

**CHAPTER VII
FIRE**

- Article 1. Fire Department
- Article 2. Fire Prevention
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**ARTICLE 1
FIRE DEPARTMENT**

7-101 CITY FIRE DEPARTMENT ESTABLISHED. The Volunteer Rescue Fire Department of the city duly incorporated under the laws of Kansas on November 19, 1889, shall consist of the Fire Chief, one assistant Fire Chief, and up to 15 members, exclusive of the honorary members, as the governing body may determine, but the members shall be elected by the fire department. (Code 1993, 10-201; Code 1999)

7-102 FIRE CHIEF; ASSISTANTS; APPOINTMENT; TERM; DUTIES. The Fire Chief shall be appointed by the mayor and confirmed by the council and shall hold office during the pleasure of the governing body. The Fire Chief shall, under the direction of the fire committee, have general charge and management of the Fire Department, and in the chief's absence the assistant Fire Chief on duty shall act as Chief. The Fire Chief, with approval of the fire committee, shall appoint such assistant Chiefs, captains and firefighters from the members of such fire department as the chief shall deem proper, who shall serve during the pleasure of such Fire Chief. (Code 1993, 10-202; Code 1999)

7-103 SUPERVISION OF DEPARTMENT. The Chief of the Fire Department shall be under the supervision of the Mayor and shall have immediate superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment. It shall be the Chief's duty to see that all such apparatus and equipment is ready at all times for immediate use. It shall also be the Chief's duty to submit a written report as to the condition of all fire apparatus and equipment to the governing body at their first meeting in October of each year. (Code 1999)

7-104 FIRE CHIEF; POWERS.

- (a) The Fire Chief shall be responsible for the discipline of the members and is hereby given authority to suspend or expel any member for refusal to obey orders or for misconduct or failure to do his or her duty at a fire.
- (b) The chief shall also have the right to summon any and all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof and in guarding the same.
- (c) At fires the chief shall have full power, control and command of all persons present and shall direct the use of the fire apparatus and equipment, and command the fire fighters in the discharge of their duties. He or she shall take such measures as he or she shall deem proper and necessary in the preservation and protection of property and extinguishing of fires. (Code 1993, 10-205; Code 1999)

7-105 SAME; RECORDS. The Chief of the Fire Department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how extinguished, value of building and contents, loss on building and contents, insurance on building, and contents, members responding to the alarm, and any other information deemed advisable. (Code 1999)

7-106 ASSISTANT CHIEF. In the absence of the chief, the assistant Fire Chief shall perform all the duties and have all the authority and responsibility of the chief as conferred by this chapter. (Code 1999)

7-107 MEMBERS; ELECTION; RULES; CONTROL. The members of the fire department as provided for herein shall be elected by the fire department and confirmed by the governing body and a member may at any time be suspended by the Chief for misconduct. The Fire Department may adopt such rules and regulations as may be found convenient for the conduct of its affairs subject always to the control and regulations of the governing body and to the authority vested by ordinance in the Chief. (Code 1993, 10-203)

7-108 FIRE APPARATUS; DRIVERS; FIREFIGHTER'S DUTIES. The Fire Department under its Chief and other officers shall have charge of the fire apparatus of the City and shall cause the same to be kept in the best manner for immediate use, and shall report with such apparatus to the place of any fire and manage the same under the officer or officers there in command, in the most efficient manner until such fire is extinguished, and shall return such apparatus in good order to its proper place, and no fire apparatus shall be loaned or removed from its proper place except on the orders of the Chief or assistant Chief, when acting as Chief in the absence of the Chief; provided, that the governing body may provide for competent fire truck drivers by employing members of the fire department or others not members as they shall deem fit and proper to obtain the best results, such fire truck drivers to be under the orders and subject to the authority of the Chief and other offices when driving to or from a fire and while at a fire, the same as if such fire truck drivers were members of such Fire Department. (Code 1993,10-204)

7-109 FIRE ALARM RUNS; PAY; REPORT; CLAIM; RECORDS; DISTRIBUTION
Members of the fire department, other than the full-time Fire Chief, shall in addition to other compensation, receive an amount which is established from time to time by the council as compensation for fire alarm runs. This additional compensation shall be payable only to off-duty fire department personnel and volunteers that actually make the alarm run. A monthly report of fire alarm runs and the names of those individuals making the runs shall be prepared by the secretary of the Fire Department and submitted to the governing body. Also, an itemized and verified claim voucher for the runs shall be filed with the Clerk. Payments for fire alarm runs shall be made monthly by the City to the Treasurer of the fire department, who shall keep an accurate record thereof. Distribution of such fire alarm pay shall be made on an annual basis during the month of December to the members of the Fire Department entitled thereto.

