

CITY OF GRANDVIEW

BILL NO. 6911

ORDINANCE NO. 6668

AN ORDINANCE AMENDING CHAPTER 11 "FIRE PROTECTION" OF THE CODE OF LAWS OF THE CITY OF GRANDVIEW, MISSOURI.

WHEREAS, the Board of Aldermen of the City of Grandview, Missouri ("City"), approved Ordinance No. 6666, which adopted the 2012 International Fire Code; and

WHEREAS, Chapter 11 "Fire Protection" of the Code of Laws of the City refers to an older version of the International Fire Code in several sections; and

WHEREAS, City staff recommends that Chapter 11 be amended to reference the 2012 International Fire Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GRANDVIEW, MISSOURI, AS FOLLOWS:

Section 1. Chapter 11, Article II of the Code of Laws Adopted. New sections of the Code of Laws of the City of Grandview, Missouri, to be codified as Article II "Permits, Plan Reviews, Inspections and Testing" of Chapter 11 are hereby adopted to read as follows:

Secs. 11-13. Permits and Fees.

The Fire Prevention Bureau of the Grandview Fire Department shall coordinate the issuance, inspection and enforcement of the following required permits within the City of Grandview in accordance with the 2012 International Fire Code:

(1) Blasting Permit

To perform blasting within the City of Grandview, a permit must be issued by the Fire Prevention Bureau of the Grandview Fire Department in accordance with the 2012 International Fire Code - Chapter 56 Explosives and Fireworks - Section 5601.2 Permit Required. The application for a permit must be accompanied by the site plan, completed copy of Missouri Notification of Blasting Operations form, copy of State of Missouri Licensing for Blasting and copy of Certificate of Insurance for the contractor conducting the blasting. Site Inspection will be conducted before a permit is issued and during times of operations to ensure compliance with Blasting Operations. **Prior to any blasting, the permit holder must notify the Fire Department Dispatcher at 816-316-4980.**

Blasting licenses are issued by the Missouri Division of Fire Safety at the following link: firesafe@dfs.dps.mo.gov.

Blasting Permit for Storage of Explosives: **Fee \$45.00**

Blasting Permit for Site Work: **Fee \$45.00**

(2) **Recreational and Bonfire Fire Permits**

Within the City of Grandview, no person may cause or allow open burning without a permit. A permit must be issued by the Fire Prevention Bureau of the Grandview Fire Department in accordance with the 2012 International Fire Code – Chapter General Requirements – Section 307.2 Permit Required. Open burning must comply with the State of Missouri Department of Natural Resources Open Burning Regulations.

Recreational fires which include cooking, warming fires, smudge pots and similar types may be exempted from a permit. This would be determined with the information provided to the Fire Prevention Bureau at the time the application is submitted. A recreational fire with a fire greater than 3 feet in diameter and by 2 feet in height would require a permit.

A bonfire shall be no more than 5 foot by 5 foot by 5 foot in dimension, and shall not burn no longer than 4 hours. The placement of the bonfire shall not be closer than 50 feet away from combustible structures. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited by igniting paper and/or twigs. The size and duration of the bonfire may be increased only upon approval by the Fire Prevention Bureau.

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

A site diagram may be required to be submitted with the application. The site will be inspected by the Fire Prevention Bureau before a permit is issued.

No combustible or flammable liquids are permitted to be used to start the fire and no materials except clean wood can be used and burned. A portable fire extinguisher with minimum 4A rating shall be located within 50 feet of the permitted fire. *(The 4A rated fire extinguisher is rated to extinguish fires involving paper, wood, cardboard, grass, etc. This extinguisher can be water or powder type extinguisher.)*

Prior to lighting a recreational and/or bonfire, the permit holder must notify the Fire Department Dispatcher at 816-316-4980.

