

CHAPTER 13

FIRE PREVENTION AND PROTECTION¹

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ARTICLE I. IN GENERAL

Sec. 13-1. Obstructions in front of fire stations, etc.

No person shall place any obstruction of any kind immediately in front of a fire station, which will in any way cause delay of the fire trucks, other fire apparatus from leaving the station, or entering the station or fire personnel.
(Code 1977, § 17-27)

Sec. 13-2. Interference at fires.

Any person who interferes in any way with the suppression of fires, and any person who refuses to obey all proper and lawful orders of the fire chief shall be guilty of a misdemeanor.
(Code 1977, § 17-28)

Sec. 13-3. Burning generally.

A. No person shall burn, or permit to be burned, any trees or other substances, unless the fire is attended at all times by a competent person.

B. No person shall start the burning of trees or other substance by the use of tires, used oil, roofing or any material that produces smoke that will be injurious to property, clothing or to the health of the residents in the surrounding area.
(Code 1977, §§ 26-8, 26-9)

Sec. 13-4. Transportation of flammable liquids.

No tank vehicle having a capacity of forty-five hundred (4,500) gallons or more, when containing gasoline, kerosene, fuel oil or other flammable liquid shall be operated or propelled within the limits of the city except on Highways 50, 54, 94, 63, 179, Routes W, C, B, Industrial Drive, Truman Boulevard, Fairgrounds Road, South Country Club Drive from Highway 50 to Fairgrounds Road and from Fairgrounds Road to Route C, and Cedar City Drive; provided that such vehicles may depart from these roads, streets, or highways to load, unload or secure repairs or to go to company terminals, repair/dispatch centers and company storage and parking facilities, by using the most direct route to and from the place where the loading or unloading is to be done or the repairs are to be made. Should it be necessary for such a vehicle to depart from the above named roads, streets, and highways for any purpose other than mentioned above, the operator of the vehicle shall first obtain permission from the fire department before making such departure. The fire department shall give such permission if the public health, safety and welfare will not be endangered thereby.
(Code 1977, § 17-18; Ord. No. 12857, §1, 12-7-98)

Sec. 13-5. Fees for certain permits and reports.

- A. The fire department is hereby authorized to charge the fees as set out in Appendix Y for the following:
1. For fireworks
 2. Reports

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(Ord. No. 9527, § 1(17-19), 10-20-80; Ord. No. 10378, § 1, 3-4-85; Ord. 14272, §7, 10-15-2007)

Secs. 13-6 - 13-16. Reserved.

ARTICLE II. FIRE DEPARTMENT²

DIVISION 1. GENERALLY

Sec. 13-17. Reserved.

(Code 1977, § 17-20; Ord. No. 14375, §1, 7-7-2008)

Sec. 13-18. Firefighters' retirement fund not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance relating to firefighters' retirement fund, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Secs. 13-19 - 13-28. Reserved.

DIVISION 2. FIRE CHIEF

Sec. 13-29. Appointment; term; removal; vacancy.

The fire chief shall be appointed by the mayor, after receiving the recommendation of the city administrator, with the advice and consent of the council, and shall hold his office until removed. He may be removed as are other appointive officers of the city. In case of vacancy in the office of fire chief, such vacancy shall be filled by appointment of the mayor, after receiving the recommendation of the city administrator, with the advice and consent of the council. (Code 1977, § 17-35)

Sec. 13-30. To have ex officio powers of police chief at fires; bond.

The fire chief shall have ex officio powers of the chief of police of the city at all fires. He shall give bond in the sum of two thousand dollars (\$2,000.00) for the faithful discharge of his duties and faithfully account to the city for all property of the city belonging to the fire department which may have come into his possession and under his control. (Code 1977, § 17-36)

State law reference - Official bonds, RSMo. § 77.390.

Secs. 13-31 - 13-41. Reserved.

ARTICLE III. FIRE PREVENTION CODE³

Sec. 13-42. International Fire Code 2000, International Code Council.

The International Fire Code /2000, published by the International Code Council, is hereby adopted, and incorporated herein by reference, as the Fire Code of the City of Jefferson, with the additions, insertions, deletions and changes contained in Ordinance No. 13582.

(Code 1977, § 17-11; Ord. No. 9398, § 1, 3-3-80; Ord. No. 10670, § 5, 6-16-86, Ord. No. 11158, § 1, 2-13-89; Ord. No. 11610, § 5, 8-6-91; Ord. 13582, §1, 7-21-2003)

Sec. 13-43. Amendments, deletions and insertions.

