

(Title 9 replaced in its entirety Ordinance 2006-18, effective 9/2/06)
(Title 9 replaced in its entirety Ordinance 2012-20, effective 1/2/2013)

TITLE 9 FIRE PREVENTION AND REGULATION

CHAPTERS:

9.01: General Provisions
9.02: Adoption of Fire Codes
9.03: Fire Department
9.04: General Fire Provisions

CHAPTER 9.01 GENERAL PROVISIONS

SECTIONS:

9.01.01: Scope and Purpose
9.01.02: Definitions
9.01.03: Penalty

9.01.01: SCOPE AND PURPOSE

The purpose of this Title is to set forth regulations governing the formation of the Sturgis Fire Department and regulations relating to fire prevention and public safety.

9.01.02: DEFINITIONS

ALARM SYSTEM: A device or system which is designed to give a warning signal or notice to a central location or designated recipient that smoke, fire, equipment malfunction or an intruder has been detected at an identified location.

(This definition added with Ordinance 2017-10, effective 12/20/17)

AUTOMATIC EXTERNAL DEFIBRILLATOR "AED": A device used to deliver a shock to the heart of a person suffering from ventricular fibrillation or sudden cardiac death.

CENTRAL STATIONS: Central stations shall immediately notify the Emergency Services Communication Center (Meade County Dispatch) for dispatch of the fire department. The fire department must be notified by fax or electronic report of all trouble signals which exist for greater than a single 8 hour time period.

CHARCOAL GRILL: A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

CHIEF: The Sturgis Volunteer Fire Department Chief or his or her designee.

CODE OFFICIAL: The fire chief, fire marshal, code enforcement officer, or other person designated by the City Manager to perform the duties of administration and enforcement of the code.

CONTROLLED OR PRESCRIBED BURN: An intentionally-ignited fire contained within a designated area. The goal of which is to remove highly-flammable undergrowth and thus reduce the risk of forest or wildfire.

CURBS: Where deemed necessary by the City Manager or his/her designee the fire apparatus access road shall be identified with red painted curbs as deemed necessary. Where no curb exists, a 6-inch-wide red stripe the length as deemed necessary shall be acceptable.

DIMENSIONS: Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Additional width may be required when multiple responding emergency apparatus is expected to pass. The width, length, and interval will be as approved by the City Manager or his/her designee.

DISPOSITION OF SIGNALS: In all cases involving alarm and supervisory signals the Emergency Services Communication Center, for dispatch of the fire department, shall be contacted prior to notification of the subscriber.

EXHIBITS AND TRADE SHOWS – IFC 105.6.12

FAILURE TO COMPLY: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine and/or imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

FALSE ALARMS: Any call from an alarm system or person indicating a fire or unauthorized entry when no such activity has occurred. False alarms shall include an alarm call related to cooking smoke or small appliance smoke at a residence.

(False Alarms added with Ordinance 2019-06, effective 4/29/2019)

FIRE ALARM ACTIVATION: No person shall silence a fire alarm until the fire department arrives, unless the person responsible for the property or fire alarm system has thoroughly investigated the building or area of alarm and found no evidence of fire, at which time the fire alarm system may be silenced, and may be reset, provided the fire department is notified of such action and investigation findings.

FIRE APPLIANCE: Any device, fire hydrant, fire department connection, water or sprinkler valve used by the fire department for the purpose of fire fighting activities.

FIREWORKS: Any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used.

The term “fireworks” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

The term “fireworks” shall not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

LIQUID FUEL GRILL: A metal or stone device designed to cook food using liquefied or gaseous combustible fuel

LIQUEFIED-PETROLEUM-GAS-FUELED COOKING DEVICES: IFC definition

MANUAL FIRE ALARM SYSTEM: A system comprised of only manually operated fire alarm initiating devices installed in accordance with the applicable code requirements.

OPEN BURNING: An operational permit is required from the City Manager or designee for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instruction and stipulations of the permit shall be adhered to.

OPEN BURNING AND RECREATIONAL FIRES: IFC definition

OPEN FIRE: Any outdoor fire, including campfires, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. The term “open fire” shall not include charcoal grills or liquid fuel grills or other outdoor fire containment devices approved by the SVFD Fire Chief or a recreational fire that complies with the SVFD Fire Chief’s requirements.

