ORDINANCE NO. 190202

Amending the Fire Prevention and Protection Code, Chapter 26, Code of Ordinances, by repealing certain sections and enacting other sections to adopt the 2018 Edition of the International Fire Code, and the 2018 Edition of the NFPA 101 Life Safety Code.

WHEREAS, this ordinance amends technical codes; and

WHEREAS, Section 67.280, Revised Statutes of Missouri, requires that at least three copies of an amendment to a model code that is proposed to be adopted by a city be filed with the City Clerk for not less than 90 days before such amendment may be adopted; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 26, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 26-1 through 26-99 and Sections 26-100 through 26-4803 and by enacting in lieu thereof new Sections 26-1 through 26-99 and Sections 26-100 through 26-5608.16.2 of like subject matter, to read as follows:

ARTICLE I. IN GENERAL

Sec. 26-1 Sec. 26-99. Reserved.

ARTICLE II. FIRE PREVENTION CODE.

Sec. 26-100. Adoption of the International Fire Code, 2018 Edition and the NFPA 101 Life Safety Code 2018 Edition.

There is hereby adopted by the City of Kansas City, Missouri, for the purpose of regulating structures, processes and premises and prescribing safeguards from hazards of fire and explosion, certain codes and standards known as the National Fire Protection Association 101 Life Safety Code 2018 edition and the International Fire Code, 2018 edition, to include Appendix B through F of the International Fire Code 2018 thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified amended or added to by sections 26-100 through 26-5608.16.2 of this chapter. Copies of the *International Fire Code* 2018 and the 2018 edition of the *National Fire Protection Association 101 Life Safety Code* have been and are now filed in the office of the city clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the City. The term "International Building Standards" means Chapter 18, Code of Ordinances, also known as the "Building Code".

Sec. 26-100.1. Amendments to the Fire Code.

The International Fire Code, 2018 edition, adopted in section 26-100 is amended as set forth herein. Provisions of this chapter are in addition to and prevail over the International Fire Code 2018 by superseding, amending or deleting language as appears in the following sections 26-100 through 26-5608.16.2.

Sec. 26-101.1. Title.

Chapter 26, Code of Ordinances, shall be known as the Fire Prevention and Protection Code. Unless otherwise indicated by its use and context, the term "this code" shall refer to chapter 26 of the Code of Ordinances and it may be cited as the "Fire Prevention Code".

Sec. 26-101.2.1 Appendices

Only Appendix B through F is hereby adopted.

Sec. 26-102.7.3. Conflicting provisions.

Sec. 26-102.7.3.1. General.

If a conflict exists between the provisions or requirements of this chapter and any other chapter of this code, then the provisions and requirements of this chapter shall govern.

Sec. 26-102.7.3.2. Most restrictive to govern.

Wherever conflicting provisions or requirements occur between this chapter and other technical chapters, codes or laws, the most restrictive shall govern.

Sec. 26-102.7.3.3. Technical provisions.

Where, in any specific case, provisions within any technical provision of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 26-102.7.3.4. Last in time to prevail.

Where conflicts occur between any specific provision of this code and any administrative provisions in any technical provision of this code which is then applicable, those provisions becoming the law last in time shall prevail.

Sec. 26-103. Fire Prevention Division.

Sec. 26-103.1. General.

A fire prevention division is established within the fire department under the direction of the fire chief, which shall consist of a fire marshal and of such fire department personnel as may be assigned thereto by the chief. The function of this division shall be to assist the chief in the administration and enforcement of the provisions of this code.

Sec. 26-103.1.1. Defined.

Wherever reference is made in this code to the chief it shall mean the City fire chief and his or her authorized representative. Whenever reference is made in this code to the Fire code official it shall mean the fire marshal, who shall be subject to the authority of, and accountable to, the fire chief.

Sec. 26-103.2.1. Authority.

The chief, the fire code official and members of the fire prevention division shall have such powers of a police officer in the performance of their duties as are set forth in specific provisions in this code and as provided by state law.

Sec. 26-103.3.1. Assistance.

The chief may request, and shall receive, assistance and cooperation of other City officials so far as is required in the discharge of the chief's duties established by this code, or other pertinent law or ordinances.

Sec. 26-104. General Authority and Responsibilities.

Sec. 26-104.3.1. Investigation/Inspection Warrant.

If no consent has been given to enter or inspect any building or structure, an entry or inspection shall not be made without the procurement of an investigation/inspection warrant from the judge presiding in the Ninth Division of the Municipal Division, Kansas City, 16th Judicial Circuit Court of Missouri, or if that judge is not available, than any other judge presiding in any division of the Municipal Division, Kansas City, 16th Judicial Circuit Court of Missouri. The court may consider the following factors in its decision as to whether a warrant shall be issued:

(1) Eyewitness account of violation.

(2) Citizen complaint(s).

(3) Tenant complaint(s).

(4) Plain view violations.

(5) Violations apparent from City records.

(6) Nature of alleged violation, the threat of life safety and imminent risk of significant property damage.

(7) Previous unabated violations in the building or structure or on the premises.

(8) Failure to obtain required operational permits under section 26-105.6.

Sec. 26-104.3.2. Cause.

Cause supporting issuance of an investigation/inspection warrant shall be deemed to exist in light of reasonable legislation and administrative standards which show that there is reason to believe that a condition of nonconformity exist with respect to building or premises in violation of the fire prevention code and is based upon at least two factors set forth in section 26-104.3.1

Sec. 26-104.3.1.3. Emergency.