1. Delete Section 101.1, and insert the following in its place:

101.1 Title: These regulations as set forth herein shall be known as the Fire Code of the City of Jefferson and are herein referred to as such or as "this code".

2. Delete Section 105.1.2 and insert the following in its place:

Permits Required: Notwithstanding any provisions to the contrary in other sections of this code, permits required in any section of this code shall be procured from the chief of the fire department unless City code Chapter 8 lists the subject matter of the permit, in which case the permit shall be procured from the director of the department of Community Development. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the code official.

3. Delete Section 108 and insert the following in its place

SECTION 108.0 APPEAL

108.1 Application for appeal: Any person shall have the right of appeal to a board of appeals from a decision of the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of fire prevention is used. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

108.2 Membership of board: The board of appeals shall consist of five members appointed by the Mayor with the advice and consent of a majority of the Council. A board of appeal shall be appointed within twenty-one days after the filing of an appeal. The board shall dissolve after completing its hearings on the appeal(s) triggering its appointment.

108.2.1 Qualifications: Each member of the board shall be a licensed professional engineer or architect, or a specialist in fire prevention and control with at least five years experience. Not more than two members shall be from the same profession or occupation, and at least one professional engineer shall be a fire protection engineer or an engineer with fire protection experience.

108.2.2 Chairman: The board shall select one of its members to serve as chairman immediately after commencing its initial meeting.

108.2.3 Disqualification: No person shall be appointed to hear an appeal in which that person has any personal,

professional or financial interest.

108.2.4 Compensation of members: Members of the board of appeals shall receive no compensation, but shall receive reimbursement for costs incurred with their service.

108.3 Notice of meeting: The board shall meet within thirty (30) days of the filing of an appeal. At least five (5) days notice of its meetings shall be provided the appellant.

108.4 Open hearing: All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

108.4.1 Procedure: The board shall adopt and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

108.5 Postponed hearing: When four members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request and receive a postponement of the hearing. A new hearing shall be held within five days.

108.6 Board decision: The board shall modify or reverse the decision of the code official by a concurring vote of three members.

108.6.1 Resolution: The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

108.6.2 Administration: The code official shall take immediate action in accord with the decision.

108.7 Court review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

4. Add the following to Section 109.3 Violation Penalties

109.3 Penalty for violations: \$500 dollars or by imprisonment of not more than 180 days.

5. Add the following to Section 109.3.2:

109.3.2 Damage to fire department equipment: Any negligent or willful damage to fire department equipment caused by any person subject to this code shall be punishable by a fine of Five Hundred Dollars (\$500) per occurrence of damage. This fine shall not be construed to preclude monetary recovery of damages by the City through civil proceedings.

6. Insert the following in Section 307.

307.6 Allowable burning: Open burning shall be allowed without prior notification to the code official for: recreational fires, fires used for the preparation of food, highway safety flares, smudge pots and similar occupational needs, and fires used for training fire enforcement personnel. (Ord. No. 11691, § 1, 1-13-92)

307.6.1 Yard Waste: Open burning of leaves, grass clippings, tree limbs, and vegetation grown on a property is permitted from November 15 of each year through March 15 of the following year, during daylight hours unless

restricted or prohibited under section 307.2.2 by the code official. In the event of an emergency declared by the Mayor, or person acting as such, the City Administrator may authorize the open burning of yard waste, branches, trees, and other materials he deems appropriate and under such conditions as he may proscribe.

307.6.1.1 Extension of Open Burning, Sunset provision. The provisions of Section 307.6.1 notwithstanding, the open burning of leaves, grass clippings, tree limbs, and vegetation grown on a property is permitted from November 15 of each year through April 14 of the following year, during daylight hours unless restricted or prohibited under section 307.2.2 by the code official. The provisions of this section 307.6.1.1 shall expire and shall be considered to have been repealed after April 15, 2008, unless enacted again by the City Council. (Ord. No. 14324, §1, 3-3-2008)

307.6.2 The person conducting a burn under subsection 307.6.1 shall be the owner of the property unless the owner has expressly directed some other person to conduct such burn on the property.

307.6.3 Adjustment to permissible burning: The burning period as specified in 307.6.1 and 307.6.2 above may be adjusted by the Fire Chief for safety reasons provided the total number of days of the burning periods shall not be increased. In the event that subsequent to the determination of the periods during which burning is permitted, the Fire Chief invokes a temporary ban during the period, the Fire Chief may extend the period by the number of days in which the ban is imposed.

