

## **TITLE FIVE FIRE PREVENTION AND PROTECTION**

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### **CHAPTER 5-1 RULES AND REGULATIONS OF THE STATE FIRE MARSHALL'S OFFICE**

#### **5-1-1 NOTICE**

The City of Hosmer hereby incorporates the comprehensive regulations which have been established and promulgated by order of the State Fire Marshall, which relates to liquefied petroleum gases. These rules and regulations are to be taken in their most recent publicized form, even if such publication is not in existence at the time of this statute's passing. This notice is evidence to the fact of the adoption of such rules and regulations as though it were published in full within the town's official newspaper.

#### **5-1-2 REGULATIONS AND CONFLICTS; CONCERNING THE FUTURE**

The City of Hosmer in recognizing the resources of the Fire Marshall's Office, hereby incorporates all of the future rules and regulations as described in the Hosmer City Code § 5-1-1. In the event of a conflict between the Fire Marshal's regulations and this code, the Fire Marshal's regulations shall govern, but only to the extent of curing the discrepancy.

## **CHAPTER 5-2**

### **CITY FIRE DEPARTMENTAL REGULATIONS**

#### **5-2-1 VOLUNTEER FIRE DEPARTMENT**

The City of Hosmer hereby agrees to contract with and cooperate with the Hosmer Volunteer Fire Department, a non-profit, South Dakota Cooperation.

#### **5-2-2 RULES AND REGULATIONS**

Said fire department shall have power to formulate and adopt by-laws for its government not inconsistent with the provisions of this chapter and may amend the same or add to the same at will under such rules and procedures as it shall in such by laws provide.

#### **5-2-3 DUTIES OF CHIEF**

The fire chief shall in all cases of fire have sole and absolute control over all persons connected with the fire department. It shall be the duty of the fire chief or in his absence, an officer of the fire department, to attend every fire which may occur within the limits of the city and to cause the firefighting apparatus to be properly placed and to be worked in the most effective manner for the extinguishment of fires. It shall be the duty of the assistant chief to see that the fire chief's orders are faithfully executed.

#### **5-2-4 FIRE HAZARD PROGRAM**

It shall be the duty of the Fire Chief, along with the City Council, and the other fire department members, to promote a yearly program to eliminate any fire hazards within the City, and the Fire Chief himself may notify the owner or occupant of any building which he deems unsafe and a fire hazard, of such condition and order him to repair the same or remove it from the City within one week from the time of receiving the notice, and if the owner or occupant shall refuse to comply with said notice, then the Fire Chief shall report the same to the City Council, and if the said order be approved by the council, he shall proceed to carry out the same to be done and the expense thereof shall be paid by the person or persons so failing to comply.

#### **5-2-5 CARE OF EQUIPMENT**

It shall be the duty of all members of the City Fire Department to keep the Fire Department equipment in a serviceable, clean condition and to go with due haste to all fires and remain there until dismissed by order of the Fire Chief.

#### **5-2-6 COMPENSATION OF MEMBERS**

The members of the department shall receive no compensation from the City for services rendered except such as the City may voluntarily provide for paying.

**5-2-7 FIRE APPARATUS**

No fire apparatus shall at any time or upon any pretext, be taken or moved without the permission of the fire chief or assistant fire chief, by any person not connected with the fire department.

**5-2-8 MAINTENANCE**

There shall be paid by the City to the Treasurer of the fire department in annual payments, such sums as the City Council may, from year to year, determine for keeping the apparatus in repair. There shall also be paid to the Treasurer of the fire department annually upon receipt of same, the premium tax received from the State Auditor on insurance premiums written by non-resident companies and by companies organized in this state as provided by the South Dakota Codified Law, the said premium tax to be used for maintenance and repairs of the hose, apparatus, etc., and for such other expenses as may be determined by the department.

**5-2-9 WILLFUL INJURY TO FIRE APPARATUS, FIRE HYDRANTS**

It shall be unlawful for any person to deface, impair or interfere with any fire alarm, telegraph box, fire telegraph wire, police telephone box or wire or any fire alarm bell, fire alarm rope, fire alarm tower or apparatus used or connected therewith, or in any manner to open or fire any fire alarm, except in the case of fire as provided by ordinance or the rules of the fire department.

