

YALE CITY CODE

Chapter 8

FIRE PREVENTION

Article 1. Fire Department

Sec. 8-1. Fire Department.

(a) There shall be a fire department, the head of which shall be the Chief of the Department.

(b) It is the duty of the fire department, among other duties, to extinguish fires, to rescue persons endangered by fire, and to administer first aid, when possible, to persons injured in or about burning structures, to promote fire prevention, and unless otherwise provided, to enforce ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings and structures.

Sec. 8-2. Duties of the Fire Chief.

The Fire Chief shall be the administrative head of the Fire Department and who may be a regular employee of the City of Yale and a member of the volunteer fire department. The Fire Chief shall be appointed by the City Manager for an indefinite term and the City Manager shall have the authority to remove or replace the Fire Chief subject to the provisions of the Personnel Policy and the Charter of Ordinances of the City of Yale.

(a) The Fire Chief shall be subject to the laws of the State of Oklahoma, the Ordinances of his City of Yale, Oklahoma and any rules and regulations adopted by the City.

(b) The Fire Chief shall be responsible for the general condition and efficient operation of the fire department, the training of fire department members, and the performance of all other duties assigned to him and shall be subject to the supervision and control of the City Manager of the City of Yale.

(c) The Fire Chief may inspect or cause to be inspected by members of the fire department, the fire hydrants, and sources of water supply not less than two times per year.

(d) The Fire Chief shall make every effort to attend all fires and direct the officers and members of the fire department in the performance of their duties.

(e) The Fire Chief shall keep all citizens of the City of Yale informed on fire hazards in the community and shall keep the citizens informed of the activities of the fire department.

YALE CITY CODE

(f) The Fire Chief shall ensure that each fire attended by members of the Yale Fire Department is fully investigated to determine its cause and in the case of suspicion of incendiarism shall promptly notify proper authorities of such fire and shall further secure and preserve the fire scene for future investigation.

Sec. 8-3. Assistant Chief.

(a) The assistant Chief shall be elected by the members of the department to serve a term of one year, said term to commence at the first meeting in January annually.

(b) In the absence of the Chief, the assistant Chief on duty shall command the department and be held responsible therefore in all respect with the full power and responsibilities of the Chief.

Sec. 8-4. To be a volunteer department: Number of firemen.

The fire department of the city is a volunteer fire department which has in its employ no more than three (3) full-time salaried firemen, and it shall be comprised of not less than eight (8) and no more than thirty (30) volunteer firemen pursuant to the provisions of Title 11 Section 29-203 of the Oklahoma Statutes.

Sec. 8-5. Volunteer firemen defined.

For the purpose of this article, a volunteer fireman is one who is enrolled as a member of the fire department and he serves in such capacity without receiving a regular salary.

Sec. 8-6. Company officers.

The company officers which shall be at a minimum an Assistant Chief, a Deputy Chief, a Captain, 1st Lieutenant, 2nd Lieutenant, and a Secretary-Treasurer shall be selected upon their ability to meet the following requirements:

- (1) Their knowledge of fire fighting.
- (2) Their ability to lead members.
- (3) Their knowledge of fire fighting equipment.

Sec. 8-7. Secretary-Treasurer.

One (1) member elected by the fire department may be secretary-treasurer. His/Her duties shall consist of the following:

- (1) Calling the roll at the opening of each meeting.
- (2) Keeping the minutes of each meeting.

YALE CITY CODE

- (3) Collecting any money due to the department by the members.

Sec. 8-8. New members.

(a) All applicants to become members of the Yale Fire Department shall be approved by a 3/4th majority vote of the members of such department. The Fire Chief shall then submit such nomination to the City Manager of approval. The City Manager and the Fire Chief may either approve or reject such nomination. Such nomination, if approved, shall then be on probation for one (1) year from the date of such approval by the City Manager and Fire Chief.

(b) New volunteer members upon completion of their probation period must be approved by the majority of the fire department.

Sec. 8-9. Fire Department Bylaws.

