

TITLE 6

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CHAPTER 1 – IN GENERAL

SECTION 6-101 DUTY OF SPECTATORS, AND AUTHORITY OF FIREMEN AND POLICE, AT SCENE OF FIRE

- (a) Every person present at the scene of a fire shall be subject and obedient to the orders of any police officer or member of the fire department there present as to any matter relating to extinguishment of the fire, the removal and protection of property or the maintenance of order; and it shall be unlawful for any person present at the scene of any fire to disobey any such lawful order of any police officer or member of the fire department there present.
- (b) Firemen and police officers present at the scene of any fire shall have power to arrest any person for disobedience of the lawful order of a police officer or

firemen given pursuant to this section and to hold the offender in custody until the fire has been extinguished, at which time he shall be taken before an appropriate judicial officer to be dealt with according to law.

SECTION 6-102 UNAUTHORIZED RIDING UPON FIRE DEPARTMENT APPARATUS PROHIBITED

It shall be unlawful for any unauthorized person to ride upon a fire apparatus of the Town at any time, and no person other than those assigned to such apparatus shall be authorized to ride thereon while such apparatus is responding to a fire alarm except by authority of the fire chief.

SECTION 6-103 UNAUTHORIZED USE, TAMPERING WITH, ETC., OF FIRE DEPARTMENT EQUIPMENT, ETC.

No person shall use any fire apparatus or equipment of the Town for any private purpose, nor shall any person willfully and without proper authority remove, take away, tamper with, keep or conceal any tool, equipment, appliance or other article used in any way by the fire department.

SECTION 6-104 BONFIRES RESTRICTED

- (a) **GENERALLY; AT SITE OF WORK PROJECT.** No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without authorization by the fire chief. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization. Proper “authorization”, within the meaning of this article, shall mean a written permit; oral permission; or compliance with instructions or regulations. No person shall start, feed, attend or allow upon his premises a burn barrel, or commercial or residential trash or garbage fire.
- (b) **LOCATION RESTRICTED.** No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless (1) the location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure, or (2) the fire is contained in a waste burner, of a type approved by the Town Council, located safely not less than fifteen (15) feet from any structure; provided, that no bonfire or rubbish fire shall be kindled or maintained on any part of the streets, sidewalks, public squares or other public places in the Town.
- (c) **ATTENDANCE OF OPEN FLAMES.** Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished.

This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

- (d) **TOWN COUNCIL MAY PROHIBIT.** The Town Council may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 6-105 HOT ASHES AND OTHER DANGEROUS MATERIALS

No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within ten (10) feet of combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two (2) feet away from any combustible wall or partition or exterior window opening.

SECTION 6-106 KINDLING, MAINTAINING OR PERMITTING FIRES ON PROPERTY OF OTHER PERSONS

No person shall kindle or maintain any fire upon the property of another without authority of the owner of such property, nor shall any person willfully or through neglect permit any fire on his own property to spread to the property of another.

SECTION 6-107 ACCUMULATIONS OF WASTE MATERIALS

Roofs, courts, yards, sidewalks, alleys, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

SECTION 6-108 HANDLING READILY COMBUSTIBLE MATERIALS

No person shall making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered, receptacles or bins.

SECTION 6-109 STORAGE OF READILY COMBUSTIBLE MATERIALS

- (a) **GENERALLY.** No person shall keep or permit to be kept on any premises owned or occupied by him any oily waste and oily rags, unless at all times, when not actually in use, such oily waste and oily rags be kept in a metal can with self-closing cover and riveted joints.

- (b) **WHEN PERMIT REQUIRED.** No person shall store in any building or upon any premises in excess of two thousand five hundred cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a written permit from the Town Council.
- (c) **STORAGE REQUIRMENTS.** Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.

SECTION 6-110 FLAMMABLE DECORATIVE MATERIALS IN BUILDINGS OF MERCANTILE AND INSTITUIONAL OCCUPANCY

Highly flammable materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless first rendered flameproof.

