

(Summary Publish in the Leavenworth Times on May 1, 2020)

ORDINANCE NO. 8125

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE CODE, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 20, Fire Prevention and Protection, Article II, Fire Code, is hereby deleted in its entirety and amended to read as follows:

ARTICLE III. FIRE CODE

DIVISION 1. INTERNATIONAL FIRE CODE

Sec. 20-52. International fire code adopted.

The city has adopted the International Code Council (ICC) International Fire Code, 2018 edition, including appendices B, C, D, H and I published by the International Code Council, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Sec. 20-53. Amendments to adopted fire code.

The following amendments shall be made to the International Fire Code, 2018 edition adopted in section 20-52:

Chapter 1 Scope and Administration.

Section 101 General

101.1 *Title.* Shall be amended as follows: These regulations shall be known as the Fire Code of Leavenworth, Kansas; hereinafter referred to as "this code."

101.6 *Extra-territorial jurisdiction (ETJ).* Shall be added as follows: Nothing in this code shall be construed as limiting the application and enforcement of this code in areas such as the Extra-Territorial Jurisdiction (ETJ) of the city as may be allowed by local, state, or federal laws, ordinances, or codes.

Section 105 Permits.

105.6 Required operational permits. Shall be amended as follows: The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.4 Carnivals and fairs, 105.6.14 Explosives, 105.6.30 Mobile food preparation vehicles and 105.6.32 Open burning. All other subsections of 105.6 are omitted.

105.7 Required construction permits. Shall be amended as follows: The building code and/or fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.25.

Section 109 Board of appeals.

109.1 General. Shall be amended as follows: Appeals under this article shall be the same as provided in section 10-61. Section

109.2 Limitations of authority and *Section 109.3 Qualifications* shall be deleted.

Section 110 Violations.

110.4 Violation penalties. Shall be amended as follows: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 112 Stop work order.

112.4 Failure to comply. Shall be amended as follows: 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 less than \$50.00 or more than \$2,000.00.

Chapter 3 General requirements.

Section 307 Open burning, recreational fires and portable outdoor fireplaces.

307.1.1 Prohibited open burning. Shall be amended as follows: Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous.

Exceptions:

1. Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

2. The burning of debris resulting from municipal operations, disaster, or declared emergency is allowed by city personnel or their designee on city owned or controlled property when authorized by the fire chief or designee.

307.1.2 Nature of materials being burned. Shall be added as follows: Open burning is limited to natural and ordinary combustible materials. The burning of heavy smoke producing materials, including leaves, is prohibited. No processed or demolition debris construction wood products shall be burned.

307.3 Extinguishment authority. Shall be amended as follows: When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, or a nuisance is created as identified by local ordinance, the fire code official is authorized to order the extinguishment of the open burning operation.

307.4 Location. Shall be amended as follows: The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.
3. Air curtain open pit destructor burning shall meet requirements set forth in local ordinance.

307.4.1 Bonfires. Shall be amended as follows: *307.4.1 Ceremonial Bonfires.* A ceremonial bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition. Maximum pile size shall be 6 feet (1828 mm) in diameter and 4 feet (1219 mm) in height. A separation trench or barrier such as bricks or stones shall surround the burn pile.

307.4.2 Recreational fires. Shall be amended as follows: Recreational/camp fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Maximum pile size shall be 3 feet (914 mm) in diameter and 2 feet (610 mm) in height.

Section 308, Open flames.

308.1.4 Open-flame cooking devices. Shall be amended as follows: Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One-and two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

Section 310 Smoking.

310.7.1 Smoking receptacles required. Shall be added as follows: Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarded smoking material in locations approved by the authorizing jurisdiction.

Chapter 5 Fire service features.

Section 501 General.

501.3.1 Code footprint. Shall be added as follows: A code footprint shall be submitted to the fire department for review as required per Kansas Administrative Regulation and Kansas Statute.

Section 503 Fire apparatus access roads.

503.2.3 Surface. Shall be amended as follows: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be concrete or asphalt surfaced so as to provide all-weather driving capabilities.

Chapter 9 Fire protection and life safety systems.

Section 903, Automatic sprinkler systems.