(a) The bylaws of the City of Yale Volunteer Fire Department shall include the following rules and regulations, it being the intent of this ordinance that all members of the volunteer fire department participate in all activities of the Yale Volunteer Fire Department as a means of becoming well trained and educated in fire matters in order to provide emergency services to the citizens of the City of Yale.

(1) The Yale Fire Department shall hold at least one regular business meeting each month.

(2) The Yale Fire Department shall hold a least one regular training meeting each month.

(3) All volunteer fire fighters are required, when notified, to respond to alarms of fires and other emergencies, unless excused as provided for herein.

(4) All volunteer fire fighters are required to attend not less than eighty percent (80%) of all regular business meetings, special meetings, schools, training classes and regular training meetings held in any calendar year, unless excused as provided for herein.

(5) Any volunteer fire fighter who leaves the City of Yale for an extended period shall notify the City Manager who may place the fire fighter in an inactive status until such time as the fire fighter returns to the City of Yale or previous residence.

For the purposes of the provisions of this Section any member of the volunteer fire department may be given an excused absence when required to miss any regular business meeting, special meeting, school, training class or regular training meeting. The Fire Chief may grant any fire fighter an excused absence with the approval of the City Manager. An excused

YALE CITY CODE

absence shall mean any absence that could not have been reasonably foreseen or avoided and for which the fire fighter is blameless such that a reasonable person would be justified in missing any of such meetings.

(b) Members of the Yale Volunteer Fire Department shall be removed as a member of the Yale Fire Department for any of the following:

- (1) Failure to attend meetings or training meetings as required herein.
- (2) Conduct unbecoming a fire fighter.
- (3) Any act of insubordination.
- (4) Conviction of a felony or a misdemeanor involving moral turpitude.
- (5) Neglect of duty.
- (6) Violation of any City of Yale policy.
- (7) Misuse of City of Yale property or funds.
- (8) Failure to meet the requirements for being a volunteer fire fighter, to

include, but not limited to this Section.

Sec. 8-10. Chief to supervise and report.

(a) The Chief of the Fire Department shall have supervision and control of the fire department, subject to the supervision and control of the City Manager. The Fire Chief may assign duties to other members of the Fire Department.

(b) The Fire Chief shall submit to the City Manager each month a written report of his duties and responsibilities as Fire Chief. Such report shall include, but not be limited to, the following information:

(1) The date and subject of any training session held during the preceding month, to include the name of the members of the fire department who attended such training session or sessions.

(2) The date and address of any fire or other emergency to which the Yale Fire Department responded during the previous month, to include the name of the members of the Yale Fire Department who responded to such fire or other emergency.

(3) The date and topics of any regular or special meetings of the Fire Department held during the previous month, to include the name of the members of the Yale Fire Department who attended such meeting or meetings.

YALE CITY CODE

Sec 8-11. Duties of department.

(a) It shall be the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in theaters, stores and other public buildings.

(b) The Chief shall keep the City Manager informed regarding the fire department and its needs, and shall make such report as the City Manager may require.

Sec. 8-12. Regulations.

The City Commission, by motion or resolution may adopt and change regulations relating to the fire department, its organization and operation. The Chief may recommend such regulations and changes therein to the board at any time.

Sec. 8-13. Investigation of arson, Entry of buildings.

(a) The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(b) The Chief is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person so served with a notice to abate fire hazard or hazards shall comply therewith and promptly notify the Chief.

Sec. 8-14. Records and reports of the Fire Department, Fire Member Compensation.

(a) The Fire Chief shall see that complete records are kept of all fires, fire inspections, fire personnel, and other information about the work of the Yale Fire Department, and shall make such reports as the City Commission may require.

(b) Members of the Yale Volunteer Fire Department shall not be compensated for expenses incurred by such fire members as a result of their duties as volunteer firemen. The Fire Chief shall be responsible for reporting to the City Clerk not less than once per quarter the number of volunteer fire runs made by the Yale Volunteer Fire Department during that quarter and the names of the volunteer firemen who were present and attended each such fire run or fire

YALE CITY CODE

response. The City Clerk shall prepare and make payment each quarter to such volunteer firemen based upon the report of actual fire runs or fire responses made by the Fire Chief. Such payment shall be based upon an amount of \$20.00 per fireman per fire run or fire response.