7-110 TRAINING SESSION ALLOWANCE. Members of the fire department, other than the full-time Fire Chief, shall in addition to other compensation, receive an amount which is established from time to time by the Council as compensation for each training session

conducted by the department. Each member must attend at least three quarters of all semi-monthly fire department meetings conducted during the year. Payments for training sessions shall be made monthly by the City to the Treasurer of the fire department, who shall keep an accurate record thereof. Distribution of such training session pay shall be made on an annual basis during the month of December to the members of the Fire Department entitled thereto. (Code 2007)

7-111 PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person or persons to take away or use any fire apparatus or equipment for any private purpose or for any person willfully and without proper authority to remove, take away, keep or conceal any tool, appliance, equipment or other article used in any way by the fire department. (Code 1999)

7-112 FIRE EQUIPMENT; EMERGENCY RIGHT-OF-WAY AND USE.

(a) All fire apparatus and equipment is hereby given and granted the exclusive right-of-way over and through all streets, avenues, alleys and public thoroughfares in the city while en route to fires or in response to any alarm, and it shall be unlawful for any person or persons to in any manner obstruct or hinder the apparatus or equipment.

(b) All emergency vehicles of the fire department, while proceeding on official business, shall be operated in strict accordance with the requirements of the Kansas Statutes regarding the operation of emergency vehicles, and each departmental member assigned to the operation of emergency vehicles shall familiarize himself or herself with the requirements of the law and govern himself or herself accordingly. Any operator violating the provisions of the state law shall be liable for disciplinary action. (Code 1999)

7-113 SAME; FIRE HOSE. It shall be unlawful for any person or persons to drive any vehicle over any fire hose laid on any street, alley or lot. This section shall not apply to any apparatus or vehicle being driven by members of the Fire Department. (Code 1993, 10-207; Code 1999)

7-114 OBSTRUCTION OF FIRE HYDRANT. It shall be unlawful for any person to place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character, or in any manner obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. Nor shall any person fasten to any fire hydrant any guy rope or brace, nor stand any vehicle within 15 feet of any such hydrant. It shall also be unlawful for any person to tamper with, damage, open or attempt to open any fire hydrant, fire plug, draw cock or hose pipe without authorization from the Fire Chief. (Code 1993, 10-208; Code 1999)

7-115 FALSE ALARM. It shall be unlawful for any person to knowingly make or sound or cause to be made or sounded, or by any other means, any false alarm. (Code 1999)

7-116 UNIFORMS FOR THE FULL TIME MEMBERS OF THE FIRE DEPARTMENT. Full-time firefighters shall be attired in uniforms furnished by the City. (Code 1993, 1-711)

7-117 MEDICAL EXAMINATION REQUIREMENTS FOR FULL-TIME MEMBERS OF THE FIRE DEPARTMENT. Full-time firefighters, employed by the City of Clay Center, shall undergo a medical examination, no less than every three (3) years, by a licensed physician,

selected and paid for by the City. (Ord. 2134 - Sept. 2002)

ARTICLE 2 FIRE PREVENTION

7-201 FIRE PREVENTION CODE INCORPORATED. There is hereby adopted by the governing body of the City, for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, edition of 2003, including all the Appendix chapters, and the Life Safety Code Standards, edition of 2003 and the Fire Prevention Codes set fourth by the Kansas State Fire Marshal's office, save and except such portions as hereinafter deleted, modified or amended by section 7-203 of this article two copies which Code and Standards have been and are now filed in the office of the Clerk of the City of Clay Center, Kansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City.

(Code 1993, 10-401; Code 1999) (Ord. 2175 4-5-05)

7-202 SAME; ENFORCEMENT, VIOLATION, PENALTIES.

