulphur with a total body weight of less than one-half ounce and with a body length of less than two inches, including any modifications to such device, with a launching stick attached to the body.

(c) In addition, no person at any time, shall set off, ignite, discharge or use, or possess for such purpose, Chinese lanterns or sky lanterns within the city or any of the city parks. For the purpose of this section, Chinese lanterns shall be defined as any device constructed from oiled rice paper or lightweight paper on a bamboo or wire frame, and contains a small candle or fuel cell composed of a waxy flammable material or any other type of fuel cell where when lit, the flame heats the air inside the lantern, thus lowering its density and causing the lantern to rise into the air.

~~**(c)**~~ **(d)** The fire chief or his designee, in the interest of public safety, may issue an order prohibiting discharge of fireworks as described in this section within the city limits of Joplin or on property owned by the city. During the time set forth in such order, it shall be unlawful for any person to discharge fireworks in the area designated in the fire chief's order.

Sec. 58-66. - Sale of fireworks.

(a) *Permit required; sale near fuel dispensing stations.* No person shall sell, offer for sale or give away any of the articles described in section 58-65 without first having secured from the director of finance a fireworks sales permit, the cost of which shall be $50.00 per calendar year or for any portion thereof. Such permit shall be publicly displayed in a suitable location for inspection at the shop, store or stand in which the articles referred to are for sale. None of such articles shall be sold in any shop, store or stand within 300 feet of any fuel dispensing station. This shall include but is not limited to places of retail or wholesale business engaged in the sale of gasoline, diesel, propane or natural gas.

(b) *Days when sales may be made.* None of the articles described in section 58-65 shall be sold in any calendar year prior to 12:00 midnight on June 30 or after 12:00 midnight on July 4.

(1) Exceptions: 1.4G favor devices such as champagne bottles, poppers, snaps, and confetti pistols.

(c) *Notice of restrictions on possession and use.* Any person who shall sell or offer for sale fireworks in the city shall post a notice in at least one location in a publicly conspicuous place at the shop, store or stand in which the articles referred to in section 58-65 are for sale upon such notice form as provided by the director of finance, to read substantially as follows:

NOTICE

Joplin Code, section 58-65. Prohibitions on possession and use of fireworks:

(a) No person shall set off, ignite, discharge, use, or possess for such purpose, any 1.4G (formerly known as Class C) or 1.3G (formerly known as Class B) fireworks which include: any toy cannon, blank cartridge, firecracker, torpedo, pinwheel, pyrotechnic materials, or any explosive material used in fireworks displays or material with substance consisting of chlorate of potash and sulphur, or device for discharging or exploding such objects or substances by concussion or ignition, within the city or any of the city parks, except on July 1, 2, 3 and 4 of each year, and on July 5 when July 4 occurs on Sunday and July 5 is celebrated as the official holiday, between the hours of 12:00 noon and 11:00 p.m., or without an operational permit issued by the Fire Chief or his designee. Exceptions: 1.4G party favor devices, such as champagne bottles, poppers, snaps, and confetti pistols.

(b) The exceptions set out in subsection (a) of this section shall not be construed to permit the discharge, use or possession of bottle rockets. No person, at any time, shall set off, ignite, discharge or use, or possess for such purpose, bottle rockets **or Chinese lanterns** within the city or any of the city parks, except as provided in section 58-67. For the purposes of this section, bottle rockets shall be defined as any device that contains less than one-eighth ounce of chlorate of potash and sulphur with a total body weight of less than one-half ounce and with a body length of less than two inches, including any modifications to such device, with a launching stick attached to the body.

(c) Chinese lanterns shall be defined as any device constructed from oiled rice paper or lightweight paper on a bamboo or wire frame, and contains a small candle or fuel cell composed of a waxy flammable material or any other type of fuel cell where when lit, the flame heats the air inside the lantern, thus lowering its density and causing the lantern to rise into the air.

~~(c)~~ **(d)** The Fire Chief or his designee, in the interest of public safety, may issue an order prohibiting discharge of fireworks as described in this section within the city limits of Joplin or on property owned by the city. During the time set forth in such order, it shall be unlawful for any person to discharge fireworks in the area designated in the Fire Chief's order.

~~(d)~~ **(e)** *Exceptions.* Notwithstanding anything contained in this section to the contrary, it shall be permissible for items of fireworks as defined in RSMo 320.131 to be sold at wholesale or retail by holders of a jobber's permit to nonlicensed buyers from outside of the state at all times during the calendar year.