Recreational and Bonfire Fire Permit: **Fee \$45.00**

(3) **Fireworks and Pyrotechnic Permit**

The sale, storage or use of fireworks is not permitted with the City of Grandview. Those person or organizations wishing to produce an organized public fireworks display may do so under restrictions, and only after obtaining a permit in accordance with 2012 International Fire Code Chapter 56 – Explosives and Fireworks -Section 5608.2 Permit Required. The application for a permit must be accompanied by the site plan, copy of Missouri State license for each operator and/or pyrotechnic and copy of Certificate of Insurance.

Note: All permits issued will have one (1) rain date included

There will be a site inspection before a permit is issued by the Fire Prevention Bureau. Prior to the display of the fireworks, an inspection will be conducted by the Fire Prevention Bureau.

Fireworks Permit – Ground Display: **Fee \$45.00**

Fireworks Permit – Aerial Display: **Fee \$45.00**

Fireworks Permit Proximate Audience Display: **Fee \$45.00**

Fireworks Additional Display Inspections: **Fee \$45.00**

(4) **Tent/Canopy Permit**

Within the City of Grandview, all temporary tents, canopies, membrane structures or other such structures erected having an area in excess of 400 square feet must have a permit. A permit must be issued by the Fire Prevention Bureau of the Grandview Fire Department in accordance with the 2012 International Fire Code – Chapter 31 - Section 3103.4 Permit Required. Additional provisions of Chapter 31 will be required as determined by the Fire Prevention Division.

Before a permit is granted, the *owner* or agent shall file with the Fire Prevention Bureau a certificate executed by an *approved* testing laboratory certifying that the tents and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, are composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an *approved* manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit.

No permit is required for the following Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

Tent/Canopy Permit: **Fee \$45.00**

(5) HOT Work Permit

Within the City of Grandview, welding, cutting, open torches and other hot work operations and equipment involved with construction, demolition and applied roofing must have a permit. A permit must be issued by the Fire Prevention Bureau of the Grandview Fire Department in accordance with the 2012 International Fire Code – Chapter 33 Fire Safety During Construction and Demolition and Chapter – 35 Welding and Other Hot Work.

Each site will be inspected by the Fire Prevention Bureau before work can begin.

As part of the HOT Work permit, the work site will implement the following:

A pre-hot-work check shall be conducted prior to work to ensure that all equipment is safe and hazards are recognized and protected. A report of the check shall be kept at the work site during the work and available upon request. The pre-hot-work check shall determine all of the following:

1. Hot work equipment to be used shall be in satisfactory operating condition and in good repair.
2. Hot work site is clear of combustibles or combustibles are protected.
3. Exposed construction is of noncombustible materials or, if combustible, then protected.
4. Openings are protected.
5. Work areas are kept clean.
6. No exposed combustibles are located on the opposite side of partitions, walls, ceilings or floors.
7. Fire watches, where required, are assigned.

8. *Approved* actions have been taken to prevent accidental activation of suppression and detection equipment in accordance with Section 3504
9. Fire extinguishers and fire hoses (where provided) are operable and available.

Permits can be issued for maximum of 30-days.

HOT Work Permit: **Fee \$45.00**

(6) **Oil & Gas Well Drilling/Operation Permit**

Within the City of Grandview, A permit must be issued by the Fire Prevention Bureau of the Grandview Fire Department in accordance with the 2012 International Fire Code – Chapter 57 Flammable and Combustible Liquids – Section 5706.3 Well Drilling and Operation.

The permit application must be accompanied with copy of State of Missouri DNR issued Permit - 10CSR 50-2.030; City of Grandview Conditional Use Permit - Ordinance 5631 Chapter 31-25(E); Oil/Gas Well Site Plan including location of tank battery; Inventory of all Hazardous Materials including Quantities; and Emergency Plan including Egress Routes and Fire Protection.

Each site will be inspected by the Fire Prevention Bureau before work can begin and periodically during the permit period.