(Revised by Ordinance 2014-02, effective 3/5/2014)

OPEN FLAMES: IFC definition

OPEN FLAME COOKING DEVICES: IFC definition

OPEN FLAME DEVICES: IFC definition

PERMITS: IFC definition

PLACES OF TEMPORARY ASSEMBLY: An operational permit is required to operate an indoor or outdoor public assembly function where a tent or multiple tents, structures, or canopies exceeding an aggregate area of 1,000 sq. ft. and is utilized as an assembly occupancy. Two sets of plans for all indoor/outdoor public assembly functions shall be submitted to the Building Department for review at least 45 days prior to its use as an assembly area. The event layout design must be in accordance with the Sturgis Volunteer Fire Department.

PUBLIC: Any person who is not a part of the City’s Emergency Service response.

RECREATIONAL FIRE: An outdoor fire burning material other than trash, garbage, construction site waste or rubbish, where the fuel being burned is contained within a device or container approved by the SVFD Fire Chief, and the fire has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height, and is being used for ceremonial, cooking, warmth, religious, enjoyment or similar purpose. (Added by Ordinance 2014-02, effective 3/5/2014)

REQUIRED ACCESS: Where access to or within a structure or an area is restricted of secure openings or where immediate access is necessary for life-saving or firefighting purposes or minimum of three (3) feet clear and unobstructed access shall be maintained on the sides of and in-front of fire protection systems and associated equipment. Specific equipment referenced is as follows but not limited to, fire extinguishers, fire sprinkler control valves, risers, hose stations, standpipes, and fire alarm and control panels.

REQUIRED CONSTRUCTION PERMITS: The City manager or his/her designee is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.12.

SPRAYING OR DIPPING: A construction permit is required from the City of Sturgis to install or modify a spray room, dip tank or booth.

TEMPORAY MEMBRANE STRUCTURES, TENTS AND CANOPIES: IFC 105-6.44

WASTE OIL: A waste liquid from the use of Class II-B Combustible liquids such as motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids. It does not include the products classified as Class I, III-A liquids or corrosives, toxics or highly toxic material as defined in Article 79 and Article 80. (See Section 2211.2.2)

9.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. As an alternative to criminal prosecution of a violation, a civil penalty authorized by Title 36 of Sturgis City Ordinances may be assessed by means of an administrative citation allowed under that Title. An administrative citation issued by a code enforcement officer as described in that Title shall be payable directly to the City. Issuance of an administrative citation and payment of the civil penalty shall not bar further enforcement action by the City for continuing or subsequent violations of this Ordinance.

(9.01.03 amended with Ordinance 2017-10, effective 12-20-17)

CHAPTER 9.02 ADOPTION OF FIRE CODES

SECTIONS:

- 9.02.01: Adoption of International Fire Code
- 9.02.02: Bureau of Fire Prevention
- 9.02.03: Permits
- 9.02.04: Conflicts between this Title and the Fire Code
- 9.02.05: NFPA Fire Prevention Standards

9.02.01: ADOPTION OF INTERNATIONAL FIRE CODE

IFC Chapter 15, Flammable Finishes shall be amended by deleting Section 1501.2 Permits.

IFC Chapter 16, Fruit and Crop Ripening shall be amended by deleting Section 1601.2 Permits.

IFC Chapter 17, Fumigation and Thermal Insecticidal Fogging shall be amended by deleting Section 1701.2 Permits.

IFC Chapter 18, Semiconductor Fabrication Facilities shall be amended by deleting Section 1801.2 Permits.

9.02.02: BUREAU OF FIRE PREVENTION

The Fire Safety Provisions of this Ordinance may be enforced by the City employees authorized to act under the administrative citation provisions of Title 36.

The City Manager may designate such members of the SVFD Department or City Employees to assist in enforcement activities as may be needed.

No person may deny entrance to fire personnel acting within their official duties.