The chief, fire code official or their designee may enter the premises without consent or an investigation/inspection warrant to make an inspection or enforce any of the provisions of this code only when an emergency exists as prescribed in section 26-104.11, of this code, or when the premises are abandoned.

Sec. 26-104.3.1.4. Issuance.

When a complaint in writing is filed by the director of neighborhood and Community services, the chief, fire code official, a police officer, a sheriff or the city attorney, and if such complaint is verified by oath or affirmation stating evidential fact from which such judge determines the existence of probable cause, then such judge shall issue an investigation/inspection warrant directed to the authorized person to inspect the structure of premises therein described for the purpose requested. Such investigation/ inspection warrant maybe executed and returned only within ten days after the date of its issuance. The person authorized to inspect shall make a return promptly after concluding the investigation/inspection, and such return shall contain an itemization of all violations of this code discovered pursuant to such investigation/inspection warrant. Refusal to honor an investigation/inspection warrant and permit inspection of the premises shall constitute an ordinance violation. Execution of an investigation/inspection warrant, under this section, shall not be made by forcible entry.

Sec. 26-104.3.1.5. Scope.

Unless emergency conditions exist, or until a notice of violation is afforded the person, a summons shall not be served upon a resident, property owner or other responsible person alleging a violation of this code based upon conditions discovered incidental to, and solely as result of, conducting an investigation pursuant to the authority of a search warrant, but which is not the subject of the investigation/inspection warrant.

Sec. 26-104.6. Records.

The fire prevention division shall retain for not less than three (3) years a record of each inspection made showing the findings and disposition of each inspection made. If code violations are involved such record shall be kept for three (3) years after the violation has been corrected or satisfied.

Sec. 26-104.6.3. Fees for reports, documents, research and copies.

The fire prevention division of the fire department shall charge a fee for reports, documents, research for documents and copies of documents pursuant to a fee schedule established by the department. Any such fee charged pursuant to the fee schedule shall not exceed ten cents per page a paper copy plus the actual cost of research incurred in providing a copy of a document.

Sec 26-104.6.3.1. Report requested by Governmental Officials.

When any report kept by the chief or fire code official is requested by a City official, or representative of another governmental agency, the chief or fire code official shall furnish the requested report without charge.

Sec. 26-104.12. Emergency defined; Procedure.

(1) Emergency defined. For the purposes of this code, an emergency means any circumstances in which it reasonably appears that there exists an immediate danger to the health, life, safety, well-being or welfare of any person because of an existing dangerous condition.

(2) Authority. In any emergency, the chief or fire code official shall have the power to take emergency measures or issue directives to abate or correct the existing dangerous condition. The emergency power herein granted shall include power to cause immediate vacancy of any building and abate the existing dangerous condition.

(3) Emergency order not appealable. No appeal to the building and fire codes board of appeals shall lie from an emergency measure or directive, and such measure or directive shall not be reviewed or stayed other than by a

circuit court of the county in which is located the premises on which the dangerous condition exists.

(4) Temporary directive. For a dangerous condition arising after the adoption of this code that is not specifically addressed by the code but that in the opinion of the chief or fire code official is a dangerous condition that relates to the intention of this code and that constitutes a distinct hazard to life or property, the chief may issue a temporary emergency directive to address such condition. The directive shall expire not later than sixty (60) days from the date of issuance or upon the effective date of an Ordinance addressing the condition. Notwithstanding subsection (3) above, a temporary emergency directive may be appealed pursuant to section 26-108.3 of this chapter.

Sec. 26-105 Permits.

Section 105.1.2, subsection 2, entitled construction permit, and sections 105.4 and 105.7 are deleted.

Sec. 26-105.1.1. Inspection required; Permits; Fees.

(a) Before a permit is issued, the chief or fire code official shall cause an inspection and approve the receptacles, vehicles, building, devices, premises, storage spaces, or area to be used. In instances where laws or regulations are enforceable by departments other than the fire department, joint approval shall be obtained from all such concerned departments.

(b) An operational permit shall remain in effect until reissued, renewed or revoked, or for a period of one (1) year as specified upon the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

(c) The Fire Prevention Division shall charge a fee for issuance of permits pursuant to the following:

(1) For the issuance of a fire code permit .....$ 120.00

(2) For the issuance of an open burning permit ..... $ 285.00

(3) For the issuance of an explosives permit ..... $ 285.00

(4) For the issuance of a fireworks display or pyrotechnic special effects material permit ..... $ 285.00

(5) For a fire hydrant use permit $120.00

(6) The fire department may charge, in addition to other fees, a fee reflecting the direct costs for actions required to provide services related to expedited permits.

(7) The Chief shall have authority annually to adjust the fees listed in this code to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in providing the services fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of providing the services. Any such adjustments, if made, shall be made annually by the Chief in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

(d) Effective January 1, 2020, The Fire Prevention Division shall charge a fee for issuance of permits pursuant to the following:

(1) For the issuance of a fire code permit .....$ 150.00

(2) For the issuance of an open burning permit .....$ 350.00

(3) For the issuance of an explosives permit .....$ 350.00

(4) For the issuance of a fireworks display or pyrotechnic special effects material permit .....$ 350.00

(5) For a fire hydrant use permit $150.00

(6) The fire department may charge, in addition to other fees, a fee reflecting the direct costs for actions required to provide services related to expedited permits.