(a) The code hereby adopted shall be enforced by the chief of the fire department.

(Code 1999)

(b) 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 provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine to be set by the Municipal Court Judge, but at least \$100 and not more than \$500 or by imprisonment not exceeding 30 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offence.

(Code 2007)

7-203 SAME; AMENDMENTS. Wherever the word municipality is used in the code hereby adopted, it shall be held to mean the City of Clay Center.

7-204 OPEN BURNING. No trash of any kind or description shall at any time be burned within the fire limits of the City. This also applies to any leaves, brush, refuse or other combustible materials on any streets, alley or public ground. (Code 1993, 10-403:404)

7-205 ACCUMULATION OF RUBBISH AND TRASH. It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels or other combustibles which shall constitute a fire hazard.

(Code 1999)

7-206 STACKING OF HAY OR STRAW. It shall be unlawful for any person to deposit, stack or store any hay or straw within 500 feet of any building located inside the fire limits of the City.

(Code 1993, 10-405; Code 1999)

7-207 KEEPING OF PACKING MATERIALS. It shall be unlawful to keep excelsior or other packing material in any other than metal or wood metal line boxes or bins having self closing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily. (Code 1999)

7-208 STORAGE OF ASHES. It shall be unlawful to store ashes inside of any non-fireproof building unless they are stored in a noncombustible container or receptacle, and a clearance of at least five feet shall be maintained between such container or receptacle and any combustible materials not placed therein. Ashes shall not be stored outside of any building in wooden, plastic, or paper product receptacles or dumped in contact with or in close proximity to any combustible materials.
(Code 1999)

7-209 FILLING GASOLINE TANKS OF MOTOR VEHICLES. The engines of motor vehicles shall be stopped when the gasoline tanks of such vehicles are being filled with gasoline at service stations or other places where gasoline is supplied to motor vehicles. The driver or person in control of such vehicle when the gasoline tank of same is being filled who refuses, neglects or fails to stop the engine of such vehicle shall likewise be guilty of a violation of this code.
(Code 1999)

7-210 FIRE HAZARDS GENERALLY. It is unlawful for any person to cause or create anywhere within the City, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire, is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling or use of inflammable oils, explosives, liquefied petroleum gases, or fertilizers and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs or any other obstruction in the aisles, hallways, doorway, or exit of any theater, public hall, auditorium, church or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient, accessible and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant or any other condition that might delay the fire department in fighting fire is declared to be unlawful. (Code 1999)

7-211 SAME; INSPECTIONS TO DISCOVER. It shall be the duty of the Fire Chief to inspect or cause to be inspected by fire department officers or members, as often as may be necessary all buildings, particularly all schools, mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums and all places of public assemblage, for the purpose of discovering the violation of any fire preventive law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels and rooming houses have sufficient and unobstructed facilities for escape therefrom in case of fire. (Code 1993, 10-402; Code 1999)

7-212 ABATEMENT OF FIRE HAZARDS; ISSUING ORDER.

- (a) Whenever any officer or member of the fire department shall find or discover any fire hazard or shall find in any building or upon any premises combustible or explosive material or dangerous accumulation of rubbish or unnecessary accumulation of paper, boxes, shavings or any other inflammable material, so situated as to endanger property by the probability of fire, or shall find or discover any violation of this chapter or any other law hazardous to public safety from fires, the Fire Chief shall order the fire hazard or danger from the fire forthwith abated and remedied and such order shall be complied with immediately by the owner or occupant of such buildings or premises. If the hazard or condition ordered abated and remedied is a violation of, or a failure to comply with any law, the Fire Chief shall report the matter to the City Attorney and he or she shall, if he or she deems it advisable, prosecute the offender. (Code 1993, 10-402; Code 1999)
- (b) In addition to the imposition of any other penalties herein described, the Fire Chief or any other fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate any violation of the fire code; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. (Code 2007)