The permit is to ensure proper storage of flammable and combustible products; location of storage tanks; erection and maintaining of containment embankments and dikes; that sources of ignition are removed; proper set-backs from public access, property lines and buildings; fire protection and site emergency plan and access is maintained.

Permits can be issued for maximum of 365-days.

Site Inspection: **Fee \$58.00**

Oil/Gas Well Drilling/Operation Permit: **Fee \$58.00**

Sec. 11-14. Plan Reviews, Inspections, Tests and Fees.

The Fire Prevention Bureau of the Grandview Fire Department conducts plan reviews, site inspections and acceptance testing on fire protection systems. With the adoption of the 2012 International Fire Code by the City of Grandview, the following details these plan reviews, acceptance testing and fees.

(1) **Plan Review for Fire Alarm and Detection Systems:**

Fire Alarm plan review **fee one hundred forty five dollars (\$145.00)**. This fee includes the initial plan review, two (2) revision reviews, and two (2) acceptance tests.

Each additional review will generate a **fifty-eight dollars (\$58.00) fee** in addition to the original fees as outlined above.

(2) **Conducting & Witnessing Fire Alarm Acceptance Tests:**

The fire alarm plan review fee includes accommodations for conducting and witnessing the first two (2) fire alarm acceptance tests.

Each additional acceptance test required, whether due to previous tests being unsuccessful or responsible parties failing to participate, will generate a **twenty-nine dollars (\$ 29.00) fee** for the first hour and **twenty-nine dollars (\$29.00) fee per hour** for every hour, or portion thereof, beyond the first hour.

(3) **Plan Review of Sprinkler Suppression Systems:**

Sprinkler plan review **fee one hundred forty-five dollars (\$145.00)**, plus **fifty cents (\$0.50)** for every sprinkler head exceeding one hundred (100). This fee includes the initial plan review and one (1) inspection/hydrostatic test.

Each additional review will generate a fee equal to fifty per cent (50%) of the original fee as outlined above.

(4) **Sprinkler Installation Inspection while Conducting & Witnessing the Hydrostatic Test:**

The sprinkler system plan review fee includes accommodations for conducting and witnessing one (1) sprinkler system/hydrostatic test.

Each additional inspection/hydrostatic test required, whether due to previous installation/tests unsuccessful or responsible parties failing to participate will generate a fee equal to fifty per cent (50%) of the original sprinkler plan review fee as outlined above.

(5) **Plan Review of Extinguishing Systems for Commercial Cooking:**

Engineered dry chemical, compressed gas, foam or liquefied chemical agent fire suppression systems utilized to protect commercial cooking areas plan review **fee fifty-eight dollars (\$58.00)**. This fee includes the initial plan review and one (1) acceptance test.

Each additional review will generate a **twenty-nine dollars (\$29.00) fee** in addition to the original fees as outlined above.

- (6) **Acceptance Test of Extinguishing Systems for Commercial Cooking:**
The plan review fee includes accommodations for conducting and witnessing one (1) acceptance test.

Each additional acceptance test required, whether due to previous tests being unsuccessful or responsible parties failing to participate, will generate a **twenty-nine dollars (\$29.00) fee** in addition to the original fees as outlined above.

- (7) **Outside Plan Reviews:**
When it is determined by the Fire Marshal that a fire detection, and/or fire suppression system requires a plan review by an independent licensed professional, a base fee equal to the cost of the independent professional's services plus fifteen percent (15%) will be charged. Said fees must be paid in full prior to the issuance of any review comments and/or approval.

Sec. 11-15. Fire Investigation and Incident Reports

Within the City of Grandview when a request is made for a copy of an investigation and incident reports, the following will apply:

Requests for copies of fire investigation and incident reports are made by the property owner, insurance companies, private investigators and attorneys. No fire investigation report would be released until complete, especially if criminal investigation is ongoing.

The cost for each fire investigation report would be **one dollar (\$1.00) per page, minimum \$10.00.**

The individual or company requesting a fire investigation or incident report and will submit a request form. Before any copies are released a check payable to the City of Grandview would be submitted.