Sec. 8-15. Chief to have charge at fires.

The Chief of the fire department or the person acting in his absence shall have full power, control and command over all persons whomsoever present at fires to include but not limited to structure fires, vehicle fires, grass fires, hazardous conditions operations for rescue, recovery and extrication and hazardous materials incidents; and he shall direct the use of all fire apparatus and equipment, and command all firemen in the discharge of their duties. He shall take such measures as may be necessary in the prevention and protection of property and the extinguishing of fires.

Article 2. Fire Prevention Code.

Sec. 8-16. Fire Prevention Code adopted.

(a) There is hereby adopted by reference, that certain code referred to as the most recent International Fire Code as published by the International Code Council, for the establishment of minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of all buildings and structures. Each and all of the standards, regulations and requirements, save and except such portions as are hereinafter deleted, amended or modified, as set about and specified in the International Fire Code are hereby adopted, referred to, incorporated and made a part hereof as if fully set out at length herein.

(b) Not less than one (1) copy of the said Fire Code shall be on file in the office of the city clerk and open for public inspection at all times

(c) In the event any provision of this article and any provision of the Fire Code, conflicts with or is inconsistent in any manner with any section of the Yale City Code or other codes adopted by reference therein, or parts thereof, the provisions of this article and the Fire Code shall supersede and take precedence over such portion or portions in conflict or inconsistent therewith.

(d) Said code is hereby amended to read as follows:

YALE CITY CODE

(1) Section 405. Emergency Evacuation Drills. Fire drills shall be held at least once every 6 months in educational and institutional type occupancies where such occupancies constitute a major occupancy of building. During severe weather fire drills may be postponed. A record of all fire drills shall be kept and persons in charge of such occupancies shall file written reports at least once a month with the Bureau of Fire Prevention, giving the time and date of each drill held.

(2) Section 1011.3. Obstructions. No person shall place, store or keep, or permit to be placed, stored or kept on or under or at the bottom of any exit stairway, inside or outside, exit hallway, elevator or other means of egress, any materials that the presence or the burning or which would obstruct or render hazardous, egress or persons from the building.

(3) Section 101.1 is hereby amended by inserting the words "the City of Yale, Oklahoma" for and in exchange of the words, "name of jurisdiction."

(4) Section 105. Permits is deleted in its entirety.

(5) Sections 109.3 Violation Penalties and 111.4 Failure to Comply are hereby amended to conform with Section 7-10 of the Yale City Code

(6) Section 108 Board of Appeals is hereby deleted in its entirety.

(7) Any and all references to oil and gas production are hereby deleted in their entirety.

(8) Section 3301.1.3. Fireworks is hereby deleted in its entirety.

Sec. 8-17. Establishment and duties of bureau of fire prevention, etc.

(a) The Fire Code shall be enforced by the bureau of fire prevention in the Fire Department of the City of Yale, which is hereby established and which shall be operated under the supervision of the fire department.

(b) The person in charge of the bureau of fire prevention shall be designated as fire marshal and shall be appointed by the City Manager on the basis of examination to determine his qualifications.

(c) The Chief of the fire department may detail such members of the fire department as inspectors as may from time to time be necessary.

(d) A report of the bureau of fire preventions shall be made annually and transmitted to the City Manager. It shall contain all proceedings under this code, with such statistics as the

YALE CITY CODE

Chief of the fire department may wish to include therein. The Chief of the fire department shall also recommend any amendments to the Code which in his judgment, are desirable.

Sec. 8-18. Definitions.

The following terms shall have the given definitions in the Fire Code:

- (a) Wherever "municipality or name of jurisdiction" is used, it means the City of Yale.
- (b) Wherever the word "corporation counsel" is used, it means the city attorney of the City of Yale.
- (c) Wherever the term "Chief of the bureau of fire prevention" is used, it means the fire Chief of the City of Yale.

