

Chapter 38

FIRE PREVENTION AND PROTECTION*

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*Cross reference—Buildings and building regulations, ch. 18.

State law references—Municipal regulation of fireworks, MCA 1972, § 21-19-15; municipal fire regulations, MCA 1972, § 21-19-21; mutual assistance pacts, MCA 1972, § 21-19-23; adoption of codes, MCA 1972, § 21-19-25; fire departments and fire districts, MCA 1972, § 21-25-1 et seq.; fire protection and safety, MCA 1972, § 45-11-1 et seq.; fireworks and explosives, MCA 1972, § 45-13-1 et seq.; false fire reports, MCA 1972, § 97-35-45.

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ARTICLE I. IN GENERAL**Secs. 38-1—38-30. Reserved.****ARTICLE II. CODES ADOPTED****DIVISION 1. GENERALLY****Secs. 38-31—38-50. Reserved.****DIVISION 2. FIRE PREVENTION CODE****Sec. 38-51. Fire code adopted.**

(a) Pursuant to the provisions of MCA 1972, § 21-19-25, the city adopts, in all respects, the following Standard Code:

Standard Fire Prevention Code—1997 Edition

(b) There shall be a copy of the code adopted in subsection (a) of this section filed with the city clerk, to which shall be annexed and attached a certificate bearing the signature of the mayor and city clerk, with the seal of the city affixed. The form of which certificate shall be substantially as follows:

We, the undersigned, Rosemary B. Aultman, Mayor of the City of Clinton, Mississippi, and Nelson Byrd, City Clerk of said city, do here by certify that the volume of the (applicable code) to which this certificate is attached, is a true and correct copy of the official code adopted by the City of Clinton, Mississippi, by ordinance under the date of February 17, 1998, and appearing in Minute Book 2 at Page _____.

GIVEN under our hand and official seal, this the 17th day February, 1998.

Mayor of the City of Clinton ATTEST: City Clerk
 (Ord. of 3-6-1973, § 1; Ord. of 5-6-1980, § 2; Ord. of 2-17-1998, §§ 1, 2)

Sec. 38-52. Fees.

The total fee for inspection of storage of explosives and blasting agents, storage of flammable liquids in outside aboveground tanks, and bulk

storage of liquefied petroleum gases shall be as set by the board of aldermen. All fees shall be deposited in the general fund of the city.
 (Ord. of 3-6-1973, § 2)

Sec. 38-53. Permits.

Permits for the storage of explosives and blasting agents, storage of flammable liquids in outside aboveground tanks, and bulk storage of liquefied petroleum gases shall be for one year from date of issue.
 (Ord. of 3-6-1973, § 3)

Sec. 38-54. Enforcement.

The code adopted in section 38-51(a) shall be enforced by the chief of the fire department.
 (Ord. of 3-6-1973, § 4)

Sec. 38-55. Definitions.

Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean the city.

(Ord. of 3-6-1973, § 5)

Cross reference—Definitions generally, § 1-2.

Sec. 38-56. Limits in which storage of explosives and blasting agents, storage of flammable liquids in outside aboveground tanks, and bulk storage of liquefied petroleum gases restricted.

The limits in which storage of explosives and blasting agents is prohibited, the limits in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits in which bulk storage of liquefied petroleum gas is restricted are hereby adopted as the municipal limits.

(Ord. of 3-6-1973, § 6)

Cross reference—Environment, ch. 34.

Sec. 38-57. Motor vehicle routes for transportation of explosives and blasting agents.

The routes for vehicles transporting explosives and blasting agents are hereby established as follows: I-20, Highway 80, and Northside Drive.
 (Ord. of 3-6-1973, § 7)

Cross references—Environment, ch. 34; traffic and vehicles, ch. 98.

Sec. 38-58. Motor vehicle routes for transportation of hazardous chemicals or other dangerous articles.

The routes for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: I-20, Highway 80, Northside Drive, and Monroe Street.

(Ord. of 3-6-1973, § 8)

Cross references—Environment, ch. 34; traffic and vehicles, ch. 98.

Sec. 38-59. Fire lanes.

Fire lanes are hereby established as follows: The lanes shall be marked with yellow paint and designated "Fire lane." Such lanes shall be 18 feet wide and proceed from the dedicated street to the building or buildings located thereon by the most direct route and thence to run laterally along the front of such building or buildings from one side to the other. A lane of like design shall permit access to the rear of such building or buildings where a like lateral lane along the rear of the building or buildings shall be maintained.

(Ord. of 3-6-1973, § 9)

Cross reference—Traffic and vehicles, ch. 98.

Sec. 38-60. Modifications.

The chief of the fire department shall have power to modify any of the provisions of 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.

(Ord. of 3-6-1973, § 10)

Sec. 38-61. Appeals.