307.6.4 Ceremonial Fires. Bonfires and other fires which do not occur within a designated device such as a barbeque grill, fireplace, outdoor stove, or outdoor heater, may be conducted only by permission of the Fire Chief, or his designee, and under such conditions as he may impose for the safety of persons and property.

307.6.5 Permit required: Open burning shall be allowed after obtaining a permit or other proper authorization from the code official for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, heating for warmth of outworkers, bonfires, vegetation from land clearance by contractors, and commercial incinerators.

307.6.6 Notification and permission: Open burning shall be allowed with prior notification to the code official and upon receipt of written permission from Missouri Department of Natural Resources (DNR), provided that any conditions specified in the permission are followed for:

- (A) Disposal of hazardous or toxic material where the DNR determines that there is no practical alternative method of disposal.
- (B) Instruction in methods of fire fighting.
- (C) Research in control of fires.
- (D) Emergency or other extraordinary circumstances for any purpose determined to be necessary by the DNR.
- (E) Disposal of landscape waste other than residential and agricultural waste.
- (F) Recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production.
- (G) When jurisdictional DNR written permission is not applicable, the code official shall give written permission only after it has been determined that approved fire safety requirements and emission standards are to be met.

7. Add sections 508.5.7. through 508.5.13:

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508.5.7 Obstructing fire hydrants: It shall be unlawful to, by the erection of a fence, placement of a living, dead, or imitation plants, or placement of any decorative device, to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization suppression systems, including fire hydrants and fire department connections that are located in public or private streets and access lanes, or on private property.

508.5.8 Notice of violation: The code official shall issue notices of violations of section 508.5.7 to any property owner in violations of said section. The notice shall contain a description of the material(s) found to be a violation, a direction to remove the material(s) within fifteen (15) days after mailing of the notice, and a copy of section 508.5.9.

508.5.9 Removal of materials: If fifteen (15) days after mailing the notice the obstructions or encroachments that constitute a violation of section 508.5.7 are not removed, the code official shall remove the same. Any costs incurred in removing the obstructions or encroachments shall be paid from the City treasury on certificate of the code official and approval of the City Administrator; and the City Counselor shall institute appropriate action for the recovery of such costs.

508.5.10 Duty to maintain: It shall be the duty of the owner of the property on which a fire hydrant or fire department connection for the pressurization -- suppression systems is located to maintain the property surrounding such hydrant or connection in such a manner as to comply with section 508.5.7.

508.5.11 Hydrant use approval: A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures the permission of the code official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

508.5.12 Fire hydrant spacing: In the districts designated RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, and RA-2 by the City zoning ordinance, fire hydrants shall be six hundred (600) feet apart along any given street, unless a block between two intersecting streets is longer than four hundred (400) feet but less than six hundred (600) feet. In all other districts designated in such zoning ordinance, fire hydrants shall be three hundred (300) feet apart along any given street. In an area in the RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, or RA-2 districts which a non-residential use exists, the three hundred (300) foot spacing requirement shall apply.

508.5.13 Fire Hydrant Construction: Any fire hydrant installed for private or public use shall conform to the specifications of the water company having jurisdiction. Any such hydrant shall be right-hand opening, with two, two and one-half inch outlets, and one, four and one-half inch outlets, and shall be supplied by a water main of sufficient size to provide fire protection.

8. Add sections 511.1 through 511.3

511.1 Fire Lane Signs

(A) Signs designating fire lanes shall comply with the Manual on Uniform Traffic Control Devices. Such signs shall be rectangular in shape with a white background and red letters stating "FIRE LANE NO PARKING".

(B) The signs described in subsection A of this section shall be posted in the following manner:

- (i) at each end of a fire lane which exceeds thirty (30) feet in length with signs which can be read from each direction;
- (ii) midway between the ends of a fire lane less than thirty (30) feet in length with the signs to be posted

to the right of the traffic way and to be legible from the roadway.

511.2 Fire lane curb marking:

- (A) Curbs, or pavement if there are no curbs, in a fire lane shall be painted with a stripe at least three (3) inches wide.
- (B) The paint to be used in complying with subsection A of this section shall be yellow in color. If there are other restricted parking zones in the area of the fire lane, the paint shall be red in color.
- (C) The yellow or red striping marking a fire lane shall not be a part of, and shall be distinctly different from, any other restricted parking striping used in the area of the fire lane.