~~(e)~~ **(f)** *Sale of bottle rockets.* The provisions of this section shall not be construed to permit the sale, offer for sale or giveaway of bottle rockets. No person, at any time, shall sell, offer for sale or give away bottle rockets within the city limits or any of the city parks, except as provided in section 58-67

Sec. 58-67. - Public displays of fireworks.

Public displays of 1.3G and 1.4G fireworks shall be allowed for outdoor displays and proximate audience displays provided that the promoter desiring to put on such public display shall first receive an operational permit from the fire chief or his designee allowing such display and specifying the nature thereof and the time and the place in which it is to take place, submit copies of Missouri State shooters license, and submit copy of $1,000,000.00 surety bond or insurance. Public displays shall be under the supervision of the fire chief or his designee, and subject to provisions of the ~~2006~~ **2012** International Fire Code Section ~~3308~~ **5608** and applicable sections of Joplin City Ordinances. Displays shall have at least one fire department truck and appropriate personnel standing by on site for the duration of the display plus one hour for safety checks. Cost of fire department stand-by shall be at the promoter's expense.

Sec. 58-68. - Schedule of fees.

The following is a schedule of the fire department permit fees:

(1) *Plan review.* Where a fire plan review is required for any reason, fees shall be collected for such plan review as follows:

a. Fire commercial plan review fee shall be .00025 multiplied by the value of the project, with a maximum cap of $2,000.00 per plan review effective June 1, 2008. The fire plan review fee shall be .0005 multiplied by the value of the project, with a maximum cap of $2,500.00 per plan review effective June 1, 2009. The fire plan review fee shall be .00075 multiplied by the value of the project, with a maximum cap of $2,500.00 per plan review effective June 1, 2010.

1. The value of the project in this section shall be computed by one of the following methods and approved by the fire marshal.

a) Provided by the person applying for the permit and verified by the fire marshal.

b) Calculated using the building valuation data published in the Building Safety Journal each February issue (on file in the city clerk's office) based on square footage of the project, and modified for the City of Joplin, using a multiplier of 0.87.

b. Sprinkler/standpipe plan review fee shall be $200.00 for commercial permits and $50.00 for residential permits.

c. Alarm system plan review fee shall be $200.00 for commercial permits and $50.00 for residential permits.

(2) *Permit fees.* No permit will be issued prior to the plan review process or prior to the beginning of construction.

a. *Operational permit fees.* Operational permits, as referenced in the International Fire Code, shall be issued on a yearly basis and may be revoked by the fire marshal at any time for cause. Operational permits shall be $50.00 for the first permit and $25.00 for each additional permit, but not to exceed $500.00 each calendar year.

b. *Construction permit fees.* Construction permits, as referenced in the International Fire Code, shall be issued at the time of the construction, repair, replacement or extension of all listed systems, processes or occupancies as set out in the International Fire Code. These permits may be revoked by the fire marshal at any time for cause. Construction permits shall be $100.00 each.

(3) *Burn permit fees.*

a. *General burn permit fee.* A general burn permit shall be issued prior to any such burning inside the City of Joplin. A general burn permit for piles less than three feet diameter by two feet high shall cost $5.00. A burn permit shall be valid for up to three consecutive days. Prior to burning, a holder of a valid burn permit must contact the Joplin Fire Department to obtain permission to burn on that given day.

b. Burning relating to land clearing may be allowed at the discretion of the fire chief or his designee. The permit fee shall be fifty $50.00 per each three-day period and must be compliant with all conditions stated in Sec. 58-1 (2)

(4) *Reinspection fees.*

a. There will be a reinspection fee when extra inspections are necessary due to any of the following reasons:

1) When wrong address is provided.

2) When work is not ready for inspection when called.

3) When work is not installed in compliance with city ordinances and/or applicable codes.

4) In any other event that is of no fault of city inspectors.

For each trip, residential: $25.00, commercial/industrial: $50.00.

(5) *Firework stand fees.*

a. $50.00 per calendar year as referenced in section 58-66

(6) *Fee review process.* City council shall review the costs of services with all user fees at least on a bi-annual basis during the budget process to determine the appropriateness of the fees charge."

Section 3. This ordinance shall become effective on November 10, 2015.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2015.

_____
Michael L. Seibert – Mayor

ATTEST:

_____
Barbara Hogelin – City Clerk

APPROVED AS TO FORM

_____
Peter C. Edwards, City Attorney