

CHAPTER 9

FIRE PREVENTION**

Article 1. Fire Prevention Code

Sec. 9-1. Fire Prevention Code Adopted.

There is hereby adopted by the Town Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, save and except such portions as are hereinafter deleted, modified, or amended by this chapter of this code, of which Fire Prevention Code not less than three (3) copies have been and now are filed in the office of the Town clerk; and the said code is hereby adopted and incorporated as fully as if set out at length herein, and from the controlling within the limits of the Town.

Note: The title of the various articles in the Fire Prevention Code are as follows:

- (1) General provisions
- (2) Automobile Tire Rebuilding Plants
- (3) Automobile Wrecking Yards, Junk Yards and Waste Material Handling Plants
- (4) Bowling Establishments
- (5) Eullulose Nitrate Motion Picture Film
- (6) Cellulose Nitrate Plastics (Pyroxylin)
- (7) Combustible Fibers
- (8) Compresses Gases
- (9) Dry Cleaning Plants
- (10) Dust Explosions, Prevention of
- (11) Exit Ways, Maintenance of
- (12) Explosives, Ammunition and Blasting Agents
- (13) Fireworks
- (14) Fire Protection Equipment
- (15) Flammable Finishes, Application of
- (16) Flammable and Combustible Liquids
- (17) Fruit Ripening Processes
- (18) Fumigation and Therman Insecticidal Fogging
- (19) Garages
- (20) Hazardous Chemicals
- (21) Liquefied Petroleum Gases

**For the Fire Department, see Chapter 1 of this Code.

- (22) Liquefied Petroleum Gases
- (23) Magnesium
- (24) Oil Burning Equipment
- (25) Organic Coatings, Manufacture of
- (26) Ovens and Furnaces
- (27) Places of Assembly
- (28) Precautions Against Fire, General
- (29) Tents
- (30) Welding or Cutting, Acetylene Generators and Calcium Carbide

Sec. 9-2. Fire Department to Enforce Code.

The Fire Prevention Code shall be enforced by the fire department of the Town, under the supervision of the chief of the fire department.

The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary, and the Town may appoint such inspectors as the Council may authorize.

Sec. 9-3. Definitions.

Whenever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean this Town.

Sec. 9-4. Limits Within Which Storage of Flammable Liquids is Prohibited.

(1) The limits referred to in Section 16.22 of the Fire Prevention Code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby established as the Town limits.

(2) The limits referred to in Section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as the limits of the Town.

(3) Provided that this section shall not prohibit any such installations in existence at the time of this code or ordinance is adopted.

Sec. 9-5. Limits in Which Bulk Storage of Liquefied Petroleum Gases and Explosives is to be Restricted.

The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gases is prohibited, and the limits referred to in Section 12.6b of said code, in which storage of explosives and blasting agents is prohibited, are hereby established as the limits of the Town.

Sec. 9-6. Modifications.

The chief of the fire department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 9-7. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code does not apply or that the true intent and meaning of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the Town Council within thirty (30) days from the date of the decision of the chief.

Sec. 9-8. New Materials, Processes or Occupancies Which May Require Permits.

The chief of the fire department and the other inspectors shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The chief of the fire department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sec. 9-9. Penalties.

(1) Any person, firm, or corporation who shall violate any of the provisions of the provisions of the Fire Prevention Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply

with such an order as affirmed or modified by the Town Council or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00) including costs. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each seven (7) days that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 9-10. Separability.

The council hereby declares that, should any section, paragraph, sentence or word of this chapter or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the council that it would have passed all other portions of the chapter independent of the elimination here from of any such portion as may be declared invalid.

Sec. 9-11. Fire Extinguishers in Business Occupancies.

Every person, firm or corporation owning or operating a place of business within the Town is hereby required to own, keep and maintain therein such fire fighting equipment or fire extinguishers as the chief of the fire department may require. The equipment shall be inspected regularly at least every twelve (12) months by inspectors designated by the chief of the fire department.

The fire department may do any maintenance or recharging of such equipment for a fee adequate to cover the cost of the service to the Town, which fee shall be paid by the owner.

Article 2. Fireworks and Explosives

Sec. 9-12. Explosives.

It shall be unlawful for any person or persons to store, keep, to have on their premises or in their possession any explosive articles in the nature of dynamite, blasting powder or other explosive materials or any kind or nature without first having complied with the laws of the State of Oklahoma for the purpose of selling, storing or keeping such articles.

Sec. 9-13. Fireworks Prohibited.

It shall be unlawful and an offense for any person, firm, corporation to sell or have in his or its possession or to discharge, ignite or in any manner aid, assist or abet in the discharging or igniting any size, type or description, skyrockets, pistols, torpedoes, Roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, also small display ground pieces, cones, cap pistols, cannons or other appliances using caps containing chlorate or pot ash mixture within the Town limits and/or the fire limits established by the council of the Town of Ft. Towson, Oklahoma, County of Choctaw, State of Oklahoma, and the above and foregoing section shall be in effect at all times within the business district of the Town of Ft. Towson. The only exception to this provisions shall be when written permission is given by the mayor to any civic, religious, business or recognized group for the conducting of special events that are civic in nature. Permission must be given seven (7) days before events. Notice must be given the fire chief who shall inspect the proposed site as to safety and protection of persons and property.

Sec. 9-14. Storage Prohibited.

It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling, school, theater or other places of public amusement and any person storing explosives for sale to the general public must comply with the general statutes of the State of Oklahoma in the sale and storage of said explosives.

Article 3. Public Burning

Sec. 9-15. Public Burning Prohibited.