Insurance Companies must first submit an "Immunity Letter" in accordance with Missouri Revised Statutes 320.081-320.087 before Investigation Reports will be released.

Section 2. Section 11-20(2) of the Code of Laws Amended. That portion of Ordinance No. 4463, Section 1, codified at Section 11-20(2) of the Code of Laws of the City of Grandview, Missouri, is hereby amended to read as follows:

- (2) To a person, business, company, corporation or organization who purchases fireworks for the purpose of a lawful display as defined in and meeting the requirements of Chapter 56, Sections 5601 and 5608 of the 2012 International Fire Code.

Section 3. Chapter 11, Article IV Adopted. New sections of the Code of Laws of the City of Grandview, Missouri, to be codified as Article IV "Hazardous Materials Emergency Response Cost Recovery" of Chapter 11 of the Code of Laws of the City of Grandview, Missouri, are hereby adopted to read as follows:

Sec. 11-41. Missouri Statute:

Missouri state law (RSMo Section 260.546) states, in the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over hazardous substances shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability includes the cost of materials, supplies and contractual services actually used to secure an emergency situation.

The liability may also include the cost for contractual services that are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services that otherwise would have been provided.

To assist local hazardous substance emergency responding agencies recover cleanup costs in accordance with sections 260.500 through 260.550, Revised Statutes of Missouri, sometimes referred to as the "Spill Bill." Under the statutes 260.500 through 260.550 in the State of Missouri, the City of Grandview Fire Department can submit an itemized bill to the responsible party to recover cost associated with a Hazardous Materials Incident. The billing procedure and approved State costs are attached:

Sec. 11-42. Recommended Procedure For Billing

The following steps should be followed when trying to recover costs incurred while handling a hazardous substance release. Remember that the billing is to recover actual costs while trying to clean-up/mitigate the release of the hazardous substance. Its purpose is not to acquire new equipment that may be used by the agency for future responses or replace exhausted equipment. An attached price guide has been provided by a committee comprised of Division of Fire Safety, Department of Natural Resources, and local response agencies across Missouri.

Step 1

Ensure that the release has been reported to the Department of Natural Resources 24-hour spill line at 573-634-2436. This will help document the release and can assist with consistency in response details.

Step 2

Keep good documentation of the activities at the site and who performed various duties (using ICS forms and submitting them will help document the response). Include photos of any damaged equipment. If any gear needed to be cleaned or replaced submit documentation (including photos) of the cleaning and pricing.

Step 3

An itemized, dated, detailed bill (see attached example invoice) should be sent via certified mail, with a return receipt requested, to the person having control of the hazardous substance (owner, responsible party, etc.). If equipment was destroyed and compensation is being sought, explain how and why it was lost, including information as to how the replacement cost was determined. This bill should include copies of all bills for any assistance that was required from other departments as defined in the statute. It should be noted that the person having control of the hazardous substance can contest the billing if done in accordance with the law.

Step 4

If payment is not received within 30 days, resubmit the detailed billing via certified mail, with a return receipt requested, along with a copy of the Chapter 260.500-260.550 (or at least Section 260.546). It is important to outline the part of the law that states, "Full payment shall be made within 30 days of receipt of the cost statement." Also, it would be advisable to note to them that "John Doe" signed for the initial statement, which was sent earlier.

Step 5

If the second step is unsuccessful at recovering costs incurred, your agency will need to seek legal counsel (city attorney, county prosecutor, etc.) to assist with the cost recovery.

Step 6

Send one invoice for all agencies involved. This invoice should be sent by the lead agency responsible for the incident with jurisdictional authority.