(Amended with Ordinance 2017-10, effective 12/20/2017)

9.02.03: PERMITS

The City may require permits by administrative rule. All required permits shall be obtained from the City Manager or his/her designee. All permits shall expire within one year or sooner if noted on the permit. An additional permit may be obtained under the discretion of the City Manager or his/her designee upon expiration.

Any person wanting to have open fires or burns within the confines of the City or one mile thereof, shall first make a written request to the Sturgis City Manager. The City Manager shall then approve or disapprove the burn project. If it is the decision of the City Manager to deny the application for a burn permit, the applicant may appeal to the City Council as provided for in Appeals under Title 36 of Sturgis City Ordinances.

9.02.04: CONFLICTS BETWEEN THIS TITLE AND THE FIRE CODE

If any provision of this Title conflicts with the provisions of the Fire Code or the NFPA Standards, the provisions of this Title shall take precedence.

9.02.05: GOAL OF NFPA FIRE PREVENTION STANDARDS

There is hereby adopted by the City, the goal of meeting the purposes of the of the NFPA by prescribing regulations consistent with nationally recognized good practice for safeguarding to a reasonable degree the lives and property of the residents of the City of Sturgis from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devises, and from conditions hazardous to life or property and the use of occupancy of building or premises, by adopting this ordinance and any all revisions to it.

CHAPTER 9.03 FIRE DEPARTMENT

SECTIONS:

- 9.03.01: Establishment, Duties and Responsibilities
- 9.03.02: Officers
- 9.03.03: Selection and Term of Fire Chief and Assistant Fire Chiefs
- 9.03.04: Equipment and Care of Property
- 9.03.05: Insignia
- 9.03.06: Required Aid
- 9.03.07: Interference with the Department
- 9.03.08: Damaging Apparatus
- 9.03.09: Obedience to Officers and Police Powers
- 9.03.10: Deferred Compensation Program Authorized
- 9.03.11: Deferred Compensation Program Purpose
- 9.03.12: Program Eligibility Requirements
- 9.03.13: Program Funding and Investment
- 9.03.14: Program Disbursement of Deferred Compensation

9.03.01: ESTABLISHMENT, DUTIES AND RESPONSIBILITIES

The City Council is authorized to create a municipal Fire Department to provide fire protection services to the residents and business of the City. In addition and at its sole discretion, the City may contract with the Sturgis Volunteer Fire Department or similar outside agency to provide such services.

(9.03.01 Amended with Ordinance 2017-10, effective 12/20/17)

9.03.02: OFFICERS

The Department may include employees as recommended by the City Manager and approved by the City Council for the effective operation of the Fire Department. Should the City contract with an outside agency such as the Sturgis Volunteer Fire Department to provide services, the City may choose to only employ administrative and other support positions.

9.03.03: SELECTION AND TERM OF FIRE CHIEF AND ASSISTANT FIRE CHIEFS

The City Council may, as recommended by the City Manager, hire a “Fire Chief” to oversee all or any portion of the Fire Department, Search & Rescue or Hazardous Materials response services.

9.03.04: EQUIPMENT AND CARE OF PROPERTY

The Fire Department shall report to the City Council each year during budget review the status and condition of all equipment currently under the Fire Department's care. Under the guidance of the City Manager and Fire Department, the City from time to time may provide additional equipment which is required to maintain the City's ISO Rating and as needed to maintain efficiency and properly protect life and property from fire and other hazards.

All City owned equipment under the care of the Fire Department shall be maintained in a proper working manner consistent with industry standards.

All City owned equipment of the Fire Department shall be safely and conveniently housed in such places as may be designated by the City Manager.

No person shall use any City owned fire apparatus or equipment for any private purpose, without first receiving approval from the City Manager, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Fire Department.

9.03.05: INSIGNIA

Each member of the Fire Department may be issued a badge designating his or her rank. Each member of the Fire Department driving a vehicle may be issued a suitable insignia to be attached to the vehicle or vehicles.

Unless otherwise provided for by contract annually on the first day in June, each member shall be issued a new ID card from the Fire Department stating that the individual is an accepted member of the Sturgis Fire Department.

No person may display any badge, card, sign, decal, license plate or similar items representing themselves as a Fire Department member unless authorized by the Fire Chief and/or City Manager.

