

## CHAPTER 9-B

### FIRE PROTECTION AND PREVENTION

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#### Section 9.01 Definitions

**Bonfire** shall be defined as an outdoor fire used for recreational, ceremonial, cooking, or related purpose.

**Burn Permit** shall mean a burn permit obtained from the City of Hot Springs Volunteer Fire Department for a particular prescribed burn within the City.

**Fire Apparatus** shall include fire trucks, hose carts, ladder wagons, or ladder trucks and vehicles carrying members of the Fire Department, which vehicles must display the insignia or sound the bell or siren of the city Fire Department.

**Fireworks** shall be defined as any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used.

The term 'fireworks' shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 25/100 grains of explosive mixture.

The term 'fireworks' shall also not include trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than 25/100 grains of explosive mixture.

Non-traveling fireworks are those fireworks that do not move more than three feet (3') when being used

**Portable Outdoor Fireplace** shall mean a portable fireplace where the area of the fire does not exceed a two-foot by two-foot (2'x') square, or thirty inches (30") in diameter, by two-foot (2') high area, regulated pursuant to the currently adopted International Fire Code Section 307.4.3.

**Recreational Fires** shall mean contained fires for residential use where the fireplace is constructed in accordance with the City of Hot Springs Requirements for Fireplace Construction

## **Section 9.02 Fire Code**

That certain code known as the International Fire Code, 2012 Edition, is hereby adopted by the City of Hot Springs, South Dakota, and the printed, copyrighted copy of such Code, which is on file in the office of the Building Official of this City, is adopted and incorporated as fully as if set out at length herein.

## **Section 9.03 Fire Department**

### **9.03.01 Fire Department Created**

- A. There is hereby continued the Hot Springs Volunteer Fire Department, which may consist of one (1) Fire Chief, one (1) or more assistant Fire Chief(s), and other volunteer fire captains, firefighters, and other staff as the organization may decide.
- B. The Hot Springs Volunteer Fire Department shall maintain and adhere to their constitution and bylaws at all times.
- C. The City of Hot Springs, through the action of the Common Council, shall enter into a contract with the Hot Springs Volunteer Fire Department to ensure fire protection services for the City of Hot Springs. Such contract shall permit the formation of a fire board consisting of two (2) members of the Common Council of the City of Hot Springs and two (2) members of the Hot Springs Volunteer Fire Department, one of whom shall be an officer of the Fire Department. The intent of this board is to provide clear communication between the City of Hot Springs and the Hot Springs Volunteer Fire Department for the fire protection of the City.

### **9.03.02 Authority at Fires**

- A. The Fire Chief, or in his or her absence, a designee, shall in all cases of fire, have the sole control over all the other members of the Hot Springs Volunteer Fire Department. The Fire Chief, or in his or her absence, the assistant chief next in rank, shall have the power to order the arrest of any person who, during a fire or other emergency, refuses to obey lawful orders, makes a disturbance, commits any breach of the peace, or for any other just cause. Any person arrested shall be subject to the penalty as provided under South Dakota Codified Law.
- B. In the vicinity of a fire, it shall be the duty of the Police Department to preserve order, protect property, and give any other assistance as needed.

### **9.03.03 Interference with a Fire Apparatus**

- A. No person shall interfere with, injure, or destroy any fire hose, ladders, axes, or other property belonging to the Hot Springs Volunteer Fire Department and used for fire purposes, except if they be a member of the Fire Department and then only in case of fire. Provided, however, that nothing in this section shall be construed to prevent any person from lending assistance to the Fire Department in case of fire.
- B. No person shall willfully hinder or interfere with any City police officer or firefighter in the performance of his or her duty at, going to, or returning from any fire, or while attending to his or her duty as a member of the Fire Department
- C. No vehicle may be driven over any unprotected hose of the Fire Department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command. A violation of this section is a Class 2 misdemeanor provided under SDCL 32-31-8.

#### **9.03.04 Obstructing or Tampering with Fire Hydrants**

- A. No person shall erect or place a fence or other obstruction, nor pile any goods or other things, within six feet (6') of any fire plug or hydrant.
- B. It is unlawful for any person to unscrew or remove any cap of any water hydrant, or in any way interfere with such hydrant, except in such manner as provided by regulations of the Fire Department.
- C. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, firefighter, or traffic control device within fifteen feet (15') of a fire hydrant (24-A.10.030)

#### **9.03.05 False Alarm of Fire**

No person shall knowingly give a false alarm or false report of a fire in any manner.

#### **9.03.06 Fire Alarms**

- A. It is unlawful for any person to loosen or in any way change or remove any installation belonging to, used or connected with a fire alarm without having obtained consent of the Fire Chief for that purpose.
- B. It is unlawful for any person to deface, injure or tamper with any fire alarm, telephone box or wire, or any apparatus used or connected therewith, or in any manner to open or give any fire alarm except in case of fire.

### **Section 9.04 Fires and Burning**

#### **9.04.01 Burning Activities**

No person shall, at any time, engage in burning activities within the corporate limits of the City of Hot Springs except as follows:

- A. Open burning within the Fall River Flood Channel by Fire Department Personnel under the direction and supervision of the Fire Chief;
- B. Open burning of structures by the Fire Department for training purposes;
- C. Open burning for the heating or cooking of food for human consumption in residential areas in a fireplace that is constructed in accordance with the City of Hot Springs Requirements for Fireplace Construction;
- D. Open burning for the heating or cooking of food for human consumption in City parks or campgrounds in fixtures provided for such activities;
- E. Open burning for recreational purposes when such fires are confined to a fireplace or fire pit constructed in accordance with the City of Hot Springs Requirements for Fireplace Construction. Portable outdoor fireplaces with maximum quarter inch (1/4") expanded metal screening shall be permitted;
- F. Open burning for bona fide religious or ceremonial purposes provided the area of the fire does not exceed a two-foot by two-foot (2'x2) square, or thirty inches (30") in diameter, by two-foot (2') high area;
- G. All fires shall be attended pursuant to the currently adopted International Fire Code Section 307.5.