7-213 SAME; SERVICE OF ORDER; RECORDS. Any order made under section 7-212 shall be in writing and may be served personally upon the owner or occupant of the premises or by leaving it with any person in charge of the premises or if the premises are unoccupied and the owner is a nonresident of the City, then by mailing a copy to the owner's last known post-office address. One notice to either the occupant or owner shall be sufficient. The Fire Chief shall keep a record of and copies of all such orders and notices and shall follow up such notices at the expiration of the time for compliance therewith and when complied with make proper entry, and if not complied with, file complaint with the municipal court against the property owner and/or occupant.
(Code 1993, 10-402; Code 1999)

**ARTICLE 3
EXPLOSIVES AND FLAMMABLE LIQUIDS**

7-301 STORAGE OF EXPLOSIVES EXCEPT GUNPOWDER. It shall be unlawful to store or keep any dynamite, nitroglycerine, giant powder or other explosives other than gunpowder in any storeroom, wareroom, building or on any premises within the City limits. (Code 1993, 10-601)

7-302 STORAGE OF GUNPOWDER; BLASTING CAPS; SIGNS. It shall be unlawful to store or keep any explosives in excess of one pound of gunpowder in any storeroom, wareroom, building or on any premises within the City; provided, that not more than five pounds of gunpowder may be kept in closed metal canisters in a store or wareroom away from artificial heat or light; provided further, that no more than 50 pounds of gunpowder may be kept in a magazine made of fireproof material or of wood covered with sheet iron and mounted on wheels, and kept securely locked except when necessarily opened for use by authorized persons, and not more than 1,000 blasting caps in a similar, but separate, magazine. The magazine shall be conspicuously placarded in red letters at least four inches high Explosives, which placard shall be located within the building, on the floor nearest the street level and within 10 feet of the street entrance. (Code 1993, 10-602)

7-303 PERMIT FROM FIRE CHIEF. Any person who shall sell or store gunpowder shall obtain a permit from the Chief of the Department, who shall inspect the place where same is kept, both in the day and nighttime. (Code 1993, 10-603)

7-304 STORAGE OF KEROSENE. No person shall keep or cause to be kept or stored in any building in the City any coal oil or kerosene in quantities exceeding five barrels. (Code 1993, 10-04)

7-305 STORAGE OF FLAMMABLE LIQUIDS; QUANTITIES; APPROVAL, FIRE CHIEF. No person shall keep or store or cause to be kept or stored in any building in the City any gasoline, naphtha, benzene or any other light product of crude petroleum or fuel oil in quantities exceeding five gallons, except that contained in tanks of automobiles, tractors, motorcycles or other self-propelled vehicle. All flammable liquids not stored in underground tanks, other than in tanks of automobiles, tractors, motorcycles or other self-propelled vehicles shall be kept in tight and entirely closed metal cans, free from leak and painted red. Underground tanks must be provided with screened vents and their locations and the pumps connected therewith must be approved by the Chief of the Fire Department. (Code 1993, 10-605)

7-306 OUTSIDE STORAGE OF FLAMMABLE LIQUIDS. No person shall store or cause to be stored in the open upon any premises in the City any gasoline, naphtha, benzene or any other light product of crude petroleum or fuel oil in quantities exceeding one barrel, except as otherwise provided in this article. (Code 1993, 10-606)

7-307 VENT AND FILL PIPES; LOCATION. Vent and fill pipes from underground tanks containing gasoline, benzene, naphtha or other light products of crude petroleum shall not be located within five feet of any building having the nearest wall constructed of combustible material or within five feet of any opening in any wall of any building. (Code 1993, 10-607)

7-308 TANK VEHICLES; PUBLIC GARAGES; FIRE LIMITS. Tank vehicles used for transporting flammable liquids shall not be stored in public garages or within the Fire limits. (Code 1993, 10-608)

7-309 PARKING FLAMMABLE LIQUID VEHICLES OVER 800 GALLONS PROHIBITED. It shall be unlawful for any person to park, or permit to stand upon any street, alley or public place within the City either with or without cargo, any vehicle used for the transportation of flammable liquids in excess of 800 gallons capacity; provided, that this section shall not apply to any such vehicle while it is actually engaged in being unloaded. (Code 1993, 10-609)