(9.03.04 & 0.03.05 Amended with Ordinance 2017-10, effective 12/20/2017)

9.03.06: REQUIRED AID

The Fire Chief or other member of the Fire Department may request the aid of any reasonable person, citizen, inhabitant or bystander, in conveying any engine, fire apparatus or other equipment to an emergency scene. Said individuals may also be requested to lend assistance at the emergency scene.

9.03.07: INTERFERENCE WITH THE DEPARTMENT

No person shall willfully hinder or interfere with any City Officer or member of the Fire Department in the performance of his/her duty as a member of the Fire Department.

No unauthorized person shall willfully cut, deface, destroy, or injure any element or part of any alarm system or fire telecommunications wire, pole signal box.

No unauthorized person shall ride upon or attempt to ride upon any emergency vehicle or fire apparatus of the Fire Department when responding to or returning from any emergency.

No person, not on official duty with the Fire Department, shall follow within 500 feet of any Emergency Vehicle.

(9.03.07 Amended with Ordinance 2017-10, effective 12/20/2017)

9.03.08: DAMAGING APPARATUS

No person shall willfully damage any engine, or other equipment belonging or pertaining to the Fire Department.

9.03.09: OBEDIENCE TO OFFICERS AND POLICE POWERS

Any person present at an emergency scene shall be subject and obedient to the orders of the Fire Chief or

such person in charge of the emergency scene. All regularly appointed members of the Fire Department, who are thereby wearing the insignia provided for in this Title, are hereby given the necessary special police powers for the purpose of enforcing provisions of this Title.

9.03.10: DEFERRED COMPENSATION PROGRAM AUTHORIZED

The City of Sturgis recognizes the unique contribution to the public safety system of the City of Sturgis provided by the Sturgis Volunteer Fire Department. The City further recognizes the need to encourage continued participation by and retention of trained volunteers by the Volunteer Fire Department to ensure the Department can respond to Fire and other service calls within the City. Accordingly, there is hereby established by the Sturgis City Council, as authorized by the South Dakota legislature, authority to develop a Deferred Compensation Program for the eligible members of the Sturgis Volunteer Fire Department. Upon development of the terms and signature by both parties, the Deferred Compensation Program agreement shall be maintained on file in the City Finance Office. Until the terms of the Deferred Compensation Program are drafted and made a part of the contract for services between the City of Sturgis and the Sturgis Volunteer Fire Department and signed by each party, the Deferred Compensation Program as described in subsections 9.3.11 through 9.3.15 of this ordinance shall not become effective. (Revised by Ordinance 2014-02, effective 3/5/2014)

9.03.11: DEFERRED COMPENSATION PROGRAM PURPOSE

The program is intended to help meet this need for retention and continued participation by establishing a modest financial contribution by the City to a special reserve fund within the City budget to permit eligible Volunteer Fire Department members to earn deferred compensation payment for 5 years or more of approved service to the combined benefit of the Sturgis Volunteer Fire Department and the City.

9.03.12: PROGRAM ELIGIBILITY REQUIREMENTS

The eligibility requirements to determine the qualification of a Department member for the Deferred Compensation Plan shall be those eligibility standards established in the Program Agreement currently in effect between the City and Sturgis Volunteer Fire Department. In the event the Fire Protection Contract Services should be terminated, ended or not renewed, any continuing obligation of the City for continuing the Deferred Compensation Program, notwithstanding the terms of this ordinance, shall terminate as well.

9.03.13: PROGRAM FUNDING AND INVESTMENT

By January 10th of each year in which the Fire Protection Contract between the Sturgis Volunteer Fire Department and the City of Sturgis is in effect, the Secretary of the SVFD shall provide to the City Finance Office written confirmation signed by the President of the Board of Directors of the SVFD, naming each Department members approved to participate in the program based on their service in the preceding calendar year. In addition, this list shall name all other active members for the preceding year, all Reserve members for the preceding year, all members that retired during the preceding year and all honorary members for the preceding year. Within 10 days of receipt of that written confirmation, the City shall transfer to the duly authorized fund for the Volunteer Fire Department Fire Deferred Compensation Program the amount of \$560.00 per approved Volunteer member. Thereafter the Program Investment Committee, consisting of the City Finance Officer, the President of the Board of Directors of the Volunteers or his/her designee, and the City Manager or his/her designee, shall meet quarterly to provide the City Finance Officer with their recommendation for the investment of those funds held in the Deferred Compensation Program fund. Any investment of those funds shall be governed by and subject to the restrictions on Municipal investment set out at SDCL 9-22-6 and the companion statutes.

