

CHAPTER 7.

FIRE PREVENTION.

For state law as to fire prevention and control generally, see W. Va. Code, § 29-3-1 et seq. As to authority of city to make regulations guarding against danger or damage by fire, see W. Va. Code, § 8-12-5(15).

As to emergency services generally, see §§ 2-27 to 2-34 of this Code. As to buildings generally, see ch. 5. As to fire limits, see § 5-9. As to mobile homes, travel trailers, etc., generally, see ch. 10. As to following fire apparatus, see § 11-111. As to crossing fire hose, see § 11-112. As to false alarm of fire, see § 14-5. As to water and sewers generally, see ch. 18.

Article I. In General.

§§ 7-1 to 7-5. Reserved.

Article II. Fire Prevention Code.

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Article I. In General.

Secs. 7-1 to 7-5. Reserved.

Article II. Fire Prevention Code.

For state law as to authority of city to adopt a Fire Prevention Code by reference, see W. Va. Code, § 8-11-4(b).

Sec. 7-6. Adopted.

There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which Code not less than three copies have been and now are filed in the office of the clerk of the city, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the city.

Note: Permits covered by section 17 of the Fire Prevention Code and required in various articles (see index for list of locations) are for the purpose of giving the fire department more effective control over hazardous conditions regulated by the Code. Where fees are charged for such permits it is desirable that the money for fees be handled by some agency other than the fire department to avoid the impression that inspections are made for obtaining the fees rather than for providing fire prevention service.

It is also desirable to fix in the adopting ordinance the time period for which a permit is valid. Where licenses are required by a municipality in addition to permits required by the Fire Prevention Code and such licenses are renewable each year, it is suggested that permits be made valid for an indefinite period. Where licenses are not required it is suggested that permits be made renewable each year. (4-4-74, § 1.)

Sec. 7-7. Enforcement of Fire Prevention Code.

The Code hereby adopted shall be enforced by the chief of the fire department. (4-4-74, § 2.)

Sec. 7-8. Establishment of districts for restricted storage of explosive and flammable agents.

The limits referred to in section 53b of the Code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in section 74a of the Code hereby adopted in which storage of class I liquids in outside aboveground tanks is prohibited, and the limits referred to in section 114 of the Code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows:

All business areas. (4-4-74, § 4.)

Sec. 7-9. Establishment of routes for vehicles transporting explosives and blasting agents.

The routes referred to in section 55i of the Fire Prevention Code for vehicles transporting explosives and blasting agents are hereby established as follows: State Route 39 or any other established safety route approved by the chief of the fire department. (4-4-74, § 5.)

Sec. 7-10. Establishment of routes for vehicles transporting hazardous chemicals or other dangerous articles.

The routes referred to in section 109.1b of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: State Route 39 or any other established safety route approved by the chief of the fire department. (4-4-74, § 6.)

Sec. 7-11. Establishment of fire lanes on private property devoted to public use.

All fire lanes shall be established by the chief of the fire department and the chief of police.

Note: These lanes should be established on private property, devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of fire department vehicles for the protection of persons and property, such as at shopping centers, bowling lanes, theatres, hospitals, churches, and similar locations. The width and route of such lanes should be specifically described. (4-4-74, § 7.)

Sec. 7-12: Modifications and variances.

The chief of the fire department 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. (4-4-74, § 8.)

Sec. 7-13. 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 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 mayor and council within thirty days from the date of the decision appealed. (4-4-74, § 9.)

Sec. 7-14. Violations; penalties; remedies.

(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 council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars or by imprisonment for not less than five days nor more than sixty days or by both such fine and imprisonment. 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 above penalty shall not be held to prevent the enforced removal of prohibited conditions. (4-4-74, § 10.)