Sec. 8-19. Fire Department to enforce code.

The Fire Code shall be enforced by the fire department of the City, under the supervision of the Chief of the fire department, and in case there is no fire department by the police department. The head of the fire department may detail such members of his department as inspectors as shall from time to time be necessary.

Sec. 8-20. Limits within which storage of flammable liquids is prohibited.

(a) The limits referred to in Section 3204.3.1.1 of the International Fire Code, in which storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as the City limits.

(b) The limits referred to in Sections 3404.29.5.2 and 3406.2.4.4 of the Fire Prevention Code, in which storage of Class I + Class II liquids in outside above-ground tanks and above-ground tanks, is respectively prohibited, are hereby established as the limits of the City.

(c) Provided that this Section shall not prohibit any such installations in existence at the time this code of ordinances is adopted.

Sec. 8-21. Limits in which bulk storage of liquefied petroleum gases and explosives are to be restricted.

The limits referred to in Section 3804.2 of the International Fire Code, in which bulk storage of liquefied petroleum gases is prohibited, and in which storage of explosives and blasting agents is prohibited, are hereby established as the limits of the City.

YALE CITY CODE

Sec. 8-22. Modifications.

The Chief of the Fire Department, with approval of the City Commission 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. 8-23. Appeals.

Whenever the head 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 do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from that decision to the City Commission within thirty (30) days from the date of the decision of the Chief.

Sec. 8-24. New materials, processes, or occupancies which may require permits.

The Chief of the Fire Department, and two (2) persons appointed by the City Commission 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. 8-25. Penalties.

(a) Any person, firm, or corporation who shall violate any of the provisions of the Fire Prevention Code hereby adopted or who 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 City Manager 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

YALE CITY CODE

Five Hundred Dollars (\$500.00) excluding costs. The imposition of one (1) 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 ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

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

Article 3. Fireworks

Sec. 8-26. Definition of fireworks.

The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers, or other fireworks or like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Nothing in this article shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, or apply to the military or naval forces of the United States or of this state, or to peace officers, or to prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

Sec. 8-27. Limitation of the purchase, sale, possession, or use of fireworks.

(a) The use of fireworks within the corporate limits of the City of Yale is hereby prohibited, except between the hours of 9:00 o'clock a.m. and 10:00 o'clock p.m. on the date of July 1, 2, 3 and 5, and the hours of 9:00 o'clock a.m. and Midnight on July 4 of each year except as further provided in section 8-28 hereof.

YALE CITY CODE

(b) The use of fireworks within the corporate limits of the City of Yale, is hereby prohibited within Three Hundred feet (300) of any school, church, public building, nursing home, medical facility, service station, convenience store or any facility selling and dispensing petroleum products and from within three hundred feet (300) of any commercial business and at any location within the corporate limits of the City of Yale during a State imposed burn ban.

(c) The use of pop bottle rockets within the corporate limits of the City of Yale is expressly prohibited at all times.

Sec. 8-28. Public displays: Applications and permits.

(a) Nothing in this article shall be constructed as applying to the purchase, sale, possession, or use of fireworks for public display by holders of a permit for the public display to be conducted in accordance with the rules and regulations herein specified.

(b) Public displays may be performed only under competent supervision and after the persons or organizations making such displays shall first apply for and receive a written permit from the City Commission of the City of Yale.

(c) Such applications shall be made at least ten (10) days in advance of the proposed display, and shall show the location, who is to shoot the show, and the name of the display distributor who is to furnish the merchandise and shall bear the signed approval of the Chief of police and the fire Chief.

Sec. 8-29. Purchase and sale of fireworks.

No association, person, firm or corporation shall purchase or sell fireworks at retail within the City of Yale, Oklahoma without first having secured a fireworks permit from the City of Yale.

Sec. 8-30. Permit and license required.

It shall be unlawful for any person, firm or corporation in the City of Yale, Oklahoma, to sell fireworks without first having a sales permit from the City Clerk and providing the following information:

- (1) The name, home address and local address, if any, of the applicant.
- (2) The name and address of the person, firm or corporation that owns the fireworks sales facility.
- (3) The location and address of the fireworks sales facility.