(1) Emergency Response Spiller Cost Recovery Fees:

Engines:

1: Cost/Hr: \$150

1,000 GPM or Greater, 1,200" 2.5" hose or larger, ground ladders, booster tank

2: Cost/Hr: \$200

Elevated Aerial Device

Rescue Units:

Greater than 1 ton Cost/Hr: \$250

Minimum equipment: Air Bags, Cribbing, Lighting, Hyd/Air operated/electric, extrication tools (ie: Hurst), porta power kit, generator, power saw

One Ton or Less Cost/Hr: \$100

Equipment: Porta power kit, hand tools

Medical Unit Cost/Hr: \$125

Brush - Wildland Unit:

Pump, Tank, Hose, Cost/Hr: \$100

Command Vehicle Cost/Hr: \$100

Personnel:

Fire Scene and HazMat

Fire Department Personnel Cost/Hr: \$ 25

Technical Rescue Cost/Hr: \$ 50

Paramedics (ALS) Cost/Hr: \$ 50

EMT (BLS) Cost/Hr: \$ 25

HazMat Operations Cost/Hr: \$ 25

HazMat Awareness Cost/Hr: \$ 15

Medical Units: Cost/Hr: \$125

HazMat Related Equipment (charge only if used)

CGI 0 Combustible Gas Indicator Cost/Hr: \$ 20

4 gas meter Cost/Hr: \$ 25

Absorbent pads and booms Replacement cost

Overpack drums Replacement cost

Personal Protective Equipment (PPE) Replacement cost

Actual replacement cost should be used for expendable supplies, equipment and PPE. The Department of Natural Resources maintains an emergency response contract that could serve useful in helping establish rate for HazMat equipment not listed in this bulletin. This contract also has rates for heavy equipment.

Sec. 11-43. Appeal of Emergency Expenses

If the person having control over the hazardous substance elects to contest the payment of such costs, such person shall file an appeal with the director of the Missouri Department of Natural Resources within 30 days of receipt of the cost statement. If billing is contested, it is important that the agency trying to collect incurred costs has submitted an itemized, detailed bill.

This itemized detailed bill and proper supporting documentation (narrative incident summary, final reports, invoices, receipts, etc.) will help the director in resolving the appeal in a timely manner. Per Section 260.546 "The burden of proof shall be on the political subdivision or volunteer fire protection district to document and justify such costs allowed under subsection 1 of this section."

Questions about cost recovery may be directed to the department's Environmental Services Program at 573-526-3315.

Sec. 11-44. Local Government Reimbursement

The U.S. Environmental Protection Agency (EPA) has a program designed to reimburse local governments that have been affected by costs beyond those routinely incurred when dealing with a hazardous substance release. The Local Governments Reimbursement Program (LGR) is found under federal regulations at 40 CFR Part 310, which defines a hazardous substance in section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Only emergencies involving CERCLA compounds will be eligible for compensation using the LGR program. This does not include petroleum, crude oil or any fraction thereof.

The LGR program will reimburse local governments for expenses incurred in carrying out temporary emergency measures. These measures must be necessary to prevent or mitigate injury to human health or the environment associated with the release of any hazardous substance, pollutant or contaminant. The financial relief is limited to \$25,000 per single response. To obtain more information about the LGR program or to receive an application, call 800-431-9209 or www.epa.gov/ceppo/web/content/lgr/.

Sec. 11-45. Oil Pollution Act

The EPA has a program designed to reimburse cost associated with petroleum releases that enter or threaten to enter U.S. waters. The Oil Pollution Act improved the nation's ability to prevent and provide money and resources necessary to respond to oil spills. To obtain more information about the Oil Pollution Act fund, contact EPA Region 7 at 913-551-7000.

Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 of the 2012 International Fire Code or authorized by statute.

Section 4. Effective Date. This ordinance shall become effective on April 1, 2014.

Passed this 25th day of March, 2014.

Approved this 25th day of March, 2014.


LEONARD D. JONES, JR., MAYOR

ATTEST:


BECKY SCHIMMEL, CITY CLERK

Approved as to Form and Legality:


JOSEPH S. GALL, SPECIAL COUNSEL