903.2.8 Group R. Shall be amended as follows adding the exception: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: One- or two-family dwellings as identified and exempted per Kansas Statute.

903.4.2 Alarms. Shall be amended as follows: An approved audio/visual alarm device shall be connected to every automatic sprinkler system. Such sprinkler system waterflow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 906 Portable fire extinguishers.

906.1 Where required. Shall be amended as follows: Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A; 10-B:C and each exit discharge serving more than one dwelling unit is provided with a portable fire extinguisher having a minimum rating of 2-A; 10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B:C.
3. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or combustible liquids are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
6. Where required by the sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms. Where required by the fire code official.

Section 912 Fire department connections.

912.3 Fire hose threads. Shall be amended as follows: Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. Fire department connections shall be 4 inch Stortz with a 30-degree turn-down.

912.4 Access. Shall be amended as follows: Immediate access to fire department connections shall be no less than 36 inches in width and maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable objects. Access to fire department connections shall be approved by the fire code official.

Chapter 11 Construction requirements for existing buildings.

Chapter 11, Construction Requirements. Shall be omitted **except** for Sections 1103.8 through 1103.9

Chapter 56 Explosives and fireworks.

5601.2.4 Financial responsibility. Shall be amended as follows: Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount or the current amount identified by local ordinance, for the purpose of the payment of all damages to persons or property

that arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

5601.2.4.2 Fireworks display. Shall be amended as follows: The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the City of Leavenworth for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

Chapter 57 Flammable and combustible liquids.

5704.2.9.6.1 Location where above-ground tanks are prohibited. Shall be amended as follows: Storage of flammable or combustible liquids in outside above-ground tanks is prohibited in any residential, commercial, or M-1 zoning district.

5704.2.13.1.3 Out of service for one year. Shall be amended as follows: Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14.

5704.2.13.1.4 Tanks abandoned in place. Shall be deleted.

5706.2.4.4 Locations where above-ground tanks are prohibited. Shall be amended as follows: The storage of Class I and II liquids in above-ground tanks is prohibited in any residential, commercial, or M-1 zoning district.

Chapter 58, Flammable gasses and flammable cryogenic fluids.

5806.2 Limitations. Shall be amended as follows: Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any residential, commercial, or M-1 zoning district.

Chapter 61, Liquefied petroleum gases.

6104.2 Maximum capacity within established limits. Shall be amended as follows: Storage of liquefied petroleum gas is restricted in any residential or commercial zoning district.

Appendix D

D103.1 Access road width with a hydrant. Shall be deleted.

D107.1 One-or two-family dwelling residential developments. Shall be amended as follows: Developments of one- or two-family dwellings where the number of dwelling units exceeds 40 shall be provided with two separate and approved fire apparatus access roads.

Exemptions:

1. Deleted.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will be connected with future development as determined by city planners and code officials and approved by the city commission.

DIVISION 2. ADDITIONAL LOCAL FIRE CODES

Sec. 20-54. Regulations for the use of air curtain open pit destructors.

- (a) *Generally.* Permit applications for the burning of land clearing debris, including trees, brush and vegetation only shall normally be considered as being necessary and in the public interest, providing that an air curtain open pit destructor of suitable design and capacity is used to accomplish the burning and, further, providing that such a device is installed, maintained and operated at maximum efficiency. Each such application, however, shall be considered individually upon its merits and the fire chief or his designee may decide that other factors require that such permit applications be denied.
- (b) *Burning permits.* Air curtain open pit destructors can only be used to burn trees and brush. They cannot be used to burn construction waste, demolition debris or other waste material. Any person intending to use an air curtain open pit destructor to burn trees or brush must apply to the fire department at least three working days prior to the intended start date.
 - (1) The application must include a site plan, including distances to the nearest structures and the location of the pit.
 - (2) The fire chief or his designee shall make the decision to require a fire to be extinguished if complaint is received.
 - (3) No permit shall be issued for a site that is less than 500 feet from an inhabited structure nor less than 250 feet from a vacant structure.
 - (4) Burning shall only be allowed on days when the cloud cover does not exceed a factor of 0.7 in accordance with National Weather Bureau Standards.
 - (5) Burning shall only be allowed on days when the wind speed is less than 15 mph, as determined by the fire chief or his designee.
 - (6) Burning shall be allowed between the hours of 8:00 a.m. and one-half hour before sunset. No materials shall be added to the pit less than two hours before sunset. Any material still burning one-half hour before sunset shall be extinguished by filling the pit with dirt or completely extinguishing with water.
 - (7) Each permit issued under this section shall be for a specified period of time not to exceed 30 days.
 - (8) A separate application and permit is required for each job site on which an air curtain open pit destructor is used. Each application is considered individually upon its merits. In addition to those factors discussed under subsection (a) of this section, other factors may require that a specific permit application be denied.