7-310 PARKING FLAMMABLE LIQUID VEHICLES AT NIGHT PROHIBITED. It shall be unlawful for any person to park or permit to stand, after sunset and before sunrise, upon any street, alley or public place within the City either with or without cargo, any vehicle used for the transportation of flammable liquids, including the liquid fertilizer known as anhydrous ammonia, regardless of the capacity of the vehicle; provided, that this section shall not apply to any such vehicle while it is actually engaged in being unloaded. (Code 1993, 10-610)

7-311 ABOVEGROUND TANKS; LOCATION; CONSTRUCTION. Large aboveground

tanks containing flammable liquids such as gasoline, benzene, naphtha, kerosene and other light products of crude petroleum or fuel oil used in connection with wholesale and distributing stations shall not be located within the Fire limits, nor within 600 feet of any school, church or hospital. Tanks shall be of all steel gastight construction and equipped with screened vents of ample size. Wooden roof tanks are hereby prohibited. The location of such tanks shall have the approval of the Chief of the Fire Department and the minimum distance from aboveground tank to the line of adjoining property which may be built upon, shall be as follows:

Capacity of Tank <u>in Gallons</u>	Distance <u>in Feet</u>
300 or less	5
500 or less	10
1,000	20
8,000	25
12,000	30
18,000	40
24,000	50
48,000	75
100,000	100
150,000	150
250,000	250
500,000	300

(Code 1993, 10-611)

7-312 HANDLING FLAMMABLE LIQUIDS. Flammable liquids shall not be drawn or handled in the presence of open flame or Fire, but may be drawn and handled by daylight or when lighting is by incandescent electric lamps in vapor proof globes. (Code 1993, 10-612)

7-313 LIQUID FERTILIZER (ANHYDROUS AMMONIA) STORAGE. It shall be unlawful to store liquid fertilizer (anhydrous ammonia) within the Fire limits of the City. Tanks or containers for the storage of liquid fertilizer shall be located outside of the buildings, other than those especially designed and constructed for the storage thereof. Facilities for the bulk storage of liquid fertilizer (anhydrous ammonia) shall be located outside of densely populated areas of the City.

(Code 1993, 10-613)

7-314 SAME; NON-REFRIGERATED STORAGE. Non-refrigerated bulk storage for the storage of liquid fertilizer (anhydrous ammonia) shall not be located closer than 100 feet to the nearest line of adjoining property which may be built upon, nor closer than 1,000 feet to any public assembly building or facility, such as school, church, hospital, swimming pool or theater.

(Code 1993, 10-614)

7-315 SAME; REFRIGERATED STORAGE. Refrigerated bulk storage tanks for the storage of liquid fertilizer (anhydrous ammonia) shall not be located closer than 300 feet to the nearest line of adjoining property that may be built upon, nor closer than 1,500 feet to any public assembly building or facility, such as school, church, hospital, swimming pool or theater. (Code 1993, 10-615)

7-316 SAME; INDUSTRIAL FENCE. Liquid fertilizer (anhydrous ammonia) bulk storage shall be fenced with an industrial type fence, or otherwise adequately protected to prevent tampering.
(Code 1993, 10-616)

7-317 COMPLIANCE TO STATE BOARD OF AGRICULTURE. All storage, transportation and handling of liquid fertilizer (anhydrous ammonia) within the City shall be in full compliance with the regulations of the State Board of Agriculture pertaining thereto. (Code 1993, 10-617)

ARTICLE 4 FIREWORKS

7-401 FIREWORKS DEFINED. For purposes of this ordinance, the term Fireworks shall mean those items as defined by the rules and regulations of the Kansas state Fire Marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

7-402 FIREWORKS PROHIBITED.

(a) Except as provided in Sections 7-406; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.

(b) Nothing in this ordinance shall be construed as applying to:

- (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
- (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
- (3) The military or naval forces of the United States or of this state while in the performance of official duty;
- (4) Law enforcement officers while in the performance of official duty; or
- (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

7-403 SAME: EXCEPTIONS; DISCHARGES.

(a) Section 2 of this ordinance shall not apply to the firing or discharge of fireworks in the City between the hours of 8:00 a.m. and 12:00 midnight on July 4th.