(7) The Chief shall have authority annually to adjust the fees listed in this code to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics, provided that the increases are reflective of the costs of the services being provided. If the costs in providing the services fall below the fees being charged, the fees shall be reduced so that they are equal to or less than the costs of providing the services. Any such adjustments, if made, shall be made annually by the Chief in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk

(8) A fee shall be charged for all reinspections occurring when more than 30 days have elapsed since the initial inspection to determine compliance

with this Code and, also, a reinspection has already occurred within 30 days of such initial inspection at which a determination of noncompliance was made. However in no event shall a fee be charged for more than three reinspections. The fee charged pursuant to this subsection shall be calculated by multiplying the number of Code violations identified by the inspector during the inspection giving rise to such fee by $25.00 per each such violation.

Sec. 105.6.51. Fire Performance Art.

An operational permit is required to use open flames is defined as fire performance art under section 316.

Sec. 26-108. Board of Appeals.

Sec. 26-108.1. Purpose.

For the purpose of determining questions of fact as to the acceptability and adequacy of alternative materials, equipment, methods of preventing fires and promoting fire safety, and for providing for the review of the decisions of the fire chief in the interpretation of this code, the building and fire codes board of appeals is designated as the board, to be constituted and conduct proceedings in accordance with provisions appearing in section 18-12 of the Code of Ordinances.

Sec. 26-108.2. Powers and Duties.

(a) The board shall have the power to approve the use of alternate materials, equipment, and types of construction and methods of preventing fire whenever in any specific case the board shall find and determine that the application of a general rule or regulation governing such use will, by reason of exceptional circumstances or condition, constitutes a practical hardship. The board shall hear and render decisions on all appeals from the decisions of the fire chief. The board shall further be empowered to interpret the intent of this chapter in specific cases and to authorize responsible, minimum modifications from the literal provisions of this chapter where it is determined that such modification is, for the purpose intended, at least the equivalent of that prescribed in this chapter with respect to fire safety and fire prevention measures. All rulings and actions of the board shall be consistent with the spirit and intent of this chapter.

(b) The board shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the board be empowered to waive requirements of any part of this chapter.

Sec. 26-108.3. Right of Appeal.

Except in emergencies, as set out in section 26-104.11, of this code, the right of appeal is as follows:

(1) Any decision of the fire marshal concerning enforcement of this chapter may be appealed to the fire chief by any person aggrieved by any order or ruling of the fire marshal. Such appeal shall be taken within 48 hours from the receipt of the order or ruling appealed, by filing with the fire chief a written notice of appeal setting forth the grounds therefore. Within ten days following receipt of the written appeal, the fire chief shall review the order or ruling and issue his written decision thereon, unless the review period is extended by mutual agreement of the parties.

(2) Any decision by the fire chief may be appealed to the building and fire code board of appeals, described hereafter as the "board". Such appeals shall be taken within ten days from the date of the order or other ruling appealed, by filing with the secretary of the board a written notice of appeal setting forth the grounds therefore. Before the board is called, the appellant shall pay a fee of $75.00, payable to the city treasurer.

(3) An appeal to the fire chief or to the board stays all enforcement of determination from which the appeal is being taken.

Sec. 26-109. Violations.

Sec. 26-109.4. Violation penalties.

Any person, firm, corporation, partnership, association, organization or governmental agency who shall violate any provision of this code or shall fail to comply with any requirements thereof shall be deemed guilty of an ordinance violation, punishable by a fine of not more than $ 1,000.00 or by imprisonment of not more than 180 days or both such fine and imprisonment. Each and every day or portion thereof during which any violation of the provisions of this code is committed, continued or permitted shall be deemed a separate offense.

Sec. 26-109.4.2. Appropriate action.

The imposition of penalties herein prescribed shall not preclude the city attorney from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate a violation or prevent the occupancy of a building or portion thereof, or of the premises, or to prevent an illegal act, conduct of business of illegal use in or about the premises.

Sec. 26-109.5. Parking Enforcement.

(a) No driver of a vehicle shall stop, stand, park, or cause to be placed or leave such vehicle in any marked fire lane except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control signal.

(b) Violation of this section shall be punishable by a fine of $50.00. The offending vehicle may be towed, at the owner's expense, if such vehicle is not moved within a reasonable time or is a serious obstruction to the fire lane.

Section 26-111.4. 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 liable to a fine of not more than $ 1,000.00 or by imprisonment of not more than 180 days or both such fine and imprisonment.

Sec. 202. General Definitions

The following terms or words are added to section 202:

Security smoke system is thermally generated white smoke specifically used as a security measure.

Sec. 26-307. Open burning, Recreational Fires and Portable Outdoor Fireplaces.

Sec. 26-307.1.1. Prohibited open burning.

Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The code official is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation.

Sec. 26-307.2.2. Notification.

Prior to commencement of open burning the fire department shall be notified of the location and expected time such burning may take place.

Sec. 307.4.1. Bonfires. Section 307.4.1 is deleted.

Sec. 26-307.6. Rubbish burning.

(a) It shall be unlawful for any person, firm, corporation, partnership, association, organization or governmental agency, properly regulated by the City to burn or cause to be burned any bonfire, nor shall any such person or entity dispose of rubbish by open burning, or cause, allow or permit open burning of rubbish, trash or yard waste.

(b) Exceptions to Subsection (1) of this section above:

(1) Permissible if a permit has been issued pursuant to section 105.6.30 of the code.