Whenever the chief of the fire department 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 the code

have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the mayor and board of aldermen within 30 days from the date of the decision appealed.

(Ord. of 3-6-1973, § 11)

Sec. 38-62. Penalties.

(a) Any person who shall violate any of the provisions of the 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 mayor and board of aldermen or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-13. 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 ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. of 3-6-1973, § 12)

Secs. 38-63—38-80. Reserved.

DIVISION 3. LIFE SAFETY CODE

Sec. 38-81. Adopted.

There is adopted as the official life safety code of the city, the Life Safety Code, NFPA No. 101, 2000 Edition, together with Appendixes A and B, and all publication referenced therein as comprising standards for the requirements of such code, and promulgated by the National Fire Protection Association.

(Ord. of 5-6-1980, § 2)

Sec. 38-82. Copy on file; certification.

There shall be a copy of the Life Safety Code filed with the city clerk to which shall be annexed and attached a certificate bearing the signatures of the mayor and city clerk, with the seal of the city affixed. The form of which certificate shall be substantially as follows:

We the undersigned _____, Mayor of the City of Clinton, Mississippi, and _____, City Clerk of said city, do hereby certify that the volume of the "Life Safety Code" together with Appendixes "A" and "B" thereto and all publications referenced therein as comprising standards for the requirements of said code, to which this certificate is attached, is a true and correct copy of the official code adopted by the City of Clinton, Mississippi, by Ordinance under the date of _____, and appearing in Minute Book " _____, at page _____, and in the Official Ordinance Book at page _____.

GIVEN under our hand and official seal this the _____ day of _____.

Mayor of the City of
Clinton, Mississippi

ATTEST:

City Clerk
(Ord. of 8-6-1974, § 2)

Sec. 38-83. Smoke detectors.

(a) *Amendment to Life Safety Code.* Section 30.3.4.5.1 of the 2000 Edition of the Life Safety Code as such section is applicable to the city shall be amended to read as follows: An approved single-station smoke detector, shall be installed in an approved manner in every living unit within the apartment building. It is the intent of this provision to permit the use of either battery-powered smoke detector devices or those powered by the house electrical service.

(b) *Amendment of other ordinances.* All other ordinances which would require that approved single-station smoke detectors be powered by the house electrical service in apartment buildings

are hereby amended to provide for and permit the use of approved single-station smoke detectors powered by batteries.

(c) *Rules for inspection and maintenance.* The fire department shall have the duty and authority under this section to promulgate reasonable rules for the inspection and maintenance of any battery-powered single station smoke detector installed under this section. The rules and regulations adopted by the fire department shall specifically require inspections at such intervals to ensure a proper power source to all such battery-operated smoke detectors.

(Ord. of 8-23-1983, §§ 1—3)

Secs. 38-84—38-100. Reserved.

DIVISION 4. NATIONAL FIRE CODES

Sec. 38-101. Compliance with division.

It shall be unlawful for any person to violate this division, to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by action of the chief of the fire department in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

(Ord. of 3-6-1973, § 2)

Sec. 38-102. Application of division.

This division shall apply equally to both public and private property. This division shall apply to all new structures and their occupancies including buildings, structures, equipment, etc. and, except as otherwise specified, to existing structures and their occupancies including buildings, structures, equipment, etc., which constitute a clear and present hazard to life or to property.

(Ord. of 3-6-1973, § 3)

Sec. 38-103. Compliance with other laws.

This division shall be in accordance with the laws and regulations covering fire prevention of the city, state, and the United States of America. (Ord. of 3-6-1973, § 4)

Sec. 38-104. Exercise of police powers.

This division shall be deemed an exercise of the police powers of the city for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of this division shall be liberally construed for that purpose. (Ord. of 3-6-1973, § 5)

Sec. 38-105. Administration.

The provisions of this division shall be administered by the mayor and board of aldermen and their designated agent. (Ord. of 3-6-1973, § 6)

Cross reference—Administration, ch. 2.

Sec. 38-106. Application and incorporation of National Fire Codes.

Unless specifically provided for in other codes or ordinances of the city, the National Fire Codes, Volumes 1 through 13, current edition, as published by the National Fire Protection Association, shall apply. Such standard is incorporated in this section by reference with copies of such standard being on file with the city clerk. (Ord. of 5-6-1980, § 2)

Sec. 38-107. Liability.

This division shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any building, structure, appurtenances and appliances located within the city and subject to this division. (Ord. of 3-6-1973, § 8)

Sec. 38-108. Penalty.

Any person that shall fail to comply with or violate any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction

thereof shall be punished as provided in section 1-13. Continued violation for any three-day period shall constitute a separate violation. (Ord. of 3-6-1973, § 9)

Secs. 38-109—38-140. Reserved.