9.03.14: PROGRAM DISBURSEMENT OF DEFERRED COMPENSATION

Any approved member of the SVFD, having completed a minimum of five years of approved service, shall be eligible to receive those funds and any earnings accrued thereon, upon the retirement of that member from the SVFD. Withdrawal and payment shall be made by the City Finance Office within 10 business days of written notification by SVFD secretary that the SVFD has accepted the resignation of the retiring member, and confirming each of the years for which the retiring member had been approved as a participant in the Deferred Compensation Program, and further stating the total number of years of approved service provided by the retiring member for which payment is claimed by the retiring member. However, during the period of the first five (5) years of the operation of the Deferred Compensation Program, any member in good standing as of January 1, 2011 who may achieve 1, 2, 3, or 4 years of eligible service after January 1, 2012, and who shall retire between January 1, 2012 and December 31, 2015, shall be able receive payment of the Deferred Compensation Benefit calculated upon the approved years of service achieved by that retiring member after January 1, 2012.

CHAPTER 9.04 GENERAL FIRE PROVISIONS

SECTIONS:

- 9.04.01: Driving Over or on a Fire Hose
- 9.04.02: Parking Near Station or Hydrant
- 9.04.03: Unlawful to Tamper with Fire Appliances or Hydrants
- 9.04.04: False Alarm
- 9.04.05: False Alarm Penalty
- 9.04.06: Refuse Fires
- 9.04.07: Controlled Burns by Permit
- 9.04.08: Authorized Controlled Burns
- 9.04.09: Open Fires
- 9.04.10: Recreational Fire
- 9.04.11: Ban on Outside Burning
- 9.04.12: Fireworks Displays
- 9.04.13: Fireworks Lighting Period
- 9.04.14: Fireworks Sales
- 9.04.15: Installation of Key Boxes
- 9.04.16: Hazardous Materials
- 9.04.17: Unattended Gas Pumps
- 9.04.18: Fire Lane
- 9.04.19: Fire Service Billing & Authority to Recover Costs

9.04.01: DRIVING OVER OR ON A FIRE HOSE

No vehicle shall drive over any unprotected hose of the Fire Department when laid down on any street or alley or elsewhere to be used during any emergency or during any training session without the consent of the Fire Chief or designated officer in charge of the scene.

9.04.02: PARKING NEAR STATION OR HYDRANT

As provided for at Section 16.05.07 (G) of Sturgis City Ordinances, no person shall park on any street or public ground within fifteen (15) feet of a fire hydrant.

No person shall place any vehicle or object within fifteen (15) feet of an entrance to a place where fire apparatus are stored.

As per Section 507.5.5 of the International Fire Code entitled “Clear space around hydrants” required five (5) feet of clear space around the circumference of the hydrant. No person shall place on public or private ground any posts, fences, structures, vehicles, growth, trash, storage or any obstruction within five (5) foot circumference of any fire hydrant, fire department connections or fire system controls. The fire department shall not be deterred or hindered in any way from gaining immediate access to fire-protection equipment private or public.

(9.04.02 Revised by Ordinance 2015-12, effective 11-18-2015)

9.04.03: UNLAWFUL TO TAMPER WITH FIRE APPLIANCES OR HYDRANTS

No person shall tamper with, remove, disturb or deface fire hydrants and/or appliances utilized by the fire department for firefighting except for the purpose of extinguishing fire, training, testing, recharging or making necessary repairs, when allowed by the City Manager or the Fire Chief, when so authorized.

9.04.04: FALSE ALARM

No person shall signal or transmit an alarm which is false in nature.