YALE CITY CODE

- (4) The owner of the property where such fireworks sales facility shall be located.
- (5) A copy of the applicant's Oklahoma Sales Tax Permit including the sales tax permit number, or if the application is charitable organization, a copy of the applicant's Oklahoma Sales Tax Exemption. Provided no permit shall be issued without a valid Oklahoma Sales Tax Permit.
- (6) All permit applications shall also include a permit fee of \$20.00 per location.
- (7) Any permit issued hereunder shall be valid from June 15th through July 6th each year and shall be considered to be an annual permit.

Sec. 8-31. Penalty.

Any person, individual, partnership, corporation or association, or officer, director, stockholder, owner, manager, or persons having supervisory control over the premises of any public place who violates any provisions of this Chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs. Each day upon which such violation continues shall constitute a separate misdemeanor.

Article 4. Fire Department Operation Outside City Limits

Sec. 8-32. To answer calls within ten (10) miles, exception

When there is imminent peril and danger to life and/or homes, the Fire Department of the City of Yale may answer all outside fire calls where there is in effect a current fire contract as provided for in Section 8-33 hereof, or within a distance of ten (10) miles from the nearest fire station. Otherwise there exists no duty to answer such calls unless specifically requested by the property owner and unless, in the opinion of the Fire Chief, it is not inexpedient to do so on account of another fire in the city, broken apparatus, impassable or dangerous highways; or other physical condition.

Sec. 8-33. Rural fire run fees, Commission may enter into contracts.

The City of Yale is hereby authorized and empowered through the Yale Volunteer Fire Department to execute and enter into a contract for the providing of fire prevention and fire eradication services with the owner or Occupant of any property outside the corporate limits of the City of Yale. The contracts referred to herein shall lapse June 30th annually, provided that any contracts entered into during the fiscal year shall be prorated as follows:

YALE CITY CODE

- (1) Any contract entered into between July 1st and December 31st shall pay a full annual fee.
- (2) Any contract entered into during the period January 1st to June 30th shall pay an amount equal to one-half of the annual fee.

Sec. 8-34. Fees without contract and payment: Control burn.

(a) Fire department services provided outside the City limits, including, but not limited to, structure fires, vehicle fires, grass fires, hazardous conditions, operations for rescue, recovery and extrication, and hazardous materials incidents and spills shall be charged according to the following Rural Services Schedule:

Equipment:	\$300.00 per unit/per hour (Includes engines, grass/brush trucks, tankers AND boats)
Command Unit:	\$150.00 per unit/per hour
Personnel:	\$15.00 per person/per hour
Materials/supplies:	Replacement cost

Hourly charges shall be charged at a one (1) hour minimum. Partial hours are to be charged as a full hour.

(b) The cost of material and supplies includes, but shall not be limited to, the cost of foam, dry chemical, wetting agents, CO2 extinguisher recharging and chemical suits.

(c) All commercial and industrial related fires outside the City limits of the City of Yale, Oklahoma shall be charged in full (no maximum) based upon the Rural Service Schedule.

(d) When the Fire Department of the City of Yale enters upon rural property and provides fire services, the property owner will be charged for the service according to the Rural Service Schedule. When a rural fire involves multiple properties, the property owner at the point of origin of the fire shall be responsible for all fees and charges.

(e) When the Fire Chief or Assistant Fire Chief responds outside the City limits and establishes command at the scene of any emergency, the \$150.00 command unit charge will apply. For incidents that require the deployment of multiple command level Officers to fill the positions in the Incident Command System, the \$150.00 command unit charge will apply for each command unit.

(f) The driver of a vehicle involved in a collision outside the City limits of the City of Yale which requires the use of fire department personnel or emergency medical personnel to

YALE CITY CODE

stabilize the vehicle, extricate victims, assist medical crews with patient care, or perform safety operations will be charged according to the Rural Service Schedule. For accidents involving multiple vehicles each driver will be charged for services performed. Such charges shall apply only if personnel perform on scene services.

