

Chapter 7

FIRE PREVENTION AND PROTECTION¹

- Art. I. In General, §§ 7-1-7-15
Art. II. Fire Department, §§ 7-16-7-40
Art. III. Fire Prevention Code, §§ 7-41-7-47

ARTICLE I. IN GENERAL

Secs. 7-1-7-15. Reserved.

ARTICLE II. FIRE DEPARTMENT²

Sec. 7-16. Generally.

There shall be a paid fire department having one full-time fire chief whose primary duty shall be the administration of the fire department in accordance with the policies and procedures prescribed by the city council or by the city manager. The fire department shall be under the direction and control of the fire chief. The fire chief shall have had at least three (3) years' actual experience as a paid firefighter. It shall be the duty of the fire chief to file the appropriate fire loss reporting forms with the state fire marshal's office in Oklahoma City each quarter of the calendar year. The reports shall include notification of all fire-related deaths in the respective jurisdiction and of firefighter injuries in the line of duty requiring the services of a physician.

(Code 1977, §§ 1-16)

Cross reference—Administration, Ch. 2.

State law reference—Similar provisions, 11 O.S. § 29-102.

Sec. 7-17. Duties generally.

The fire chief and fire department shall be charged with the prevention of fires within the corporate limits of the city; with the detecting, combating and extinguishing of fires when such occur; and with the protection of property and persons incident to such fires.

(Code 1977, § 1-16)

Sec. 7-18. Firefighters; how appointed.

The members of the fire department shall, on approval of the chief of the fire department, be appointed in the manner provided by law applicable to the form of municipal government for the appointment of municipal employees.

(Code 1977, § 1-16)

State law reference—Similar provisions, 11 O.S. § 29-103.

¹**Cross references**—Administration, Ch. 2; buildings and building regulations, Ch. 5; health and sanitation, Ch. 8; motor vehicles and traffic, Ch. 10; nuisances, Ch. 12; parks and recreation, Ch. 14; utilities, Ch. 18; airport board, § 2-24; department of civil defense, § 2-40; exits in private clubs, § 3-48; officers and employees enforcing fire prevention code, § 5-2; fire prevention code on file, § 5.4; modifications of fire prevention code, § 5-5; conflicts of fire prevention code with Code of Ordinances or zoning ordinances, § 5-6; enforcement of fire prevention code, § 5-7; fire limits, § 5-9; oil, gas and mineral production, §§ 9-66 *et seq.*; duties of firemen as to traffic, § 10-5; fire or explosion hazard as nuisance § 12-5; summary abatement of nuisances, § 12-6; fires on streets, § 16-27.

State law references—Municipal fire departments 11 O.S. §§ 29-101 *et seq.*; vehicle liability insurance, 11 O.S. § 23-104; firefighters' pension and retirement, 11 O.S. §§ 49-100.1 *et seq.*; contract with fire protection district, 19 O.S. § 901.25; fire hazards, 11 O.S. § 22-113.

²**Cross reference**—Administration, Ch. 2.

State law references—Fire departments, 11 O.S. Art. 29, firefighters working outside corporate limits, 11 O.S. § 29-107.

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Sec. 7-19. Tenure of office.

The chief and members of the fire department shall hold their respective positions unless removed for a good and sufficient cause as provided by applicable law or ordinance. (Code 1977, § 1-16)

State law reference—Similar provisions, 11 O.S. § 29-104.

Sec. 7-20. Right of entry.

The fire chief or his representative shall have the right of ingress and egress on or into any real property within the corporate limits of the city, within reasonable hours, for duties outlined in the city's adopted fire prevention code.

(Code 1977, § 1-16)

Sec. 7-21. Rules.

The city council, by motion or resolution, may adopt rules and regulations governing the fire department. Before the council adopts, amends or repeals any such rules and regulations, the city manager and the fire chief shall have a right to be heard or to submit recommendations regarding the proposal.

(Code 1977, § 1-16)

Sec. 7-22. Firefighters working outside limits; compensation; pension fund.

All municipal firefighters, full paid or volunteer, attending and serving at fires or doing fire prevention work or rescue, resuscitation, first aid, inspection or any other official work outside the corporate limits of a municipality as provided in 11 O.S. §§ 29-105 through 29-108 shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of their own municipality; but full paid fire-fighters shall receive no additional compensation, and volunteer firefighters shall receive compensation as may be provided for by ordinance or resolution for such cases. All such firefighters shall be entitled to all the benefits of any pension fund or firemen's relief and pension fund in the same manner as if the firefighting or fire prevention work or rescue, resuscitation, first aid, inspection or any other official work has been within the corporate limits of the municipality.

State law reference—Similar provisions, 11 O.S. § 29-107.

Sec. 7-23. Pensions.

(a) The fire department shall be subject to all of the provisions of the Oklahoma Firefighters Pension and Retirement System Act, all of the provisions of which are hereby accepted by the city for the use and benefit of its fire department, which shall also be subject to all of the obligations thereunder.

(b) There is hereby created a local firefighters pension and retirement board, with membership, organization, powers, duties and functions as prescribed by state law.

(c) The city treasurer shall deduct from salaries or wages of each member of the fire department an amount equal to eight (8) percent of the annual compensation paid to such members. The deductions shall be made at the time such firefighters are paid and, when so deducted, shall be deposited in the firefighters pension and retirement system. All such deductions so made shall be set forth on the payroll, in a legible manner, so that each member of the fire department contributing to the fund may be able to ascertain the exact amount which he is contributing. Paid members of the fire department are authorized to vote to increase the amount deducted.