(2) Warming barrels shall be permitted during daylight at a construction or demolition site, provided each site shall be limited to two barrels, not exceed 55 gallons, and further provided that no warming barrel shall be used when the local temperature is 50 degrees Fahrenheit or above. Combustible materials to be burnt, shall be clean wood with no chemicals, paints or varnish that have been applied. Combustible material shall not be allowed to extend outside the confines of the warming barrel. Material which emits excessive smoke or noxious fumes is prohibited from use in warming barrels.

(3) Fires used for recreational purposes, or fires used for the noncommercial preparation of food such as a barbecuing, shall be in accordance with sections 26-307 and 26-308.

(4) Fires used for training if granted joint approval of the chief and the director of health.

(5) The Fire chief or fire code official may prohibit issuance of any or all burning permits, or suspend previously issued permits, when atmospheric conditions or circumstances may render such fires hazardous.

Sec. 26-307.7. Incendiary.

It shall be unlawful for any person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the City to deliberately, maliciously or negligently kindle or cause to be kindles a fire upon his/her property or the property of another for the purpose of fraud, spite, revenge, vandalism, or for any reason that may endanger public health safety or cause loss of life or property, or endanger the personnel assigned to respond.

Sec. 26-307.8. Government Exemption.

Any agency of the federal government or the state of Missouri, or of a political subdivision of Missouri shall not be required to obtain the open burning permit required pursuant to section 26-105, if the agency provides the chief or fire code official with written notice of the date, location and manner of the open burning at least ten (10) calendar days prior to such burning.

Sec. 26-307.1.5. Discontinuance.

The chief is authorized to require that recreational fires shall be immediately discontinued if such fires are determined by the chief to constitute a hazardous or objectionable condition due to smoke or emissions.

Recreational fires shall be constantly attended by a person knowledgeable in the use of fire extinguishing equipment required by this section. An attendant shall supervise a recreational fire until such fire has been extinguished.

Sec. 307.4.3. Portable outdoor fireplaces.

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

Exceptions:

1. Structures containing 4 or less dwelling units.

2. Where buildings, balconies and decks are protected by an automatic fire sprinkler system throughout.

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound LP-gas capacity].

4. Cooking devices plumbed to a natural gas supply.

Sec. 308.1.4. Open-flame cooking devices.

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

1. Structures containing 4 or less dwelling units.

2. Where buildings, balconies and decks are protected by an automatic fire sprinkler system throughout.

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound LP-gas capacity].

4. Cooking devices plumbed to a natural gas supply.

Sec. 26- 319. Fire Performance Art

Sec. 26-319.1. General.

The term "Fire performance art" shall be defined as any act (fire juggling, fire eating, etc.) in a public or private place, which utilizes fire for entertainment purposes, outside of a protective housing or in ways in which it travels through the air (by one

person or multiple persons). These acts do not include pyrotechnics or other open flame devices as regulated by other code sections or permits.

Sec. 26-319.2. Permits.

An operational permit in accordance with Section 105.6 shall be secured from the fire code official prior to the date of the fire performance art taking place.

Sec. 26-319.3. Space Considerations.

A ten (10) foot distance shall be maintained between the fire-involved item and the any member of an audience, any combustible decoration/construction, and any combustible item within the immediate performance area. A minimum ten (10) foot ceiling height is required.

Sec. 26-319.4. Extinguishing Agents.

At minimum, one (1) 2A-10BC multipurpose fire extinguisher shall be required for every five (5) performers at each performance. Additional fire extinguishers may be required by the fire code official based upon the unique circumstances of the performance and occupancy.

Sec. 26-319.4.1.

One (1) wet towel for each active fire performer shall be provided to extinguish the fire implement. The towel shall be white in color to differentiate its use from other colors that may be used to clean up flammable or combustible liquid spills. Towels use for cleaning up flammable or combustible liquid spills shall be stored in an approved metal container with a tight fitting lid.

Sec. 26-319.4.2.

One (10) listed fire blanket shall be provided for every five (5) performers.

Sec. 26-319.5. Personal Safety.

A five (5) gallon open-topped bucket of water will be provided for each fire performance area.

Sec. 26-319.5.1. Spotter.

One (1) trained spotter shall be provided for each performance. The spotter shall be positioned between the active fire performer and the audience. Spotter should be trained in the proper use of fire extinguishers. The spotter may be a performer who is not engaged in the current performance. The fire code official may require additional spotters based on the unique circumstances of the performance and occupancy.

Sec. 26-319.6. Fuels.

Approved common fuels used for fire performance art include: denatured alcohol; lamp oil (odorless and smokeless); kerosene (for outdoor performances only); stove fuel; "Shell Sol T" brand fuel; "Allume Fue" brand fuel; "Fire Water" brand fuel. Gasoline is prohibited under any circumstances.

Sec. 26-319.6.1. Fuel Quantities and Storage.

All fuels shall be stored in their original container(s) with the caps in place when not in use. The maximum quantity of fuel on site shall be no more than one (1) US gallon per performer.

Sec. 26-319.7. Wicks.

Wick material shall consist of cotton wrapped in Kevlar to prevent the breakdown of the cotton as it burns. All synthetic wick material shall be avoided.

Sec. 26-319.8. Clothing.

It is recommended that the clothing worn by the performers be made of fire resistive materials such as natural fibers or Nomex/PBI.

Sec. 26-319.9. Smoking.

Smoking is prohibited within fifty (50) feet of the performance area and fuel storage. No smoking signs shall be posted accordingly.