(g) There shall be levied a rural control burn fee in the amount of seventy-five dollars (\$75.00) for the Yale Fire Department to respond to and perform a planned controlled burn outside the corporate limits of the City of Yale. No response may be made by the Yale Fire Department to such controlled burn unless requested by landowner of the property where the burn is set. The fee must be paid before the response can be made and shall be collected by the City Clerk along with notification of the time and place of such burn. The fees levied herein shall apply to response to all non-planned controlled burns.

Sec. 8-35 Contract enrollment fee.

(a) If such contract as referred to in Section 8-32 hereof shall be executed, then and in that event, those fees as assessed by Section 8-32 shall not be levied and assessed. In lieu of such fees, the City of Yale shall charge those fees as might be assessed pursuant to the contract entered by and between the property owner and the City of Yale.

(b) The contract rates for rural fire run contracts with the City of Yale shall be as follows:

- (1) Rural Resident Contract:
 - \$125.00 for the first property enrolled, up to 160 contiguous acres.
 - \$125.00 for each additional property enrolled, up to 160 contiguous acres with a residential structure thereon.
 - \$75.00 for each additional property enrolled, up to 160 contiguous acres without a residential structure thereon.
- (2) Tank Battery Contract:
 - \$500.00 per separate tank battery site enrolled. Tank battery owners shall further be responsible and liable for the costs of any chemicals used in the extinguishment of a tank battery fire and for any equipment damaged or destroyed at the scene of a tank battery fire.
- (3) Rural Commercial Contract:
 - \$175.00 for each individual commercial property enrolled. Rural

YALE CITY CODE

commercial property owners shall be further responsible and liable for the costs of any additional costs of any chemicals used in the extinguishment of a viral commercial fire.

- (4) Additional property discounts may be provided for the above fees when properties are identical.

Sec. 8-36. Term of contract.

The term of any contract entered into as a result of this Article shall be for one (1) year, commencing on July 1, and expiring on June 30, of each year. If payment of the fee as set forth in Section 8-34 is not paid by July 15th of each year, then the Contract shall be null and void.

Article 5. Buildings Under Construction

Sec. 8-37. Access for firefighting.

(a) Adequate access for use of heavy firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is completed.

(b) Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times. Protective pedestrian walkways shall not be so constructed as to impede access to hydrants. No material or construction shall interfere with access to hydrants, Siamese connections, or fire extinguishing equipment.

Sec. 8-38. Water supply.

(a) Water supply for fire protection, either temporary or permanent, shall be sized according to subdivision regulations for public mains or building code for private mains, whichever applies, and shall be made available as soon as combustible material accumulates. There shall be no delay in the installation of fire protection equipment.

(b) Where underground water mains are to be provided, they shall be installed, completed and in service with hydrants or standpipes located as directed by the fire marshal as soon as combustible construction material is placed on the site.

Sec. 8-39. Violations (buildings under construction).

A violation of any provision of this chapter by any person shall be a misdemeanor. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

YALE CITY CODE

Upon conviction any person, firm or corporation shall be fined in any sum not greater than Five Hundred Dollars (\$500.00) and costs for such offense.

Article 6. Open Burning

Sec. 8-40. Definitions.

For purposes of this article, the following words, terms and phrases shall have the meanings set out in this section.

- (a) Combustible materials. Any substance which will readily burn.
- (b) Domestic refuse. Any refuse produced during normal daily household operations.
- (c) Land clearing operation. The uprooting, cutting, or clearing of vegetation in preparation for construction or change of land use of any type.
- (d) Land management. Activities that improve the condition of a land area or reduces the threat of uncontrolled wild fires.
- (e) Maintenance of agricultural parcels. The burning of agricultural land in preparation for planting, removing unwanted growth, destroying of pests, or improving the land.
- (f) Open burning. The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
- (g) Open pit incinerator. Consists of a pit for the combustible material to be placed in for burning, accompanied by a device that would deliver air to the area of combustion. This device would increase the amount of air introduced to the fire and would increase the efficiency of the fire therefore producing less smoke and more complete combustion of the wood products involved.