9.04.05: FALSE ALARM PENALTY

Any non-residential or residential building and/or structure having an alarm or alarm system which produces more than three (3) false alarms in any twelve-month period shall be a violation of this ordinance for which the owner is responsible. For such violations within any twelve (12) month period, a civil penalty as authorized by subsection 9.01.03 of this ordinance and Title 36 of Sturgis City Ordinances may be imposed by the City as follows:

- a. First violation: \$25.00
- b. Second violation: \$50.00
- c. Third or subsequent violation: \$100.00

In the event of an excessive number of accidental activations or failure of an alarm system, the City Manager or designee is authorized to require the building owner or occupant to provide fire watch or other personnel until the system is repaired and in proper operating order. The required personnel shall provide at least one approved means for notification of Meade County Dispatch, and that person's sole employment obligation shall be to perform constant patrols of the protected premises and keep watch for fires or other security issues. The City shall have no civil or financial liability for any expenses incurred for providing the required personnel.

(9.04.05 Amended with Ordinance 2017-10, effective 12/20/2017)

9.04.06: REFUSE FIRES

No person shall set or cause to be set or allow upon their premises public or private any fire or the purpose of destroying any paper, rubbish, trees, leaves, grass, household trash, or other materials.

9.04.07: CONTROLLED BURNS BY PERMIT

No controlled burns shall be allowed without first obtaining a permit from the City. To obtain a permit, the applicant shall make application to the Fire Department on a form to be furnished by the City. The Fire Chief shall then submit a recommendation to the City Manager. The applicant may appeal any negative decision to the City Council, as provided for in Title 36. The permit application shall include and/or be accompanied by the following:

- A. The applicant's name and address;
- B. The proposed purpose of the burn;
- C. A detailed description of the location and vegetation to be burned;
- D. The proposed date and time of the burn; and
- E. A permit issued by the South Dakota Division of Wildlife if the proposed location is located within the Black Hills Fire Prevention District.

In determining whether to issue a permit, the Fire Chief shall consider and advise the City Manager as to whether the requested burn is in the best interest of the public for prevention and control of fire or fuel mitigation.

The City Manager shall not approve any permit until the landowner has provided a certificate of insurance or a Hold Harmless Agreement fully indemnifying the Fire Department and the City for any actions taken or not taken during the controlled burn.

At all times a controlled burn is in progress on private land, the landowner shall be present to assist the Fire Department.

Unless the City Manager or his/her designee waives costs incurred for suppression and/or control of the fire, the landowner shall pay any and all expenses incurred during a controlled or prescribed burn.

Compensation for manpower and apparatus shall be equal to the rates established annually by the State Division of Wildland Fire.

9.04.08: AUTHORIZED CONTROLLED BURN

The City may, when approved by the City Manager or his/her designee utilize open fire for the disposal of goods at the Sturgis Ruble Site.

When deemed necessary for the purpose of fire prevention, pest or rodent control, the City, may conduct a controlled burn on property under its control.

9.04.09: OPEN FIRES

No person shall set or cause to be set or allow to be set upon their premises any open fire exposed to the wind and elements so that the coal, flame, cinders, or burning parts thereof may be blown towards or against any surrounding or adjacent property.

9.04.10: RECREATIONAL FIRE

A recreational fire is a fire maintained in a manner approved by the SVFD Fire Chief and in a manner that does not constitute a nuisance under Title 12 of the City Ordinances. No Recreational Fire within the City shall be permitted during the period of July 28 through August 18. The SVFD Fire Chief shall maintain and provide to the public upon request, and make available on the City of Sturgis Website, a list of approved backyard and patio fire grills and stoves. The use of these approved devices or structures is permitted within the City when there is no ban on outside burning in effect. Any recreational fire must be located at least eight (8) feet back from the property line and at least five (5) feet away from any structure or other combustible materials. The use of a non-approved device or structure shall be a violation of this ordinance.

9.04.11: BAN ON OUTSIDE BURNING

During periods of poor air quality, drought, and dryness or at any time a high fire danger rating has been issued by the South Dakota Division of Forestry, the City Manager or his/her designee shall have the authority to issue a proclamation which prohibits recreational fires, open fires, or outdoor burning within the City or one mile thereof.