ARTICLE III. AUTOMATIC SPRINKLER SYSTEMS**Sec. 38-141. Approved equipment and layout.**

Only approved sprinklers and devices shall be used in automatic sprinkler systems. Plans for all sprinkler systems shall be submitted to the building official for review. Information as outlined in National Fire Protection Association Pamphlet 13, Section 1-9 must be provided, plus:

- (1) A note indicating that proper marking will be provided for all controlling values.
 - (2) Names, address and telephone number of sprinkler contractors.
 - (3) A reminder noted on the drawings and specifications stating: "Contact the Clinton Fire Department not less than 24 hours in advance to witness any required test."
 - (4) Date of preparation of shop drawings.
- (Ord. of 1-6-1998, § 1)

Sec. 38-142. Construction requirements.

Every automatic sprinkler system shall conform to National Fire Protection Association Pamphlet 12, as modified by other pamphlets of the National Fire Protection Association that pertain to specific hazards or processes. All material used in construction of every automatic sprinkler system installed in any structure within the city, including piping, shall be new and as specified in NFPA 13. (Ord. of 1-6-1998, § 2)

Sec. 38-143. Hose threads.

All hose threads shall be as specified by the city fire department. (Ord. of 1-6-1998, § 3)

Sec. 38-144. Requirements by occupancy.

The following structures shall be equipped with automatic sprinkler systems:

- (1) Assembly: All buildings with an occupant capacity of 300 persons or more, with no exceptions.
- (2) Business: All business exceeding 10,000 square feet gross floor area.
- (3) Education: All buildings.
- (4) Hazardous: All buildings.
- (5) Factory/industrial: All buildings exceeding 10,000 square feet gross floor area.
- (6) Institutional: All buildings.
- (7) Mercantile: All buildings exceeding 10,000 square feet gross floor area.
- (8) Residential: All apartments, hotels, motels, roominghouses, lodging houses, dormitories, convents and monasteries regardless of size.
- (9) Storage: All buildings exceeding 10,000 square feet gross floor area.
- (10) Mixed occupancies: All buildings exceeding 10,000 square feet gross floor area.

(Ord. of 1-6-1998, § 4)

Sec. 38-145. Other structures that shall be equipped with automatic sprinkler systems.

In addition to the structures stated in section 38-144, the following structures shall be equipped with automatic sprinkler systems:

- (1) All basements in other than single-family dwellings shall be equipped with automatic sprinklers regardless of size.
- (2) All buildings that are windowless or do not have suitable access shall be equipped with automatic sprinklers regardless of size.
- (3) Enclosed parking garages in other than single-family dwellings, that exceed 1,000 square feet gross floor area.

(4) Enclosed repair garages that exceed 1,000 square feet gross floor area.

(Ord. of 1-6-1998, § 5)

Sec. 38-146. Remodeling and/or additions.

This article will apply to all buildings whenever one or more of the following occurs:

- (1) Change in occupancy classification as defined by the Standard Building Code.
- (2) When additions are made to any existing building that would result in the total gross floor area to exceed any of the thresholds established by this article.
- (3) When remodeling is done that has a value of 25 percent of the current cost of construction.

(Ord. of 1-6-1998, § 6)

Sec. 38-147. Article to control.

Regardless of language in other ordinances of the city, this article shall establish the requirement for the installation of automatic sprinkler systems within the city and shall supersede all other ordinances, including the ordinance adopting the Standard Building Code.

(Ord. of 1-6-1998, § 8)

Secs. 38-148—38-180. Reserved.

ARTICLE IV. FIREWORKS*

Sec. 38-181. Sale and use of fireworks prohibited; exception.

It shall be unlawful for any person to sell, barter, exchange or give away or distribute, or use or explode within the city, any sky rockets, firecrackers, torpedoes, roman candles, or other explosives commonly known as fireworks, but nothing in this article shall prohibit the sale of such commodities by regular wholesalers to dealers outside the city.

(Ord. of 6-19-1990, § 1)

*State law reference—Fireworks, MCA 1972, § 45-13-1 et seq.

Sec. 38-182. Organized fireworks displays; certification of plans.

Provided, however, the prohibition of section 38-181 shall not apply to an organized fireworks display of not more than one hour held in conjunction with the celebration of a national holiday if five days prior to such fireworks display the sponsor of display has obtained from the fire chief of the city and filed with the city clerk a certificate of the fire chief in which the fire chief certifies that he has examined the plans for the fireworks demonstration and has determined that the fireworks display, if conducted according to the plan, will provide no significant threat to the health and safety of any person or property.

(Ord. of 6-19-1990, § 2)

Sec. 38-183. Penalty.

Any person who violates the terms and provisions of this article shall, upon conviction, be guilty of a misdemeanor and punished as provided in section 1-13, and each separate sale shall be and constitute a separate offense.

(Ord. of 6-19-1990, § 4)