511.3 Fire lane locations: Pursuant to Section F-313 of this code, the code official shall have the authority to designate the following areas, or any portion thereof, as fire lanes:

- (1) entrances and exits to non-residential structures;
- (2) roadways providing access to fire stations;
- (3) roadways providing access to sprinkler or standpipe systems; and
- (4) roadways that lead to, are next to or in front of fire hydrants. “

9. Add section 409:

409 Smoke detectors in leased or rental residential units:

- (A) **Applicability.** The owner of each residential rental unit shall install smoke detectors and/or fire suppression systems prior to the occupancy of said dwelling unit in compliance with the existing building code and fire codes of the City of Jefferson in effect at the date of occupancy.
- (B) **Date of Installation.** The owner of each existing dwelling or newly constructed or rehabilitated unit that is not at the effective date of this subsection required to be protected by a smoke detector or fire suppression system shall install smoke detectors as required by this subsection within three months of the effective date of this subsection.
- (C) **Location of Detectors.** The owner of each existing dwelling or newly constructed or rehabilitated unit shall install at least one smoke detector to protect each sleeping area. In an efficiency apartment, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detectors outside the bedrooms, but in the immediate vicinity of the sleeping area. An owner subject to this subsection shall install each smoke detector on the ceiling at a minimum of four inches from the side wall to the near edge of the detector or on a wall located four to twelve inches from the ceiling to the top of the detector and within fifteen feet of all rooms used for sleeping purposes, with not less than one detector per level containing a habitable room and in the basement or cellar. The smoke detector shall not be installed in dead air space, such as where the ceiling meets the wall. Where one or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping areas shall be placed at the top of the stairway. An owner shall also install not less than one smoke detector on the uppermost ceiling, not less than four inches from any wall, or on a wall, located four to twelve inches from the uppermost ceiling of all interior stairwells. For good cause shown, the Chief of the Fire Department or his designated department representatives may modify the location requirements of this subsection.
- (D) **Type of Detector.** The owner shall install a smoke detector which is capable of sensing visible or invisible

particles of combustion and emitting an audible signal and may be wired directly to the building power supply, or may be powered by self-monitored battery. The smoke detector shall comply with all the specifications of the Underwriters Laboratories, Inc. Standard UL217 (Standard for Safety-Single and Multiple Stations Smoke Detectors) 2nd Edition October 4, 1978 as revised May 19, 1983 or any recognized standard laboratory testing that certifies the detector meets the requirement of National Fire Protection Association (NFPA) Standards 72E and 74. Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirement of UL217 2nd Edition or NFPA 72E and 74.

- (E) **Duties of Owner and Occupant.** It shall be the responsibility of the owner to supply and install on a continuing basis all required detectors. The owner shall be responsible for testing and maintaining detectors in common stairwells. It shall be the responsibility of the tenant to provide and maintain functional batteries after initial installation for each detector, to test and maintain detectors within dwelling units, and to notify the owner or authorized agent in writing of any deficiencies. The owner shall be responsible for providing each tenant with written information regarding detector testing and maintenance.

The owner shall provide notice to the occupant of the respective duties of the parties and the potential penalties for violation of the subsection. The owner shall either:

1. Post a notice which is 8 1/2 inches by 11 inches or larger inside the rental unit in a conspicuous space, or
2. Include a notice provision in the lease agreement, or
3. Provide notice in separate agreement or addendum to lease

If the owner chooses to put the notice in the lease or in a separate agreement, the notice shall be in at least 12 point type. The notice shall be prepared in duplicate and shall be signed and dated by the occupant. One copy shall be given to the occupant and one copy shall be kept on file by the owner and this copy shall be available for inspection by the Chief of the Fire Department or his agent between 9 a.m. and 4 p.m. Monday through Friday. At a minimum the notice shall include the items as set out in the following:

NOTICE OF DUTIES OF OWNER AND OCCUPANT RELATING TO SMOKE DETECTORS

ORDINANCES OF THE CITY OF JEFFERSON REQUIRE THE FOLLOWING OF THE OWNER AND OCCUPANT OF THIS RENTAL UNIT:

OWNER

THE OWNER SHALL SUPPLY AND INSTALL ALL REQUIRED DETECTORS.

THE OWNER SHALL MAINTAIN AND TEST ALL DETECTORS IN COMMON STAIRWELLS.