Sec. 8-41. Permitted Open Burning.

Open burning shall be allowed with the City of Yale only for the following reasons or purposes:

- (1) Recreational fires, campfires, bonfires and ceremonial occasions.
- (2) Non-commercial preparation of food.

YALE CITY CODE

(3) Land management fires set by an approved governmental agency specifically for the management of range lands or forests.

(4) Land clearing that is conducted for the sole and specific purpose of clearing land for construction.

(5) Prevention or control of pests, rodents and disease provided such burning is approved by the appropriate state or local health department.

(6) Elimination of fire hazards that cannot be abated or removed by any other means.

(7) For the purpose of training fire department personnel.

(8) Maintenance of agricultural land parcels that are greater than five (5) acres in size.

Sec. 8-42. Prohibited Burning.

It is unlawful for any person within the City of Yale to burn, cause to be burned or assist in burning in any manner for any of the following reasons and or purposes:

(1) Burning of domestic refuse.

(2) Burning of construction debris or demolition debris

(3) Burning of noxious debris or waste.

(4) Burning of any materials that would emit or cause to be emitted smoke that could be physically harmful to human beings.

(5) Burning during the time of any burn ban that includes Payne County, Oklahoma.

Sec. 8-43. General Conditions for Open Burning.

The following conditions shall apply to all open burning with the City of Yale:

(1) No public nuisance is or will be created by the burning.

(2) Burning shall be controlled so that no traffic hazard is created as a result of the burning and the smoke being emitted.

(3) Burning shall be conducted so that the ambient air quality of the surrounding area and of the City of Yale is not adversely affected.

(4) Burning shall be constantly attended until the fire is extinguished.

(5) Fires used for food preparation and that are fueled by wood, charcoal or gas and that are confined within a metal or masonry appliance designed for such use are allowed without a permit provided that such fire or fires are used exclusively for food preparation.

YALE CITY CODE

(6) Burning shall not take place unless the wind speed is less than ten (10) miles per hour and the ceiling is at least four thousand (4000) feet as indicated by the National Weather Service.

Sec. 8-44 Requirements for Open Burning.

It shall be unlawful for any person with the City of Yale to conduct an open burn or assist in the conducting of an open burn without meeting the following requirements:

(1) Bonfires shall not be more than five (5) feet by five (5) feet by five (5) feet in dimension and shall not burn for more than three (3) hours. No gasoline or other liquid hydrocarbon fuel may be used for ignition for any bonfire.

(2) Barbeque or other wood burning grills are allowed at public park areas only if approved by the City Manager.

(3) All burning for land clearing operations shall be confined to an approved open pit, with induced air, when such fire is conducted within one hundred and fifty (150) feet from any occupied structure.

(4) No burning for land clearing operations may be conducted within fifty (50) feet of any occupied structure.

(5) Burning for land clearing operations may be conducted above ground when such burning is greater than five hundred (500) feet from any occupied structure and when approved by the Fire Chief.

(6) Burning for land clearing operations is restricted to the hours between sunrise and sunset and at sunset all fires must be extinguished or covered to eliminate smoke.

(7) Areas to be burned for agricultural purposes must be confined by plowing or tilling the perimeter of the burning area to a width acceptable to the Fire Chief.

(8) No burning shall be allowed within seventy five (75) feet of any public roadway.

(9) No burning shall be allowed within one hundred fifty (150) feet of any electric or overhead utility lines.

(10) No burning shall take place unless at least one (1) portable fire extinguisher with a 4-A rating or two portable fire extinguishers with a minimum 2-A rating, other approved on site fire extinguishing equipment shall be available for immediate utilization or an acceptable water source.

