

CHAPTER 5

FIRE PROTECTION

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5.01 FIRE PREVENTION CODES ADOPTED. The City hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion:

(1) All laws and lawful orders of the State now or hereafter in effect relating to fire prevention hereinafter referred to as the "State Code".

(2) The Fire Prevention Code recommended by the American Insurance Association, latest edition, and any subsequent amendments, additions, revisions or recodifications, except the provisions thereof in conflict with the provisions of the State Code. Where the requirements of the State Code and the American Insurance Association conflict, the State Code shall apply.

5.02 ESTABLISHMENT AND DUTIES OF FIRE DEPARTMENT. (1) The Fire Prevention Code shall be enforced by the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Fire Chief.

(2) The Fire Chief shall be appointed by the Mayor on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause after public hearing.

(3) The Chief may detail such members of the Fire Department as inspectors as shall, from time to time, be necessary. The Chief shall recommend to the Mayor the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite time with removal only for cause.

(4) A report of the Fire Department shall be made annually and transmitted to the Mayor; it shall contain all proceedings under this chapter, with such statistics as the Fire Chief may wish to include therein; the Chief shall also recommend any amendments to this chapter which, in his judgment, shall be desirable.

5.03 DEFINITIONS. When used in the Fire Prevention Code, the following terms shall mean:

CORPORATION COUNSEL. The City Attorney.

MUNICIPALITY. The City of Kiel.

5.04 STORAGE OF FLAMMABLE LIQUIDS. (1) The limits referred to in

Section 16.22(a) of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as provided in the Zoning Code.

(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 established as provided in the Zoning Code.

5.05 BULK STORAGE OF PETROLEUM GASES. The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as provided in the Zoning Code.

5.06 STORAGE OF EXPLOSIVES AND BLASTING AGENTS. The limits referred to in Section 12.6b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as provided in the Zoning Code.

5.07 MODIFICATIONS. The Fire Chief may 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 such 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 thereon, shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

5.08 APPEALS. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the City Council within 30 days from the date of the decision appealed from. The City Council shall consider such appeal within 30 days.

5.09 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The Mayor, Fire Chief and Building Inspector 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 such Fire Prevention Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

5.15 PENALTY. Any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