SECTION 6-111 OPEN FLAMES OR LIGHTS RESTRICTED

- (a) No person shall take an open flame or light into any building, barn or any other place where highly flammable, combustible or explosive material is kept,; unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.
- (b) No heating or lighting apparatus or equipment capable of igniting flammable material or the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; not in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.

SECTION 6-112 USE OF TORCHES FOR REMIVING PAINT AND SWEATING PIPE JOINTS

- (a) Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one fire extinguisher, of a type approved by the Town Council, or water hose connected to a water supply in the area where such burning is done. In all cases, a fire watcher shall remain on the premises for one hour after the torch or flame-producing device has been used.

- (b) Any person using a torch or other flame-producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done one such approved fire extinguisher or water hose connected to a water supply. Combustible material in the close proximity of flame shall be protected against ignition by shielding, wetting, or other approved means. In all cases, a fire watcher shall remain in the vicinity of the seating operation for one-half hour after the torch or flame-producing device has been used.

SECTION 6-113 SMOKING PROHIBITED UNDER CERTAIN CONDITIONS

- (a) “Smoking” shall mean and include the carrying of a lighted pipe, cigar, cigarette, tobacco, marijuana or other substance in any form.
- (b) Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the Town Council is empowered and authorized to order the owner or occupant in writing to post “No Smoking” signs in each building, structure, room or place in which smoking shall be prohibited. The Town Council shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

SECTION 6-114 CONFLICTS OF LAW

In the event of a conflict between any provision of this article with any statute of the State or any rule, regulation or order of the State Fire Marshal promulgated or given pursuant to statute, the statute, rule, regulation or order shall prevail.

CHAPTER 2 – FIRE DEPARTMENT

**SECTION 6-201 PROPERTY, PERSONNEL AND ORGANIZATION
GENERALLY**

The fire department shall have such property, equipment and apparatus, and such personnel, holding such ranks, as may from time to time be authorized by the Town Council. The organization and deployment of the fire department shall be as prescribed in the rules and regulations of the department promulgated pursuant to this division.

SECTION 6-202 RULES AND REGULATIONS

The Mayor shall prepare and may from time to time amend rules and regulations not inconsistent with State law, this Code or other ordinance or resolution of the Town Council, for the organization and government of the fire department and the personnel and amendments thereof have been approved by ordinance or by resolution of the Town Council and, having been so approved, have been placed on file in the Office of the Town

Recorder and a true copy thereof having been placed on file at fire department headquarters for the information of all members of the department, it shall be unlawful for any member of the fire department to violate or fail to comply with any such rule or regulation.

CHAPTER 3 – FIRE PROTECTION FEE

SECTION 6-301 FEE IMPOSED

That in the judgment of the Common Council of the Town of Pratt, West Virginia, the public health, safety, welfare and well-being of the citizens there of demands the continuance, maintenance and improvement of the essential service of fire protection within the Town of Pratt, and the public revenues of the Town of Pratt are not sufficient, having regard to other necessary costs and expenses, for the purpose of providing adequate fire protection within the Town of Pratt, and therefore it appears that in order to provide additional revenues for the continuance, maintenance and improvement of the essential and special service of fire protection within the Town of Pratt it is necessary that there be imposed upon the users of such special service such rates, fees and rentals as are required to pay a part of the cost of the special service of fire protection. The proceeds and revenues received and collected from such rates, fees and rentals from the users of such special service shall be used and expended in the continuance, maintenance and improvement of the special service of fire protection and the facilities required therefore within the Town of Pratt and for no other purpose or purposes.

SECTION 6-302 AMOUNT OF FEE; WHEN PAYABLE

There shall be and is hereby imposed, levied and assessed upon each user of such special service of fire protection within the Town of Pratt for the purpose of the continuance, maintenance and improvement of fire protection service within the Town of Pratt, Two Dollars (\$2.00) per month for households and Five Dollars (\$5.00) per month for business establishments situate and located on real estate within the corporate limits of the Town of Pratt. Said rates, fees and charges shall be paid by each user of the essential service of fire protection within the Town of Pratt and by the owner of such personal property, goods and chattels.