No person shall be permitted to perform open burning in a fireplace that is not being fueled at the time solely by propane when a Red Flag Warning is in effect.

#### **9.04.02 Fireplace Fuels, Prohibited Fireplace Fuels**

- A. Approved fire fuels include:
  - a. Natural woods, such as sawn and split tree wood;
  - b. Untreated dry wood or products manufactured for the sole purpose of fire fuel.
  - c. Propane for the purpose of a bonfire or recreational fire as defined in this ordinance.
- B. Inappropriate and unapproved fire fuels includes, but is not limited to: leaves, grass clippings, green plants, household garbage, residential rubbish, building materials, chemically soaked or treated wood products, painted wood, fiberboard, shipping packaging, rags, fabric, books or magazines, newspaper, liquid or gelatinous hydrocarbons, caustic materials, human or animal waste, plastic, vinyl, or rubber.

#### **9.04.03 Prescribed Burns and Bonfires**

- A. Bonfires, other than those defined in the most current adopted International Fire Code Section 307.4.1, shall be considered a 'prescribed burn' for the purpose of this ordinance.
- B. Prescribed burns shall be allowed on a case-by-case basis by the Fire Chief provided that each of the following provisions are adhered to:
  - a. There shall not be less than four inches (4") of snow on the ground;
  - b. A Burn Permit provided by the Hot Springs Volunteer Fire Department shall be obtained and the Hot Springs Police Department and Fall River Sheriff's Office be contacted by the applicant with the Burn Permit number; and

- c. Prescribed burns shall not include grasslands, rangelands, or pasturelands within the City limits or contain any inappropriate or unapproved fire fuels.

### **Section 9.05 Requirements for Outdoor, Detached Fireplace Construction**

#### **A. Location:**

- a. The fireplace shall not be located closer than ten feet (10') from any structures, property lines, utility poles, fences, trees, bushes, or overhanging branches.

#### **B. Fireplace Site:**

- a. The fireplace site shall consist of an area with a minimum radius of eight feet (8').
- b. The fireplace pad will consist of a cleared area with a minimum radius of six feet (6') cleared to bare mineral soil and/or covered with gravel located in the center of the fireplace site. A concrete pad of the same dimensions may be used in lieu of bare mineral soil or gravel.
- c. The remaining two feet (2') of the eight foot (8') circular fireplace site may contain vegetation provided it is not greater than three inches (3") in height.

#### **C. Fireplace Construction**

- a. The fireplace must consist of at least three (3) sides of not less than ten inches in height (10") but not more than thirty-six inches (36") in height.
- b. The fireplace must be constructed of non-combustible materials which are mortared or fastened together with a maximum fuel diameter of three feet (3'), constructed to include a screen, chimney, or other device placed above the fuel area so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere. Fireplaces using propane as the sole fuel source do not require a device to contain sparks or embers.
- c. Commercial free-standing portable fireplaces may be used in lieu of a site-built fireplace provided a screen or expanded metal spark arrester with openings not greater than ¼" is used and all other criteria above are met. Fireplaces using propane as the sole fuel source do not require a device to contain sparks or embers.

### **Section 9.06 Fireworks**

Approved fireworks for individual use shall be permitted to be discharged within the City of Hot Springs from 8:00 AM, July 3<sup>rd</sup> to 11:00 PM, July 3<sup>rd</sup> and 8:00 AM July 4<sup>th</sup> to 11:00 PM, July 4<sup>th</sup>. Fireworks approved for discharge within the City of Hot Springs include: non-travelling firecrackers not to exceed 50 mg per firecracker, sparklers, non-travelling smoke devices, fountains with the discharge not to exceed 6', ground spinners, and non-travelling ground fireworks. All other fireworks shall not be permitted to be discharged within the City of Hot Springs. All individual use fireworks shall not be permitted when the fire danger index provided by the National Weather Service lists Hot Springs as being "High", "Very High", "Extreme" or any other condition beyond "Extreme".

The City of Hot Springs reserves the right to perform fireworks displays for public entertainment purposes at their discretion. The City of Hot Springs shall consult with the Hot Springs Volunteer Fire Department and the Fire Chief prior to such displays.

### **Section 9.07 Restriction on Blasting**

No person shall do any blasting with dynamite, gunpowder, or any other explosive substance within the City of Hot Springs without first securing a permit in writing from the Public Works Engineer or City Administrator. Such permit shall not be issued unless the applicant shall first sign and file with the Public Works Engineer an application in writing, specifying where it is proposed to do such a blasting; the name of the owner of the premises upon which such blasting is proposed to be done; the number of blasts proposed to be made the time or times when such proposed blasts will be detonated; and the amount of dynamite or other explosive material which will be used for each blast. The fee for a written permit to do blasting within the City of Hot Springs shall be thirty dollars (\$30.00) to be paid by applicant to the Finance Officer or his or her designee before such permit is issued.

### **Sec. 9.08 Storing Gun or Blasting Powder**

No person shall keep or store any gun powder or blasting powder or other like substance, except in such place or magazine as shall have been approved by the Fire Chief for that purpose.

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