**5-2-10 REMOVAL OF PROPERTY OF DEPARTMENT**

Any person who shall take, use or carry away for private use or otherwise, any of the apparatus, appliances or equipment under the control of the City Fire Department without the consent of the Fire Chief or Assistant Fire Chief, shall be guilty of a misdemeanor and upon conviction, shall be punished as provided in the preceding section.

**5-2-11 HAZARDS OF MEMBERS**

Each member by joining the department, voluntarily assumes the hazards of injury or accident in the service with no liability therefore on the part of the City.

**5-2-12 OBSTRUCTING FIRE FIGHTERS ON DUTY**

It shall be unlawful for any person to willfully offer any hindrance to any officer or fireman in the performance of his duty at a fire, or injure willfully, any fire engine or firefighting apparatus while going to or at a fire, or to remove any part of said apparatus, or shall give any false alarms, or shall willingly drive any vehicle over any hose or other fire equipment commanded by the fire department relating to the righting of any fire.

**5-2-13 FORCE OF DEPARTMENT RULES**

All rules and regulations concerning the Fire Department, when adopted by the City Council, shall have the same force and effect as ordinances.

**5-2-14****POWERS DURING FIRE**

The Fire Chief and Assistant Fire Chief shall, at and during the time of all fires, have the powers of the Chief of Police and any person who shall resist any such officer in the lawful discharge of his duty at such time, shall be subject to like penalty as for resisting a peace officer.

**5-2-15****FALSE FIRE ALARMS PROHIBITED**

It shall be unlawful for any person in the City to knowingly or willfully create a false alarm or fire.

**5-2-16****FIREFIGHTERS AND FIRE APPARATUS AT AND AFTER FIRE**

It shall be the duty of the several fire companies belonging to the fire department, whenever a fire breaks out within the limits of the City and immediately upon the alarm thereof, to go to their respective apparatus and convey the same to or near the directions given by the chief in command, faithfully work and manage their respective apparatus until the fire is extinguished and not leave except upon permission of the chief in command.

The fire companies shall return their apparatus to the station and, as soon as practicable, thoroughly clean the apparatus.

**5-2-17****DESTROYING BUILDINGS IN TIME OF FIRE**

The chief or acting chief may direct the hook and ladder company or companies to pull, cut down or remove any building or other erection which may become necessary in order to arrest the progress of any fire.

## **CHAPTER 5-3**

### **FIRE LIMITS**

#### **5-3-1 ERECTION AND REPAIR OF BUILDINGS**

Any person desiring to erect, alter or repair, or remove any building within the city limits shall apply to the City Council for a permit for such purpose, and shall furnish a plan and specifications sufficient for the City Council to determine whether such alteration or repair is in compliance with the provisions of this title and if granted such permit must be signed by the Mayor and the City Finance Officer.

#### **5-3-2 PUBLIC NUISANCES WITHIN FIRE LIMITS**

Any buildings or additions to buildings hereafter erected or constructed or placed within the fire limits in violation of the provisions of this title are hereby declared to be public nuisances, and it shall be the duty of the Chief of Police to forthwith abate the same. A person who violates the provisions of this title by building, altering, repairing or moving any structure which herein prohibited, shall be deemed guilty of a misdemeanor or subject to a fine of two hundred dollars (\$200.00) plus costs.

#### **5-3-3 ABATEMENT OF NUISANCES**

The costs of abating any such nuisance shall be collected from the owner of the property and may be established as a lien upon the said real estate, building and material thereof. Each day of violation of any of the provisions of this title shall constitute a separate offense.

## **CHAPTER 5-4 FIRE PROTECTION**

### **5-4-1 OPEN LOT STORAGE**

It shall be unlawful for any person or persons to store or stack any hay, straw, cornstalks or litter on any open lot, alley or other open place, or permit the same to be done within the City limits of Hosmer. Such storage is hereby declared a nuisance and may be abated by the town council.

### **5-4-2 BANKING MATERIALS PROHIBITED**

It shall be unlawful for any person or persons to bank any house or building situated on any block with hay or straw. Such an action is hereby declared a nuisance, and may be abated accordingly.

### **5-4-3 EXPLOSIVES, ETC.**

It shall be unlawful for any person, firm or corporation to pile, stack or cause to be piled, stacked or cause to be piled or stacked, any hay, straw or other inflammable material within the fire limits of the City of Hosmer; or to keep gun powder, giant powder, dynamite or other high explosives except for immediate use and only then when the same is to be used by persons experienced in the use of such explosives, within the City of Hosmer; provided that nothing in this section contained shall prohibit the keeping of reasonable supplies of gun powder or giant powder for sale.