(b) The governing body of the City may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(c) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

7-404 SAME: EXCEPTION; SALE OF FIREWORKS. Any person who has first obtained a valid permit to sell fireworks within the City may do so between the hours of 8:00 a.m. and 12:00 midnight commencing June 27th of each year and ending at midnight July 5th of each year.

7-405 PERMIT FOR SALE OF FIREWORKS REQUIRED; FEE; ISSUANCE.

(a) It shall be unlawful for any person to sell, display for sell, offer to sell or give away any type of fireworks within the City without first paying a fee of \$100.00 per establishment or premises to the City Clerk and applying for and securing a permit therefor on or before June 25th of the permit year.

(b) No permit shall be issued for any location where retail sales are not permitted under the zoning laws. Prior to the issuance of the permit, an inspection will be made of the applicant's facility for compliance with this chapter and other pertinent laws, and no permit shall be issued for any premises not in compliance with such laws. Upon qualifying for the permit, the permittee shall prominently display the same at the establishment or premises where fireworks are to be sold or displayed for sale. The permit fee shall not be refundable upon failure to qualify for the permit or withdrawal or cancellation of the application or permit.

7-406 PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED.

(a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application on or before June 14, 2004, and thereafter, at least 30 days in advance of the desired display. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$500,000.00 written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 days advance written notice to the City Clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.
- (7) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

7-407 APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED.

(a) All fireworks offered for sale and discharged within the City shall be of a type that has been tested and approved for sale and use within the state by the state Fire Marshal.

(b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the City.

7-408 DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the City.

7-409 THROWING PROHIBITED. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of

persons, or from, in the direction of or into any vehicle of any kind.

7-410 SALE OF FIREWORKS; WHERE PROHIBITED.

(a) It shall be unlawful for fireworks to be stored, sold or displayed for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, unless such fireworks are in a separate and distinct section or Department of the premises.

(b) Where the Fire Chief deems there is a fire hazard, he or she is hereby authorized to have such hazard abated.

7-411 RETAIL DISPLAY OF FIREWORKS.

(a) All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package.

(b) All fireworks displayed for sale must remain in original packages, except where an attendant is on constant duty at all times where such fireworks are on display; provided, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty.

(c) Signs reading "Fireworks for Sale-No Smoking Allowed" shall be displayed in the section of a store or premises set aside for the sale of fireworks.

7-412 FIRE EXTINGUISHERS REQUIRED.

(a) Two functioning and approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all permanent buildings where fireworks are stored, sold or displayed for sale.

(b) Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have one such fire extinguisher, or in lieu of the fire extinguisher, a pressurized water hose with nozzle end within five feet of the fireworks stand.

7-413 RESTRICTIONS AS TO GASOLINE INSTALLATIONS. It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 150 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

7-414 PENALTIES Violation of any section of this Code is considered a Class "C" Misdemeanor, and will result in receiving a summons, and upon conviction thereof, shall be subject to confinement of up to One Month in Jail and/or the imposition of a fine of up to \$500.00, as provided for by Article 12, Uniform Public Offense Ordinance, incorporated by section 11-101 of the City Code.

7-415 AUTHORITY OF FIRE CHIEF The Chief of the Fire Department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this ordinance, and all of the rules of the state Fire Marshal. He or she shall dispose of all such fireworks as may be directed by the governing body. (Ord. 2163; June 2004)

**ARTICLE 5
FIREMAN'S RELIEF ASSOCIATION**

7-501 ORGANIZATION. The members of the Fire Department shall also be members of the

Clay Center Firemen's Relief Association, which was duly incorporated under the laws of Kansas on December 21, 1895. (Code 1993, 10-301)

7-502 DEPOSIT OF FUNDS; RECORD. All moneys received by the firemen's relief association shall be paid to the treasurer of such association and by him or her deposited in a separate account in a depository bank in the City in his or her name as treasurer of such association. Such treasurer shall keep an accurate record of all moneys received and paid out by such association.
(Code 1993, 10-302)

7-503 TREASURER'S BOND. The Treasurer of the Firemen's Relief Association shall give bond for the safekeeping of the funds of such association and for faithful performance in such sum and with such sureties as may be approved by the governing body of the City; the cost of such bond shall be paid by the association, and such bond shall be filed with the City Clerk.
(Code 1993, 10-303)