THE OWNER SHALL PROVIDE OCCUPANT WITH WRITTEN INFORMATION REGARDING DETECTOR TESTING AND MAINTENANCE.

OCCUPANT

THE OCCUPANT SHALL PROVIDE AND MAINTAIN BATTERIES FOR THE DETECTORS.

THE OCCUPANT SHALL TEST AND MAINTAIN DETECTORS WITHIN DWELLING UNITS.

THE OCCUPANT SHALL NOTIFY OWNER IN WRITING IN CASE OF DEFICIENCY OF DETECTOR.

PENALTY

IT IS UNLAWFUL FOR ANY PERSON TO REMOVE BATTERIES OR IN ANY WAY MAKE SMOKE DETECTORS INOPERABLE.

VIOLATION OF THIS ORDINANCE MAY BE PUNISHABLE BY A FINE NOT EXCEEDING \$500.00 OR IMPRISONMENT FOR A PERIOD NOT EXCEEDING THREE MONTHS.

- (F) **Enforcement and Inspection.** The Chief of the Fire Department or his designated department representatives shall have jurisdiction to inspect dwelling units for the installation of any smoke detector required to be installed under this subsection or any other ordinance. Said inspections may be held during reasonable daylight hours. If a unit is found to be in noncompliance, owner shall be notified that he or she has 48 hours to get the unit in compliance. Notice of noncompliance to the occupant of the unit shall be posted inside the unit. If after 48 hours the building is still not in compliance it shall be posted as uninhabitable and shall remain so posted until reinspected for full compliance with this subsection.
- (G) **Tampering.** It shall be unlawful for any person to remove batteries or in any way make spoke detectors inoperable.
- (H) **Noncomplying Units.** It shall be unlawful for an owner to lease a noncomplying unit.
- (I) **Penalty.** A violation of this code shall be punishable by the standard penalty authorized in Section 1-13 of the Code of the City of Jefferson. (The general code penalty is a fine not exceeding \$500.00 or imprisonment for a period not exceeding three months or by both such fine and imprisonment.) (Ord.No. 11704, § 1, 2-3-92)

10. Add section 906.11:

906.11 Sale of fire extinguishers: Fire extinguishers that do not carry an Underwriter's Laboratory label and rating shall not be offered for sale or trade within the City.

11. Add Section 3307.16 through 3307.24

3307.16 Permit Application: Application will be submitted five [5] working days in advance before a blasting permit will be issued. Permit applicants shall provide:

- 1. Plan explaining an estimated number of blasts and when the job is projected to be completed.
- 2. A site plan indicating location and number of magazines.
 - a. Bunkers, if required
 - b. Distance to adjacent buildings and / or structures
 - c. Material Safety Data Sheets shall be provided for all materials used on the job site.
 - d. Documentation of blasters certification.
- 3. A blasting contractor failing to apply for blasting permits or found blasting without a permit will be subject to a \$500.00 fine, plus the cost of a blasting permit.

4. Blasting contractors will provide one of the following to the fire department.
 - a. Approved site plan.
 - b. Approved grading permit and/or approved building permit.

3307.17 Certification: Blasters Certification shall be required of all blasters. All blasters must obtain certification as a blaster from the Missouri Limestone Producers Association [MLPA] or equivalent. All blasters certification will be provided to the Fire Department and kept on file.

3307.18 Insurance: The blasting contractor shall provide a "Certificate of Insurance" for special blasting liability insurance coverage, in the amount of not less than two million dollars [\$2,000,000.00]. Certificate of Insurance shall show the "City of Jefferson" as a "Certificate Holder".

3307.19 Signage: Proper signage shall be set on all streets, roads or highways declaring "Blasting Area" and "Shut Off Two-way Radios" [not applicable when non-electric caps are used], within five hundred [500] of the blast site.

3307.20 Seismographs: Minimum of one [1] seismograph shall be on all blasting sites. Additional seismographs may be required by the Fire Official. Seismic readings shall not exceed 1.5PS [inch per second]. Sound levels shall not exceed 130 db at the Seismic site. Seismic readings and copies of blasting logs shall be kept on record by the blasting contractor for one year for review if necessary by the fire official.

3307.21 Pre-Blast Surveys: Blasters shall conduct a pre-blast survey when blasting within three hundred [300] feet of any habitable structure, well, road, street or highway.