Sec. 26-319.10. Bond or Insurance policy required; Amount.

Before an operational permit shall be issued for a fire performance art, the applicant shall have on file with the director of finance a certification on insurance or copy thereof, with a company acceptable to the director of finance and approved as to by the city attorney, stating that the applicant has in effect liability insurance in the amount acceptable to the director of finance, but in no event less than $500,000.00 combined single limit for bodily injury and property damage. In addition, the certificate of insurance shall state that the City of Kansas City is an additional insured and that a mandatory ten-day notice of material change or cancellation may be given to the City. The certificate of insurance shall evidence coverage afforded for any and all fire performance art event which are presented by or for the named insured (applicant) during the period.

Sec. 26-403. Public Assemblages and Events.

Sec. 26-403.1.2. Standby personnel, Fireguards.

When, in the opinion of the chief, or fire code official it is essential for public safety in any place of assembly or other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent, or lessee shall have one or more experienced on-duty firefighters, as required and approved by the chief, to be on duty at such place as a fireguard. A firefighter performing fireguard duties shall be subject to the supervision of the fire prevention division. The firefighter shall be in proper uniform and remain on duty during the times such place is open to the public, or when such performance, display, contest or activity is being conducted. Before each such performance, display, contest or activity, the firefighter shall inspect the premises of such place for compliance with the fire prevention code, and shall keep diligent watch for fire during the time such performance, display, contest or activity is being conducted and take prompt measure for extinguishment of fires that may occur. Firefighters shall not be required or permitted, while on duty, to perform any other activity than that of a fireguard.

Sec. 26-403.1.3. Compensation

When a firefighter is required by the chief or the fire code official to be on fireguard duty at such place of assembly, the person in charge of the assembly shall compensate the City at the equivalent of the prevailing fireguard wage rate, per hour for a minimum of four hours, per fireguard.

Sec. 26-503. Fire Apparatus Access Road.

Sec. 26-503.3.1. Fire lane marking.

Curbs or specific area designated by the chief or his/her designee shall be painted yellow, from the bottom curvature of the curb where it blends with the driving surface to the point at the top where the curb blends with the side walk for the entire length of the curb. In the absent of curb or side walk, an area specified by the fire chief or his/her designee shall, consist of a ten inch (10) wide yellow painted strip.

507.5.1.1 Hydrant for Fire Department Connections (FDC).

Buildings equipped with a Fire Department Connection (FDC) installed in accordance with Section 912 shall have a fire hydrant within 100 feet of the fire department connections.
Exceptions:

1. The distance shall be permitted to exceed 100 feet where *approved* by the *fire code official.*

2. Existing buildings.

Sec. 26-507.5.3.1. Color of Private Fire Hydrants

All private fire hydrants shall be painted yellow with the bonnet or dome of the private fire hydrant designating the water main size using the color code below:
Red – Hydrant is connected to a 4" or less diameter water main
Black – Hydrant is connected to a 6" to 10" diameter water main
Green – Hydrant is connected to at least a 12" diameter water main

Sec. 26-507.5.5. Clear space around hydrants.

A five-foot (5) clear space shall be maintained around the circumference of fire hydrants except as otherwise required of approved by the chief or fire code official.

Sec. 26.508.5.6. Protection of fire-protection equipment and fire hydrants.

Fire hydrants and fire-protection equipment shall be protected by utility or other owners from anticipated vehicular damage using reasonable protection methods as determined by the chief.

Sec. 26-510.3. Permit Required.

Section 510.3 is hereby deleted.

Sec. 26-601.3. Theft of or tampering with utility equipment or utility service.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Customer* means the person in whose name a utility service is provided.

(2) *Divert* means to change the intended course or path of electricity, water, gas, telephone, or other utility service without the authorization or consent of the utility.

(3) *Person* means any individual, partnership, firm, corporation or other association.

(4) *Reconnection* means the commencement of utility service other than by the utility company, to a customer or other person after service has been discontinued by the utility.

(5) *Tamper* means to rearrange, damage, injure, destroy, alter, interfere with or otherwise prevent from performing a normal or customary function.

(6) *Utility service* means the provision of electricity, water, gas, telephone or other utility service.

(b) *Unlawful acts.* It shall be unlawful for any person to commit, authorize, solicit, aid, abet or attempt any of the following acts:

(1) Divert, or cause to be diverted, utility service by any means whatsoever.

(2) Make, or cause to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility.

(3) Prevent any utility meter, or other device used in determining the charge for utility service, from accurately performing its measuring function by tampering or by any other means.

(4) Tamper with any property owned or used by the utility company to provide utility service.

(5) Use or receive the direct benefit of all, or a portion, of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use, or that the use or receipt was without the authorization or consent of the utility.

(6) Advertise, manufacture, distribute, sell, use, rent or offer for sale, rental or use any device of any description, or any plan or kit, designed to obtain utility service, in violation of this section.

(7) Obtain utility service by means of false representations, or fraudulent or deceptive actions, designed to avoid the payment of any outstanding lawful charges for any utility service.

(8) Avoid the lawful charges, in whole or in part, for any utility service, by the use of any fraudulent or deceptive scheme, device, means or method.

(c) *Evidence of violation.* It is prima facie evidence that a violation of this section exists if, on the premises controlled by the customer or by the person using or receiving the direct benefit of utility service, there is either or any of the following:

(1) Any instrument, apparatus or device primarily designed to be used to obtain utility service without paying the full lawful charge therefor.