It is unlawful for any person, firm or corporation to burn trash, wood, leaves or other combustible material within the fire limits of the Town.

REPEALED 8/8/2019 - SEE ORD 19-08

Article 4. Penalty

Sec. 9-16. Penalty.

Any person, firm or corporation who shall violate any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provisions declared such failure to be unlawful or to be an offense

or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not exceeding fifty dollars (\$50.00) including costs. Each day upon which any such violation continues, shall constitute a separate misdemeanor.

ORD 19-08

ARTICLE 3 – PUBLIC BURNING/OPEN BURNING REGULATIONS (REVISED)

SECTION 9-15 – PUBLIC BURNING/OPEN BURNING (REVISED)

The purpose of this Article is to control the open burning of refuse and other combustible materials.

A. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

1. **"Combustible materials"** means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.
2. **"Domestic refuse"** means combustible materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. It does not include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances.
3. **"Fire Training"** means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.
4. **"Human-made structure"** means any structure constructed with the intent of providing shelter to persons or property. It does not include structures constructed specifically for live-burn fire training purposes.
5. **"Land clearing operation"** means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of right-of-ways. It does not include the clearing of vegetation such as trimmings, fallen limbs, branches, or leaves, or other wastes from routine property maintenance activities.
6. **"Open burning"** means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.
7. **"Open-pit incinerator"** means a device consisting of a pit (into which the material to be combusted is placed) and nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air and/or auxiliary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached.
8. **"Products of combustion"** means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.
9. **"Refuse"** means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.
10. **"Yard Brush"** means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any nonvegetative material.

Reference OAC 252:100-13-2

B. Open burning prohibited

The open burning of refuse and combustible materials is prohibited unless conducted in strict accordance with the conditions and requirements contained in Sec. 9-15-C and Sec. 9-15-D. Under no circumstances shall the open burning of tires be allowed.

Reference OAC 252:100-13-5

C. Allowed open burning

When not prohibited by state law or ordinance, the following types of burning are allowed, provided the conditions and requirements in Sec. 9-15-D.

1. **Fire training.** Open burning is allowed for fires purposely set for the instruction and training of public and industrial fire-fighting personnel, provided that authorization has been requested from the local fire chief at least ten working days prior to any burning or that written authorization has been received prior to such burning. The DEQ may require written verification of the authorization from the local fire chief or fire training officer.
2. **Elimination of hazards.** Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of:
 - a. A fire hazard that cannot be abated by any other means.
 - b. A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal if authorization is also received from the DEQ prior to such burning.
3. **Recreational and ceremonial fires.** Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.
4. **Land management and land clearing operations.** Open burning is allowed for the following land management and land clearing operations.
 - a. Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma State Department of Agriculture, and the United States Forest Service.
 - b. Fires purposely set for land clearing operations if conducted at least 500 feet upwind of any occupied residence other than those located on the property on which the burning is conducted, except that such burning must be conducted in open-pit incinerators in counties or areas that are or have been designated nonattainment.
5. **Burning of domestic refuse.** Where no collection and disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.
6. **Hydrocarbon burning.** Open burning of hydrocarbons is allowed for:
 - a. The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.
 - b. The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.
7. **Open-pit incinerator.** Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Subchapter may be burned in an open-pit incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of the open-pit incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the open-pit incinerator is located in order to burn the material.
8. **Yard Brush.** Yard brush may be burned on the property where it is generated.

Reference OAC 252:100-13-7

D. General conditions and requirements for allowed open burning

The open burning of refuse and other combustible material may be conducted as allowed in this Subchapter only if the following conditions and requirements are met:

1. No public nuisance is or will be created.
2. The burning is controlled so that a traffic hazard is not created as a result of the air contaminants being emitted.
3. The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.
4. The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under Sec. 9-15-C (1), (2), (3), and (4)(a).

Reference OAC 252:100-13-9

E. Disaster relief

Notwithstanding the prohibition in Sec. 9-15-B, the Executive Director of the DEQ may allow the open burning of debris resulting from a disaster if the Director determines such burning is necessary to protect public health and safety. Such approval, if granted, shall be accompanied by appropriate guidelines for burning the debris.

Reference OAC 252:100-13-10

F. Open burning for fire training

1. For purposes of this section, "open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.
2. A municipal fire department may engage in controlled open burning of a structure for purposes of fire training if the records of the department document the purpose of the open burn and the following conditions are met:
 - a. The municipal fire chief or designee shall provide notification of the planned open burn to the Department of Environmental Quality at least ten (10) days prior to the burning. The notification shall be on a form developed by the Department, document that the provisions of this section are satisfied and be signed by the municipal fire chief;
 - b. For any human-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt, asbestos and lead-containing materials. All asphalt, asbestos and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law;
 - c. Any human-made structure demolished pursuant to the provisions of this act shall not be demolished prior to the fire training. Demolition shall not include structural deterioration due to natural causes;
 - d. Prior to conducting any fire training involving a human-made structure located within three hundred (300) feet of another human-made structure, the municipality shall notify in writing the owners of the property located within three hundred (300) feet within ten (10) days prior to a meeting of the governing body of the municipality to provide an opportunity for public comment; and
 - e. Following the completion of fire training, all debris resulting from the training must be disposed of in the appropriate manner.
3. The Board of Environmental Quality shall have the authority to promulgate rules as may be necessary to implement the purposes of this section.

Universal Citation: 27A OK Stat § 27A-2-5-106.1 (2014)

Added by Laws 2003, c. 238, § 1, eff. Nov. 1, 2003.