When the fire danger is past, the City Manager or his/her designee shall issue a proclamation that the ban on burning is lifted.

9.04.12: FIREWORKS DISPLAY

No person may sell or ignite any fireworks within the City limits, except as herein provided.

All professional pyrotechnic fireworks displays and other activities believed by the City Manager or his/her designee to be of similar nature in risk shall be completed in conjunction with a valid fireworks display which complies with NFPA 1123 and as specifically authorized in writing by the City Manager or his/her designee. The City Manager or his/her designee shall have the authority to ban the use of fireworks if in his/her opinion the potential fire risk is unacceptably high. This ban may be appealed by any resident of Sturgis to the City Council as provided for in Title 36.

9.04.13: FIREWORKS LIGHTING PERIOD

Unless specifically authorized by Resolution of the City Council for a stated period of time within a calendar year, fireworks lighting and use are prohibited within the City of Sturgis. The City Manager, in consultation with the SVFD Fire Chief may recommend to the City Council a Resolution to approve the lighting of fireworks within the City limits for a stated period of time, and as allowed by State law and Administrative Rule within the calendar year. Unless otherwise established by Council Resolution, this period shall be from 8:00 am to 10:00 pm on July 3rd, from 8:00 am to 11:00 pm on July 4th, and from 4:00 pm on December 31st until 1:00 am on January 1st.

A person using or lighting fireworks which results in litter or debris landing on the property of another shall be responsible to clean up such litter and/or debris. An owner of property adjoining a dedicated right of way shall be responsible to clean up litter and debris in such right of way resulting from the use or lighting of fireworks, without regard to where the fireworks were lit. Violations of this subsection are subject to the penalties stated in Subsection 9.01.03 as well as prosecution under Subsection 11.04.07 of Sturgis City Ordinances.

(9.04.13 revised with Ordinance 2019-06, effective 4/29/2019)

9.04.14: FIREWORKS SALES

For a period each year from June 27 through July 5, and from December 28 through January 1, fireworks may be sold within the City limits. Said sales shall be in accordance with all state and federal requirements, and no person shall be permitted to conduct such sales without a license issued by the City. To obtain a license to conduct such sales, the person shall first submit an application, including a copy of a valid sales tax license issued in applicant's name to the SVFD Fire Chief. An application fee of \$100 payable to the City of Sturgis shall be submitted with the application. After review and recommendation by the SVFD Fire Chief, the City Finance Officer shall issue or deny the license request within 5 business days. Any licensee under this subsection shall maintain records of all sales activities and transactions as required by the provisions of subsection 31.02.03.08 of the Sturgis City Ordinances. Licensed fireworks only sales premises shall be specifically exempted under 31.02.03.06 from City temporary vendor license fees and special sanitation fees otherwise required by Title 31. Approved fireworks sales periods shall be posted on the City of Sturgis website.

At no time shall a collapsible lantern or similar structure of thin paper or similar material, designed to be lit and then released into the air, be allowed for sale or use within the City of Sturgis or within one mile of City limits.

(9.04.10 through 9.04.14 revised by Ordinance 2014-02, effective 3/5/2014)

9.04.15: INSTALLATION OF KEY BOXES

The following properties shall be required to have key boxes installed which contain keys to allow the Fire Department immediate access necessary for life saving, firefighting and/or law enforcement purposes:

- A. All Multiple dwelling housing units;
- B. Motels and Hotels with four (4) or more units not having doors from each guest room going directly to the outside or not having an employee on premises 24 hours each day;
- C. All buildings or structures which are three or more stories high;
- D. Buildings with fire alarm systems and/or fire suppression systems;
- E. All buildings with elevators;
- F. Buildings, other than commercial, the owner of which requests that the Police and/or Fire Department have a key
- G. All buildings in Commercial, Highway Service and Industrial zoned areas of the City for which a permit is required
- H. Covered malls as defined in the Building Code;
- I. Buildings or sites containing Hazardous Materials;
- J. Schools;
- K. Public or government owned buildings; and
- L. Buildings, which are determined by the City Manager or his/her designee to be difficult to access or those buildings having absentee landowners.