(2) Any utility equipment that has been altered, tampered with or bypassed so as to cause no measurement or inaccurate measurement of utility service.

(3) Any utility equipment that has been altered, tampered with or bypassed so as to cause the utility services to be diverted to another location or address.

Sec. 26-605. Electrical Equipment, Wiring and Hazards.

Sec. 26-605.12. Protection of electrical equipment.

Electrical equipment subject to damage shall be protected by a barrier complying with section 312 or otherwise protected in an approved manner.

Sec. 26-901. General

Sec. 26-901.6.3. Fire Protection System Inspections.

Personnel performing required inspections of fire protection systems shall meet qualifications in accordance with this code, any referenced codes/standards and the building code and shall be approved by the chief .

All fire protection system inspections shall be submitted electronically to the Fire Marshal's Office using an approved vendor.

Sec. 26-901.6.4. Portable Fire Extinguisher Inspections.

Personnel performing required servicing of portable fire extinguishers shall be certified portable fire extinguisher technicians through the International Code Council/National Association of Fire Equipment Distributors or other recognized national certification program, meet qualifications in accordance with this code and shall be approved by the Chief.

Sec. 26-901.9 10. Fire alarm reporting when premises are not monitored.

Whenever a fire alarm sounds in or upon a premises, which are not monitored by a central or remote station, or proprietary alarm signaling system, the owner or occupant shall without delay report such alarm to the fire department.

Sec. 26-901.11. Security smoke system registration.

Occupancies which have an active security smoke system shall annually register with the Fire Prevention Division of the Fire Department.

Sec. 26-907. Fire Alarm and Detection Systems.

Sec. 26-907.6.5.3. Remote monitoring stations

As of January 1, 2018, all supervisory station monitoring services shall be provided by a listed provider.

Sec. 26-907.9.1. Group R Occupancy requirements.

In addition to the requirements set forth in this code, operable smoke alarms shall be provided in all new and existing single-family dwellings, two-family dwellings, apartment houses, guest rooms used for sleeping purposes in lodging houses and hotels, in locations as follows:

(1) In dwelling units, except efficiency dwelling units, an operable smoke alarm shall be mounted on ceilings or wall at a point centrally located in a corridor or another area giving access to rooms used for sleeping purposes unless the manufacturer's instructions provide otherwise, then in accordance with those instructions.

(2) In efficiency dwelling units, lodging house sleeping rooms, hotel's sleeping rooms or suites, a working smoke alarm shall be centrally located on the ceiling of the main room or hotel sleeping room. Where sleeping rooms are on the upper level, an operable smoke alarm shall be placed near the center of the ceiling directly above the stairway serving such upper level unless the manufacturer's instructions provide otherwise, then in accordance with those instructions.

(3) All working smoke alarms shall be listed and located in accordance with approved manufacturer's instructions. When actuated, the alarms shall provide an alarm in the dwelling or guest room.

Sec. 26-907.9.2. Duties.

(a) It shall be the duty of the owner of every building regulated by this section to provide an approved operable fire warning system.

(b) It shall be the duty of the owner of every lodging house, hotel and every vacant dwelling unit within every partially occupied dwelling and apartment house regulated by this section to maintain an operable fire warning system.

(c) It shall be the duty of the occupant of every dwelling and apartment house regulated by this section to maintain an operable smoke alarm within their dwelling unit provided as part of the buildings fire warning system.

Sec. 26-907.10. Fire alarm reporting when premises are not monitored.

Whenever a fire alarm sounds in or upon a premise, which are not monitored by a central or remote station, or proprietary alarm signaling system, the owner or occupant shall without delay report such alarm to the fire department.

Sec 26-907.11. False alarm.

It shall be unlawful for any person to use a fire alarm signaling system, which reports, or causes to report, five or more false alarms within any calendar year. For the purposes of this section, false alarm is defined as a fire alarm signal eliciting a response by the fire department when a situation requiring an immediate response does not in fact exist. An alarm shall not be considered a false alarm if it is determined that the alarm was caused by:

(1) A natural or manmade catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes, riots or other similarly violent conditions.

(2) Vandalism causing physical damage to the premises.

(3) Telephone outage.

(4) Severe weather causing physical damage to the premises.

(5) The test of local alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds and when the fire department's communications center has been notified of the test.

Sec. 26-907.11.1. Notification.

A person charged by the fire department for initiating a false alarm shall be notified in writing of each false alarm determination.

Sec. 26-907.11.2. Review of alarm determination.

The fire prevention division shall, when requested, review the determination that an alarm was false. Such review may be granted only if the person requests such a procedure within fifteen days of the notice of false alarm determination. A request for determination by the fire prevention division shall include at least the following:

(1) The person's name;

(2) The address at which the alarm is installed;

(3) The date of the alarm signal being contested; and

(4) The facts upon which the request for a determination is made.

Sec. 26-907.11.3. False alarm penalties.

Any person determined of using an alarm system, which reports or causes to report three or more false alarm within a calendar year shall become a certificated fire alarm system by Underwriters Laboratories (UL).

In addition to becoming certificated, the person will be fined in accordance with the following schedule:

(1) First offense- Fifth false alarm $25.00

(2) Second offense-Sixth false alarm $50.00

(3) Third offense-Seventh false alarm.. $75.00

(4) Fourth offense-Eighth false alarm.. $100.00

(5) Fifth offense-Ninth false alarm $125.00

(6) Upon the sixth offense-Tenth false alarm and of any other subsequent offenses-for each subsequent false alarm. $250.00

Sec. 26-907.11.4. Separate offenses.