7-504 DISBURSEMENTS; AUDIT. The funds of the Firemen's Relief Association shall be disbursed only for the purposes as provided in K.S.A. Chapter 40, Article 17, and any amendments thereto, and only after the expenditure thereof has been approved by such association. Such expenditures shall be made only by check drawn upon the depository bank by the treasurer and countersigned by the president and attested by the secretary of such association, if such secretary be a separate person from the treasurer; provided, that in all cases involving expenditures or payments in an amount of \$500.00 or more, prior certification shall be obtained from the City Attorney that such expenditure or payment complies with the requirements of K.S.A. Chapter 40, Article 17, and any amendments thereof. The funds of such association shall be audited at the time the City funds are audited and by the same auditors, and that such audit shall be paid for by the City. (Code 1993, 10-304)

7-505 SECRETARY; MINUTES; ACCOUNTS; REPORT TO COMMISSIONER OF INSURANCE. The secretary of the association shall keep minutes of all meetings of the association and shall keep an accurate record of all financial transactions of such association, including all expenditures made and the purpose thereof and of all investment of funds of the association. He or she shall, on or before the first day of April of each year, submit to the state commissioner of insurance a verified account showing in full the receipts and disbursements and general condition of the funds for the year ending on the preceding December 31st. (Code 1993, 10-305)

7-506 INVESTMENT OF FUNDS; APPROVAL. The officers of the Firemen's Relief Association may invest any amount, not to exceed 90 percent of its funds in investments, as authorized by K.S.A. 12-1675, or amendments thereto, or may purchase bonds of the City; provided, that when bonds of such City are not obtainable, United States government bonds may be purchased or any municipal bonds of this state; provided further, that such relief funds shall not be invested in the bonds of any municipality the bonded indebtedness of which exceeds 15 percent of its total tangible assessed valuation, as shown by the last assessment preceding such investment. Such investment must be approved by the governing body of such City. It shall be the duty of the City Attorney to examine all such bonds as to their validity and report thereon in writing to the governing body and the Firemen's Relief Association, and no bonds shall be purchased by the Firemen's Relief Association until they have been approved and found valid by the City Attorney. (Code 1993, 10-306)

7-507 TRUST FUND; USE OF MONEYS. All moneys received from the commissioner of insurance by such association shall be held in trust and used as a fund for the relief of any member of the Fire Department when injured or physically disabled in or by reason of the discharge of his or her duties as such, and for the relief of or the payment of gratuities to the widow or those dependent upon any member of such Fire Department who may be killed in the discharge of his or her duties as firefighters or who may die from the effect of injuries so received or from disease contracted by reason of his or her duties as such, and for the payment of the necessary funeral expenses of any member of the Fire Department when killed in the discharge of his or her duties as firefighters or in case of death resulting from injuries so received or disease contracted by reason of his or her duties as such or for the further purpose of paying a pension to full paid members of the Fire Department who are unfit for service after having served for a period of not less than 20 years on the department, such pension not to exceed in amount one-half of the monthly salary at the date of retirement, or for the purchase of insurance which would provide for any or all of the foregoing purposes for which such fund is authorized to be expended. (K.S.A. 40-1707; Code 1993, 10-307)

7-508 INSURANCE. Since the Fire Department consists of both salaried and volunteer firefighters, the funds received by the Firemen's Relief Association from the state insurance commissioner may be expended for the purchase of, or payment of premiums on, policies of life, accident or accident and health insurance upon members of the Fire Department, which policies may be owned either by the Firemen's Relief Association or by the individual members thereof, but before any premiums is paid on such policies of insurance, the provisions thereof shall be approved by such Firemen's Relief Association a suitable to carry out the objects for which the association was established.
(K.S.A. 40-1707; Code 1993, 10-308)

7-509 LOANS. The Firemen's Relief Association is hereby authorized to loan part or all of its funds to the City to be used by the City in the improvement of the Fire Department and equipment thereof, and the City is authorized to borrow the same and issue to the treasurer of the Firemen's Relief Association its warrant therefor bearing interest payable semi-annually, at a rate not to exceed six percent (6%) per annum. (K.S.A. 40-1707; Code 1993, 10-309)