- (9) Each permit issued is accompanied by a copy of FDR-01-94, which contains required operating conditions and may include but may not be limited to the requirements and guidelines as set out in subsections (c) through (g) of this section.
 - (10) The fire department shall be notified each time the burner is going to be used by calling the number enclosed in the informational package.
- (c) *Design requirements.* Air curtain open pit destructors proposed for use in the city must meet the following design guidelines in order to accomplish minimum emission burning:
- (1) The pit should be the exact length of the nozzle-equipped air blowing plenum-manifold, less than ten feet across (preferably eight feet or less across), 12 feet or deeper, consistent with local soil conditions, and have all four sides smooth and vertical.
 - (2) The blower or fan selected should be capable of delivering an air velocity of at least 150 feet per second through nozzles designed to deliver a flat sheet or curtain of air blowing diagonally downward across the entire pit.
 - (3) Carefully examine the guideline diagram (on file with the city clerk) for pit construction and configuration of an air curtain open pit destructor.
- (d) *General operation.* Operations of air curtain open pit destructors shall be in accordance with the manufacturer's instructions and FDR-01-94; if there is a conflict, the manufacturer's instructions shall be followed.
- (1) Construction and placement of the pit as well as actual set-up of the air curtain open pit destructor itself must be approved by the fire chief or his designee before burning begins.
 - (2) The fire chief or his designee will also make spot check inspections during operation to ensure that everything possible is being done to minimize smoke and other emissions, that the operator is complying with all conditions of the permit, and that the burning is not causing a local nuisance or safety problem.
 - (3) Failure to comply with the terms of the permit or causing or contributing to significant nuisance, air pollution, or safety problems may compel revocation of the permit.
 - (4) Operator must do everything possible to minimize smoke, sparks and embers, fly ash and other emissions from the destructor. Extra care must be taken during start-up to minimize emissions. Trees and brush should be cut as long a time before burning as possible to maximize drying.
 - (5) Great care must also be taken when charging the pit to never overload. Newly added trees and brush must not pile or protrude so high that they break the air curtain.
 - (6) Periodic ash removal is essential to maintaining efficient combustion and minimizing air emissions. Ashes should not be allowed to build up in the pit to higher than one-third of the pit depth or to the point where they begin to impede combustion, whichever occurs first.
- (e) *Integrity of the pit.* If wear and tear, heat, or soil conditions cause significant crumbling or erosion of the pit walls, the fire chief or his designee may require the operator to cease burning until a new acceptable pit can be dug and approved.
- (f) *General safety requirements.* The operator must do everything possible to protect the safety of workers and the public.

- (1) To protect public safety, it is required that an effective, child-proof fence surround the combustion pit when unattended.
 - (2) To protect against potentially serious loader accidents, the pit should be dug in stable soil. Where necessary, earth anchors, backstays, or wire mesh should be used for additional support.
 - (3) A stop guide or restraining board is recommended at the loading side of the pit to prevent the loader from getting too close to the pit during charging operations.
- (g) *Additional requirements.* Fire department representatives may determine that additional operating or safety requirements are needed, based on conditions observed during inspections, public complaints, or other factors. Such additional requirements or restrictions shall become enforceable conditions of the burning permit.

Secs. 20-55—20-81. Reserved.

Section 2. REPEAL. Chapter 20, Fire Prevention and Protection, Article II, Fire Code, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 28th day of April 2020.

/s/ Myron J. "Mike" Griswold
Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

/s/ Carla K. Williamson
Carla K. Williamson, CMC, City Clerk