Each day, or any portion of a day, of violation of any provision of this chapter shall constitute a separate offense.

Sec. 26-907.11.5. Mail-in fine.

Persons who do not request a review of a false alarm determination may avoid a court appearance by mailing to fire prevention division within ten days of receipt of the notice of the determination the proper amount of fine as set forth in the above penalty schedule.

Sec. 26-1103.1 is hereby deleted.

Sec. 26-1103.2.1. Emergency responder radio coverage in existing underground buildings.

Existing underground buildings that do not have approved radio coverage for emergency responders within the underground building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building, shall be equipped with such coverage according to one of the following:

(1) Whenever an existing wired communication system cannot be repaired or is being replaced or when not approved in accordance with Section 510.1, Exception 1.

(2) By January 1, 2018, or within a time frame otherwise established by the adopting authority.

Exception:

Where it is determined by the fire code official that the radio coverage system is not needed.

Section 26-1103.2.2. Key boxes for nonstandardized fire service elevator keys in existing buildings.

By January 1, 2017, key boxes shall be provided for nonstandardized fire service elevator keys within existing buildings as specified in section 506.1.2.

Sections 26-1103.3 through 26-1105.1.2 are hereby deleted.

Sec. 26-5003.3.2. Hazardous Material Spills or Discharge.

(a) Provisions shall be made for containing of neutralizing spills or leakage of hazardous materials which may occur during storage, handling, transportation or use.

(b) Any person or corporation involved in a hazardous materials incident and required to report a spill, leakage or discharge to the Missouri Department of Natural Resources pursuant to state law shall pay the costs expended by the fire department in responding to such hazardous materials incident. Such costs shall be determined pursuant to a cost recovery menu form containing items customarily required at a hazardous materials incident and the reasonable costs of such items. The cost recovery menu form shall be designed and promulgated pursuant to fire department regulation and shall be filled out and completed at the scene of the hazardous materials incident or as soon thereafter as practicable.

Sec. 5003.5.2. Hazardous Material Signage Responsibility.

The owner, operator or manager of any premises involved in manufacture, storage, transportation or use of hazardous materials is responsible for the completion of the hazardous evaluation and posting of a placard at each entrance to such premises, publishing the properly coded hazard warnings in accordance with the standards and guidelines appearing in the National Fire Protection Association technical publications and material safety data sheets.

Sec. 26-5601. Explosives and Fireworks, General.

Sec. 26-5604. Explosive Materials, Storage and Handling.

Sec. 26-5604.7.10. Magazine fence.

All magazines shall be fenced with a chain linked fence, eight feet in height, with barbed wire or razor wire attached to the top and shall be surrounded by a berm approved by the chief.

Sec. 26-5605. Manufacture, Assembly and Testing of Explosives, Explosive Material and Fireworks.

Sec. 26-5605.1. Manufacturing.

The manufacturing of fireworks is prohibited except under special permits as required by local and state regulations.

Sec. 26-5607. Blasting.

Section 26-5607 has been preempted by the Missouri Blasting Safety Act and is therefore deleted from the code

Sec. 26-5607.1. Notice; preemption.

(a) Any person using explosives who conducts blasting in the city that is required to provide notice to an appropriate city representative and fire protection official pursuant to RSMo § 319.342, shall provide such notice to the fire marshal.

(b) Notice shall be given at least two business days in advance of blasting in writing or by telephone.

(c) The notice required by this section shall state the name, address, and telephone number of the person using explosives, the name of the individual responsible for supervision of blasting, the blasters license or registration number, if applicable, the policy number and claims contact information for their general liability insurance, the date and approximate period over which blasting will be conducted, the location of blasting by street address, route, or other description, and the nature of the project or reason for blasting.

(d) If blasting will be conducted at an ongoing project, such as a long term construction project, or at a permanent site, such as a surface mine, the person using explosives shall only be required to make one notice to the fire marshal in advance of the first use of explosives.

(e) No notice is required to be given for ongoing projects or permanent sites in existence on August 28, 2007.

(f) A fee in the amount of $70.00 shall be assessed to cover processing and recording-keeping of the notice.

(g) The city manager shall have the authority to adjust the fee listed above to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

(h) The provisions of section 26-5607, with the exception of the above provisions, have been preempted by the Missouri Blasting Safely Act, codified in RSMo §§ 319.300 through 319.345, and are therefore deleted from this code.

Sec. 26-5608. Firework Display Permits.

Sec. 26-5608.2. Permit; Application.

(a) Filing an application for a permit for a public exhibition or display of fireworks shall file with the commissioner of licenses a written application, in triplicate, duly subscribed and sworn by the applicant.

(b) Contents. Such application shall set forth the following:

(1) The name of the association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the firing or discharging of the display.

(2) The date and time of day at which the display is to be held.

(3) The exact location planned for the displayed.

(4) A description setting forth the age, experience, Missouri license, address of their residence or place of business, and physical characteristics of the persons who are actual firing and discharging of the fireworks.

(5) The number, type and kind of fireworks to be discharged.

(6) The manner and place of the storage of such fireworks between the date of purchase and date of display.

(7) A diagram or sketch of the ground on which the display is to be held, showing the point at which the fireworks are to be discharged, the location

of all buildings, streets and other lines of communication, the lines behind which the public may be restrained, and the location to all nearby trees, telegraph and telephone line of other overhead obstructions.