3307.22 Written Notice: Written notice shall be delivered to all property owner/managers within pre-blast survey area. Notice shall contain: Blasting contractor's name, address and phone number, beginning and ending dates, approximate blasting times, blasting location and party for whom work is being done. Written notice will be delivered five [5] days in advance before blasting.

3307.23 Warnings/Blasting:

1. The blasting contractor shall be responsible for insuring that the area is visually inspected and made clear of people and/or animals.
2. Warnings shall be sounded as follows:
3. Three [3], five [5] to ten [10] second soundings from a siren, air horn or other approved warning device, with minimum sound level of 125 db at one hundred [100] feet, shall be sounded.
4. Wait a full thirty [30] seconds.
5. Sound another five [5] to ten [10] second sounding.
6. Immediately followed by a voice command from an amplified bullhorn, or equivalent.
7. Detonation shall follow.
8. An "all clear", voice command shall be given after blast and when blast area is safe to enter for inspection.

3307.24 Permit Fee: Permit fee for blasting within the City of Jefferson will be as follows:

\$100.00 - first week
\$25.00 - for each additional week
\$200.00 - annual permit fee for quarry operations.

11. Add Section 3309:

SECTION 3309.0 GENERAL

3309.1 Scope: The manufacture and sale of fireworks is prohibited within the jurisdiction. The display or discharge of fireworks shall comply with the requirements of this article.

3309.2 Permit required: A permit shall be obtained from the Jefferson City Fire Department for the display or discharge of fireworks, except for activity allowed under Sec. 3310.0..

3309.3 Permit applications: Application for permits shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The possession and use of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, not shall any such permit be extended beyond the dates set out therein.

12. Add Section 3310

SECTION 3310.0 USE, DISPLAY AND DISCHARGE

3310.1 General: It shall be a violation of this code for any person to store, use or explode any fireworks, except as provided in the rules and regulations issued by the Jefferson City Fire Department for the granting of permits for supervised public displays of fireworks by the jurisdiction, fair associations, amusement parks and other organization. Every such public display and private non-projectile fireworks display shall be supervised by an adult permit holder and shall be handled by an approved, competent operator. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Jefferson City Fire Department, will not be a hazard to the property or endanger any person. Notwithstanding the provision of this section and any other provision of Chapter 33, any property annexed into the City which was lawfully used for the commercial sale of fireworks at any time during the year immediately preceding annexation may be used for the commercial sale of fireworks for up to seven (7) years after the annexation is effective.

3310.2 Bond for display: The permittee shall furnish a bond in an amount deemed adequate by the Jefferson City Fire Department for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3310.2.1 Disposal of unfired fireworks: Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in an approved, safe manner.

3310.3 Exemptions: Nothing in this article shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped directly out of state, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. Such wholesalers, dealers and jobbers shall store their supplies of fireworks in accordance with Chapter 33.

3310.4 Seizure of fireworks: The Jefferson City Fire Department shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks that are offered or exposed for display or sale, or are stored or held in violation of this article.

13. Add Section 3308.

3308. Permitted Possession and Uses Notwithstanding any other provisions of section 3308, the following shall be permitted.

1. Possession and use of Class D fireworks.
2. Transportation of fireworks through the City.
3. Possession and use of Class C fireworks on private property of five (5) acres or more.

All permitted uses of fireworks under this section must occur from June 15th through July 8th, or December 31st through January 1st, and within the hours of 8 a.m. and 10 p.m., except for the 4th of July and New Year's Eve when the hours will be extended until midnight.

(Ord. 13415, §1, 8-5-2002)

(Ord. No. 10670, § 1-6, 6-16-86; Ord. No. 11610, § 5, 8-6-91; Ord. No. 11655 § 1, 11-4-91; Ord. No. 11691, § 1, 1-13-92; Ord. No. 11704, § 1, 2-3-92; Ord. No. 11769, § 1-3, 7-20-92; Ord. 13582, §1, 7-21-2003; Ord. 14061, §1, 6-19-2006)

NOTES

¹. **Cross references** - Definitions and rules of construction generally, § 1-2; false fire alarms, § 18-165; following and parking near fire vehicles, § 19-298; crossing fire hose, § 19-299; burning solid waste, § 30-7.

State law reference - Fire protection requirements of certain building, RSMo. § 320.010 et seq.

². **State law reference** - Power of city to provide for fire department, RSMo. § 77.190.

³. **Cross reference** - Buildings and building regulations, Ch. 8.