### **5-4-4 FLAMMABLE MATERIALS**

It shall be unlawful for any person, firm or corporation to deposit or keep within the fire limits of the City of Hosmer, outside of a proper building or enclosure, any paper, paper boxes or cases, packing cases or other flammable materials.

### **5-4-5 CHIMNEYS**

It is hereby declared a nuisance for any person to construct a chimney on any building within the City limits of anything other than a durable, fire proof material. Such chimney shall be subject to the inspection and approval of City authorities.

### **5-4-6 FIRE ESCAPES REQUIRED FOR CERTAIN BUILDINGS**

All buildings two (2) storied and over in height except private residences shall be provided with fire escapes constructed of iron, firmly attached to the outer walls of the building extending to the full height of the building. The fire escapes shall be constructed in the manner, size and according to the plan as directed by the building committee of the City Council and shall be connected with a platform or balcony at each story. They shall be of such dimensions as shall be determined by the building committee and in such location and numbers as the building committee may, from time to time, determine.

#### **5-4-7**

##### **CORRIDORS OUTSIDE OF CERTAIN BUILDINGS REQUIRED**

Every theater, opera house, concert hall or other building used or intended to be used for theatrical or operatic purposes or for concerts, lectures or public entertainment of any kind, erected or which may be altered to be used for any such purpose in the City shall be provided with iron corridors extending on the outside of the buildings in such dimensions and in such locations as may be determined by the building committee. Corridors shall be so constructed and located so that they shall be of easy access to people on the inside of these buildings by means of doors of egress shall be determined by the building committee.

The building committee shall report to the City Council its determination in any and all of the matters hereinbefore mentioned. If it approves, the City Council shall confirm the report by resolution.

After such determination shall have been made by the building committee and confirmed as aforesaid, the building committee may issue a notice in writing served upon the owner, agent, lessee or occupant of any such building at his residence or place of business requiring such owner, agent, lessee or occupant or either of them to cause any of the aforesaid things to be done and performed within thirty (30) days from the date of service of such notice.

All buildings two (2) stories and over in height in which people are employed above the first story shall have one (1) iron ladder or fire escape for every twenty-five (25) persons or less employed above the first story and to be constructed in the manner and according to the plan that may be determined by the building committee.

Whenever the building committee may deem it for the public safety, it may order fire escapes and modes of egress from any and all buildings, except private residences, within the City and determine their manner, size, plan of construction and number.

It shall be unlawful for such owner, agent, lessee or occupant served with notice, within thirty (30) days after the service of such notice, to fail to place or cause to be placed or to fail to do and perform each and every act required by the notice.

#### **5-4-8**

##### **DEMOLITION OF CERTAIN BUILDINGS REQUIRED**

The City Council, whenever deemed necessary for the safety of the public, may direct to be repaired or torn down any building within the fire limits which has been damaged by fire, decay or otherwise to the extent of fifty (50) percent of its value.

#### **5-4-9**

##### **SAME ASCERTAINING DAMAGES**

The City Council shall appoint two (2) disinterested persons who shall appraise such damages.

#### **5-4-10**

##### **OPEN BURNING DEFINED**

"Open burning" shall mean the burning of any matter in such manner that the products of combustion resulting from the burning are emitted directly into the air.

#### **5-4-11 REFUSE BURNING RESTRICTIONS**

No person shall dispose of refuse or other combustible material by open burning or cause, suffer, allow or permit open burning of refuse or combustible material and no person shall conduct or cause or permit the conducting of a salvage operation by open burning in the City.

#### **5-4-12 PERMISSIBLE OPEN BURNING**

The following types of open burning are permissible for the specific purpose and conducted in conformity with the subsections set forth below:

1. Fires purposely set for instruction and training of public industrial firefighting personnel when authorized by the fire chief of the Hosmer Volunteer Fire Department;
2. Fires set for the elimination of a fire hazard which cannot be abated by any other means when authorized by the fire chief of the Hosmer Volunteer Fire Department;
3. Fires purposely set by the City maintenance personnel for maintenance purposes as authorized by the fire chief of the Hosmer Volunteer Fire Department;
4. Campfires and other fires set solely for recreational purposes, ceremonial occasions or for outdoor preparation of foods.