Sec. 26-5608.2.3. Display; Permits for public display by pyrotechnic expert generally.

Fireworks may be sold for use by Missouri licensed pyrotechnic experts experienced in public exhibition or display of fireworks, provided the person desiring to purchase such articles of fireworks shall exhibit to and file with the seller a permit, or a copy thereof, issued by the director of finance.

Sec. 26-5608.11. Pyrotechnic special effects material.

A permit is required to manufacture, compounds, store or use pyrotechnic special material. A permit for use shall be granted only to a Missouri licensed pyrotechnic operator.

Sec. 26-5608.12. Investigation and approval by Director of Fire Department; Fee.

An application for permit for public exhibition for fireworks shall be filed with the director of finance, with a copy sent to the fire chief, at least ten days before the date set for display. The fire chief shall make or cause to be made an investigation of the site of the proposed display and investigate the competence and skill of the person to be in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this chapter, the chief shall so advise the director of finance. No permit shall be issued unless approved in writing by the chief and director of finance. The applicant for a permit shall at the time of filing the application pay the director of finance a fee of $10.00 which sum shall be refunded in the event the application for such permit is denied.

Sec. 26-5608.13. Displays.

Fireworks displays shall be in accordance with section 5608 of the code. Only Division 1.3G, Division 1.4G and Division 1.4S fireworks are allowed to be used.

Sec. 26-5608.14. Operators at public display; Fire watch.

There shall be at least two able-bodied persons at least 21 years of age on duty at all times during a public fireworks display. The two persons shall be in actual charge of the discharging of the fireworks and shall be competent for the task.

(1) Distance restrictions. A public display of fireworks shall be permitted only when the actual point at which the fireworks are to be fired is at least 200 feet from the nearest permanent building, public street or railroad or other

means of travel, or 50 feet from the nearest aboveground telephone or telegraph line, tree or other overhead obstruction.

(2) Location of audience. The audience at a public display of fireworks shall be restrained behind lines at least 150 feet from the point at which the fireworks are to be discharged, and only persons in active charge of the display shall be allowed inside these line.

(3) Firing projectile. All fireworks that fire a projectile shall go into the air as nearly as possible at an angle of not more than 25 degrees from vertical and directed away from the spectators, provided that where such fireworks are to be fired beside a lake of other large body of water they may be directed in such a manner that the falling residue from the deflagration shall fall into such body of water.

(4) Unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

(5) Prohibited in windstorms. No fireworks display shall be held during a windstorm in which the wind reaches a velocity of more than 20 miles per hour. In such cases, the chief may authorize the display at future date suitable to the group holding the display.

(6) Fire extinguishers at public display. At a public display of fireworks, at least two extinguishers of at least 2.5 gallon capacity each shall be available to extinguish any class A type fires. The extinguisher shall be kept at as widely separated points as possible within the actual area in which the discharge is being done.

(7) Storage of Class I and Class II liquids. Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited if such liquids are being dispensed to or by the public.

Sec. 26-5608.15. Bond or Insurance policy required; Amount.

Before a permit shall be issued for a public exhibition or display of fireworks, the applicant shall have on file with the director of finance a certification on insurance or copy thereof, with a company acceptable to the director of finance and approved as to by the city attorney, stating that the applicant has in effect liability insurance in the amount acceptable to the director of finance, but in no event less than $500,000.00 combined single limit for bodily injury and property damage. In addition, the certificate of insurance shall state that the City of Kansas City is an additional insured and that a mandatory ten-day notice of material change or cancellation may be given to the City. The certificate of insurance shall evidence coverage afforded for any and all displays which are presented by or for the named insured (applicant) during the period.

Sec. 26-5608.16. Prohibition of Fireworks.

Sec. 26-5608.16.1. Sale, use and possessing; definition.

(a) Except as hereinafter provided, it shall be unlawful for any person to possess, keep, store, offer for sale, expose for sale, sell at retail, use or explode any fireworks in the City.

(b) For the purposes of this section, the term fireworks shall mean and include any combustible or explosive composition, or any substances or combination of substances, or article prepared for the purposes of producing a visible or an audible effect by combustion or explosion, in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, sparklers or other fireworks of like construction, and any fireworks containing explosive or flammable compound, or any tablets or other devices regulated by the US Department of Transportation as a regulated firework.

Sec. 26-5608.16.2. Exemptions.

Nothing in this article shall be construed as prohibiting any resident wholesaler, dealer or jobber from carrying on or about his person or selling at wholesale such fireworks as are not herein prohibited, nor from carrying on or about his person or selling any kind of fireworks, provided the same are to be shipped directly out of the City in accordance with Interstate Commerce Commission regulations governing the transportation of explosives and other dangerous articles by motor, rail or water; nor as prohibiting the carry on or about the person or use of fireworks in a public exhibition by pyrotechnic experts as hereinbefore authorized; nor as prohibiting the manufacture, storage, carrying on or about the person or use of signals, fuses or fireworks necessary for the safe operation or the railroad, trucks, aircraft or other instrumentalities of transportation, or of blank pistols for show or theater, or for signals or ceremonial purposes in athletics or sports, or for us by military organizations.

Approved as to form and legality:

Alan Holtkamp
Assistant City Attorney

Authenticated as Passed

Sly James, Mayor

Marilyn Sanders, City Clerk

JUN 27 2019

Date Passed