YALE CITY CODE

(11) No burning shall take place within One Thousand (1000) feet of any oil or gas well location. The City of Yale may allow burning within Five Hundred (500) feet provided a risk analysis is performed and approved prior to the desired burning. The risk analysis shall be approved in advance by a representative of the company that owns the oil or gas well affected. The risk analysis may be performed by any one of the following persons or firms: (1) field operations and safety coordinator for the oil company affected, if such person is trained in fire prevention, (2) any person trained and certified by a nationally recognized organization accredited in fire prevention, (3) a fire protection engineer, and (4) a person trained in hazardous materials operations. The risk analysis shall be in written form for the review of the oil or gas lease holder and the Fire Chief. The risk analysis should state any requirements for burning on the site or any conditions for the burn permit holder. IN the event that the risk analysis states that minimal hazard exists then and in that event the minimum distance may be reduced to Five Hundred (500) feet.

(12) Permission to burn shall be obtained from the Police Chief on a daily basis prior to commencing any open burn for which a City of Yale permit has been issued.

(13) Open burning shall take place between the hours of 8:00 a.m. and sunset only and shall be extinguished prior to sunset on any day that burning is conducted.

(14) Only those materials listed and described in the burn permit application may be burned. (ORD. No. 348)

(15) Only those materials listed and described in the burn permit application may be burned.

Sec. 8-45. Burn Permits required.

Any person, firm, corporation or entity that desires to conduct an open burn with the City of Yale shall first obtain a burn permit from the City of Yale. The application for a permit shall be on a form provided by the City of Yale and shall be filed with the City Clerk for the City of Yale. Each permit application shall be filed with the City of Yale not less than seven (7) days prior to the desired date of the burn and shall be reviewed and approved by the Fire Department, Police Department and City Manager prior to being issued. There shall be no fee for acquiring a burn permit. Each burn permit application shall contain the following information:

(1) The name of the person, firm or entity that desires the burn permit and that will be conducting the burn.

YALE CITY CODE

- (2) The date that the burn is scheduled to take place.
- (3) The address or legal description of the location where the burn will take place.
- (4) A full and complete description of the materials to be burned.
- (5) A full and complete description of the fire suppression equipment that will be available on the site of the burn with which any fire might be extinguished.

Sec. 8-46. Permit fees.

There shall be no fee for issuance of any of the following burn permits:

- (a) Bonfires
- (b) Ceremonial fires
- (c) Land clearing operations for the specific purpose of clearing land for construction
- (d) Prevention or control of disease or pests
- (e) Fire department training
- (f) Elimination of hazards
- (g) Maintenance of agricultural and land parcels five (5) acres or greater

Sec. 8-47. Burn permits.

(1) Burn permits are valid for a period of not greater than thirty (30) days from the date issued and shall not be renewed or extended without the filing of a new burn permit application.

(2) The burn permit site and the materials to be burned are subject to inspection at any time by representatives of the City of Yale.

(3) Violation or deviation from any of the information contained in the burn permit application or burning any substance or material that is not described in such application shall render any permit issued thereunder to be void and shall cause such burn permit to be withdrawn by the City of Yale.

(4) The Fire Chief or the Police Chief shall have a representative at any burn being conducted and shall monitor such burn for compliance with the Provisions of the Article 7.

(5) The Fire Chief or the Police Chief may order the extinguishment of any open burning that creates a hazardous condition, that creates a threat to the citizens of the City of Yale or that is determined to be objectionable by either the Fire Chief or Police Chief. Any permit holder is immediately required to extinguish such fire. Failure to comply with such order shall result in the City of Yale extinguishing such fire and the cancellation of the burn permit.

YALE CITY CODE

Sec. 8-48. Burn permit revocation.

The fire department shall retain the authority to revoke any burn permit at any time due to weather conditions, excessive and justifiable complaints, non-compliance with this ordinance, and any time it is deemed in the best interest of the city. Permit fees will be returned in cases where the revocation is based on conditions outside the control of the owner or agent of the owner.

Sec. 8-49. Violation; penalties.

It is a misdemeanor to fail to comply with any of the provisions of this article. Any person, firm or corporation found guilty of violating provisions of this Article shall be fined in a sum not greater than Five Hundred Dollars (\$500.00) and costs.