The type and location of boxes must be approved by the City Manager or his/her designee. Key boxes shall contain keys to gain access to the property as required by the City Manager or his/her designee.

All existing buildings, which fall into the above categories but are not in compliance with this Section shall, within twelve (12) months of written notification from the City Manager or his/her designee install a key box in compliance with this Section.

The Fire Department shall maintain a list of occupancies where key boxes are installed. The Department shall visit each site annually and open key boxes and notify landowners of any required maintenance.

When a landowner changes locks on a structure with a key box, the landowner shall notify the Fire Department of said key change. The Fire Department shall arrange a time to place new master keys in the lock boxes.

Any building with a twenty-four (24) hour, seven (7) day-a-week guard service or personnel on duty who is awake within the interior of the site may be exempt from installation of a key box upon the approval of the City Manager or his/her designee.

(9.04.15 Amended with Ordinance 2017-10, effective 12/20/2017)

9.04.16: HAZARDOUS MATERIALS

No person shall store, manufacture, distribute, or in any way handle any materials declared to-be hazardous by the International Fire Code in violation of Sturgis City Ordinance 18, and without also first notifying the Sturgis City Manager.

Persons storing, manufacturing, distributing or in any way handling any hazardous material must register with the City Manager and receive approval as required by Title 18 prior to beginning his/her operation.

The following information shall be provided to the City:

- A. Names of contact person;
- B. Phone number of contact person;
- C. List of materials, quantities, storage location;
- D. Use of material;
- E. Site Plan of property; and
- F. Emergency Plan

Any person storing, manufacturing, distributing or in any way handling hazardous materials shall provide the Sturgis Fire Department with a MSDS (Material Safety Data Sheet) for each material stored, handled or distributed.

Any person manufacturing, distributing or in any way handling hazardous materials shall be responsible for any and all cost incurred by the Fire Department and/or the City during any event, fire or spill caused by the person.

Any person shall placard his/her property, structures and storage facilities as required by NFPA 701 (National Fire Protection Agency) and as required by the Codes adopted by the City.

9.04.17: UNATTENDED GAS PUMPS

Any gas filling station within the City which provides 24 hour service or pay at the pump service must provide 24 hour staffing or install recorded video monitoring devices, which provide surveillance of pumps which are accessible during all hours of operation.

9.04.18: FIRE LANE

Prior to issuance of any Building Permit, and upon review of plans and specifications for new structures, the City Manager or his/her designee may require the installation and maintenance of a fire lane.

Any required fire lane shall not be less than fourteen (14) feet wide unless a narrower lane is approved and noted on the Building Permit (or final plans) by the Building Inspector. It shall be signed and properly identified by ground markings, and such signs shall comply with all requirements of the Building Code.

No person shall stop, or park a vehicle in any area on public or private property designated as a fire lane.

The driver of a commercial vehicle may stop temporarily at a place designated as a fire lane, if the area has also been designated as a joint use loading zone/fire lane by the City Manager or his/her designee. No vehicle shall, however, be allowed to remain parked in any zone so designated for a period exceeding fifteen (15) minutes. Any vehicle parked within any zone designated as a fire lane is required to activate and maintain emergency signal flashers in continuous operation-

9.04.19: FIRE SERVICE BILLING AND AUTHORITY TO RECOVER COSTS

The Sturgis Volunteer Fire Department, while under contract with the City, is authorized to seek and obtain reimbursement, not to exceed \$500.00, for any and all costs it has incurred in providing public safety services from any party receiving such services or any party obligated to provide reimbursement

for any of those services. Such reimbursement is specifically authorized against any property owner, vehicle owner, insurance carrier or other party or person having an obligation to provide partial or complete repayment of such costs.

The billing may include, but is not limited to, the following: travel, man-hours accrued, equipment, material used, and meals for personnel.

(9.04.19 replaced by Ordinance 2019-01, effective 2/5/2015)

(Title 9 replaced in its entirety Ordinance 2012-20, effective 1/2/2013)

(9.04.18 & 9.04.19 Amended with Ordinance 2017-10, effective 12/20/2017)

(9.04.19 revised with Ordinance 2091-06, effective 4/29/2019)