(Code 1977, § 1-109)

Charter reference—Retirement systems authorized, § 2-4.

Cross reference—Social security, § 2-60.

State constitution reference—Firemen's pensions, Art. 5, § 41.

State law references—Firefighters' retirement and pensions, 11 O.S. §§ 49-100.1 *et seq.*; local board, 11 O.S. §§ 49-103 *et seq.*; deductions from salaries, 11 O.S. § 49-122.

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Sec. 7-24. Firemen's equipment fund.

There shall be a firemen's fund which shall consist of all revenues collected by the fire department. Said firemen's fund shall be held by the secretary-treasurer and expended for fire-fighting equipment and extra services rendered by the chief and assistant chief upon approval of a majority vote of the firemen at each monthly meeting, and upon approval of the city manager.

Secs. 7-25-7-40. Reserved.

ARTICLE III. FIRE PREVENTION CODE³

Sec. 7-41. Adopted.

The latest edition, as amended, of the code specified below (with revisions as may be set forth in this chapter) is adopted and incorporated as fully as if set out at length herein, for the purposes of establishing rules and regulations for activities carried on within the corporate limits of the city relating to the provision of basic safeguards to life and property from the hazards of fire and explosion: The Standard Fire Prevention Code (recommended by the Southern Building Code Congress International, Inc.).

(Code 1977, § 4-1)

Cross reference—Building codes adopted, § 5-3.

Sec. 7-42. Enforcement.

The Standard Fire Prevention Code adopted by the city council shall be enforced by the volunteer fire department, under the supervision of the fire chief, who shall be ex officio chief of the fire prevention bureau; members of said department may be detailed as inspectors by the fire chief, if he deems it necessary.

(Code 1977, § 8-2)

Sec. 7-43. Storage areas, etc., generally.

(a) The limits referred to in section 20.201 of the fire prevention code, in which storage of flammable and combustible liquids in outside aboveground tanks is restricted, and the following regulations apply to such storage:

- (1) Prohibited in zoned residential areas;
- (2) Permitted in zoned commercial areas with conditional use permits;
- (3) Permitted in zoned industrial areas with conditional use permits;
- (4) Permitted in zoned agriculture areas with a licensed propane dealer doing the installation;

All installations must abide by the guidelines of the corporation commission and the Southern Standard Building Code whichever is most restrictive. Permits are for required tank installations. Such permits are five dollars (\$5.00) per installation.

(b) The limits referred to in section 20.601 of the fire prevention code, in which new bulk plants for flammable and combustible liquids are prohibited, are hereby established as provided by the zoning ordinance of the city.

³ **State law references**—Authority of city to adopt fire prevention codes by reference, 11 O.S. § 14-107; transportation and use of nitroglycerine in cities, 63 O.S. §§ 127 *et seq.*; authority of city to regulate fireworks, 11 O.S. § 22-110.

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(c) The limits referred to in section 16-105 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby established as the areas where such storage is prohibited under the zoning ordinance of the city.

(d) All other limits in the fire prevention code not heretofore established, shall be established according to the provisions of the zoning ordinance of the city.

(e) This section shall not prohibit any such installations in existence at the time this Code of Ordinances is adopted.

(Code 1977, § 4-2; Ord. No. 757, § 1, 9-4-84)

Editor's note—The zoning ordinance is on file in the office of the city clerk and will be inserted in App. A to this Code by direction of the city.

Sec. 7-44. Explosives generally.

(a) It shall be unlawful for any person to store, keep, have on his premises or in his possession, any explosive materials of any kind or nature, without first having complied with the laws of the state for the purpose of selling, storing or keeping such articles.

(b) It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling or school. Any person storing explosives for sale to the general public must comply with the laws of the state concerning the sale and storage of said explosives.

(Code 1977, § 8-12)

State law references—Explosives and combustibles, 63 O.S. § 124 *et seq.*; mines and mining, 45 O.S.

Sec. 7-45. Sale, possession of fireworks.

It shall be unlawful for any person to sell or to discharge, ignite or in any manner aid, assist or abet in the discharging or igniting of any firecrackers of 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, or small display ground pieces, canes, cap pistols, cannons or other appliances using caps containing chlorate or potash mixture, within the corporate limits of the city; provided, that the firing and discharging of such fireworks may be permitted within the city parks when the same is supervised by a municipal official; and provided further, that the mayor may order or permit public display of fireworks by properly qualified individuals under the direction of experts in the handling of such fireworks.

(Code 1977, § 8-11)

Sec. 7-46. Liquefied petroleum gas; state permits; storage.

It shall be unlawful for any person to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of liquefied petroleum gas; or to transport, handle or store such gas, unless such person has complied with, all provisions of the state law and local ordinances relating thereto, and has any permit which may be required by state law. No storage of liquefied petroleum gas, except by retail customers in reasonable amounts for their own use, shall be permitted within the corporate limits of the city.

(Code 1977, § 4-13)

State law reference—Liquefied petroleum gases, 52 O.S. §§ 420.1 *et seq.*

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Sec. 7-47. Variances; Amendments; appeals.

(a) The fire chief, with the approval of the city council, shall have the power to grant a variance to 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 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 fire chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(b) The city manager, fire chief and one person appointed by the city council 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 fire chief shall post such list in a conspicuous place in his office and distribute copies to interested persons.

(c) Whenever the fire chief shall disapprove an application, refuse to grant a license or permit applied for, or when it is claimed that the provisions 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 fire chief, to the city council, within thirty (30) days from the date of the decision of the chief.

(Code 1977, § 8-3)

Cross reference—City manager, § 2-5.

