

**CITY OF DOVER ORDINANCE #2014-21**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, of the Dover Code be amended by inserting a new Section 46-0 - Definitions, to read as follows:

**Sec. 46-0. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Automatic telephone dialing device and digital alarm communicator system* means an alarm system which automatically sends a prerecorded voice message or coded signal over regular telephone lines, by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

*Barbecuing—Commercial* means the preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the sale to and/or consumption by the general public.

*Barbecuing—Recreational* means the preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the consumption by a family and/or guests or by the membership of a private organization or church congregation.

*Bollard* means a solid post that conforms to the dimensions outlined in this section which is constructed of concrete, steel, or other durable material approved by the Fire Marshal, cored into a hard surface that is buried in the ground, designed to protect buildings and utilities by absorbing the impact of a motor vehicle collision.

*Code enforcement officer* shall mean fire marshals, police officers, and inspectors employed by the city.

*Emergency* shall mean any situation where the Dover Fire Department or any assisting fire department is called to perform firefighting, rescue, or life saving operations within the limits of the city.

*Fine* means the assessment of a monetary charge, payable to the city, authorized pursuant to this section, to defray the expenses of responding to a preventable alarm or alarm malfunction.

*Fire alarm installation report* means a report, in a form approved by the fire marshal, with the following minimum information:

- (1) The name, address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed.
- (2) The name, address, and telephone number of a minimum of two persons who can be notified by the Robbins Hose Company in the event of the activation of the alarm system, who shall be capable of responding to the premises within 30 minutes, and who are authorized to enter the

premises to ascertain the status thereof.

*Fire alarm malfunction* means the activation of any alarm, which results in the response of the fire department, caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance.

*Fire alarm system* means any mechanical, electrical or radio-controlled device which is designed to emit a sound or transmit a signal or message when activated or any such device which emits a sound and transmits a signal or message when activated because of smoke, heat or fire. Without limiting the generality of the foregoing, the term "fire alarm system" shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone direct dial devices or digital alarm communicator systems. A single station alarm device shall not be deemed to be an alarm system under this section.

*Fire alarm technician* means any person who inspects, installs, repairs or performs maintenance on fire alarm systems and is licensed by the state or works under a state licensed alarm contractor.

*Fire protection system* shall include any electronic or mechanical system designed and installed to detect and alert, suppress, or seal off smoke and fire from the occupants of a building.

*Impact protection* means any bollards, walls, concrete barriers or other devices, subject to the approval of the fire marshal, used to stop vehicles or equipment in motion.

*Impairment* means any effective lessening of the equipment to operate as designed, including times of maintenance and annual testing.

*Means of egress* means the most current edition of the National Fire Prevention Association Life Safety Code shall be used to determine the definition of the term "means of egress."

*Open burning* means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

*Operative alarm system* means an alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of the state or the city.

*Outdoor fireplace* means any homemade or commercially produced fireplace, fire pit, or fire ring used for the kindling of wood.

*Owner* means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.

*Premises* means any building or structure, or combination of buildings and structures, which serve as dwelling units, single-family or multifamily, or any other area within a building or structure, or combination thereof, which is used for any purpose, other than residential, wherein an alarm system is installed.

*Preventable alarm* means the activation of any alarm, which results in the response of the fire department, caused by the negligence or intentional misuse of the system by the owner or his/her employees,

servants or agents; or any other activation not caused by heat, smoke or fire, exclusive of a "fire alarm malfunction" as defined in this section. An alarm is not considered a preventable alarm if the alarm is activated due to malicious causes beyond the control of the owner.

*Serve* means hand-delivery, by a representative of either the fire department or police department, to the owner or authorized representative who responded to the premises. In the event the owner or authorized representative fails to respond to the premises within 30 minutes, the term "serve" shall mean placing the form or other matter in the United States mail, addressed to the owner or authorized representative.

*Single-station alarm device* means an assembly incorporating the detector, control equipment and alarm-sounding device in one unit, operated from a power supply either in the unit, or obtained at the point of installation.

**BE IT FURTHER ORDAINED:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-1 - Means of Egress, of the Dover Code be amended to read as follows:

Sec. 46-1. *Means of egress.*

- (a) *Obstructions.* The means of egress for an occupancy shall be kept continuously free of all obstructions or impediments to full instant use in case of fire or emergency.
- (b) *Exit doors.* All required exit doors shall be unlocked and under the control of the occupants within the building or area. This subsection is to include fenced-in outdoor events.
- (c) *Duty of owner, manager.* It shall be the responsibility of the owner, manager, principal or any other person responsible for the day-to-day operations of the occupancy to ensure that exits are unobstructed and unlocked prior to the opening of the occupancy to the general public.
- (d) *Merchandise in exits.* In mercantile occupancies, merchandise is prohibited from being displayed in any required exit access, exit, or exit discharge. Merchandise may be displayed in the exit access, exit, or exit discharge of mercantile occupancies that have submitted a written plan for the display of such merchandise and the plan has been reviewed and approved by the fire marshal's office.
- (e) *Penalties.* If any exit access, exit, or exit discharge, with the exception of a locked exit door, is found to be in violation of this section, a summons shall be issued as provided for in Appendix F—Fees and Fines. Any required exit door found to be locked against egress shall be in violation of this section and a summons shall be issued for each locked exit as provided for in Appendix F—Fees and Fines.

**BE IT FURTHER ORDAINED:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-3 - Impairment of Fire Protection Equipment, of the Dover Code be amended to read as follows:

Sec. 46-3. *Impairment of fire protection equipment.*

- (a) *Prohibited.* It shall be a violation of this chapter for any owner, renter, lessor, or contractor, after having been notified, in writing, by the fire marshal or code enforcement officer of any

impairment to fire protection equipment, including but not limited to fire hydrants, fire alarm systems, sprinkler systems, commercial cooking ventilation and fire suppression systems, standpipes, and smoke removal or pressurization systems, to allow it to remain impaired for any time beyond that allowed by the fire marshal for repair.

- (b) *Impairment of fire protection systems.* All fire protection systems, devices, units, and service equipment shall be maintained in an operational condition at all times, and it shall be unlawful for any person owning, controlling, or otherwise having charge of any fire protection system to willfully or knowingly tamper with or impair the system from operating as designed without proper approval. An approval form may be obtained from the fire marshal's office. Approvals will not be required for temporary impairments caused by periodic testing and inspection. Any impairment which will render the system non-operational or out of service for more than eight hours for testing and inspection purposes must be approved prior to the start of work.
- (c) *Notification required.* The owner, tenant, or contractor shall notify the Robbins Hose Company of any impaired fire protection equipment, and shall renotify the Robbins Hose Company when the fire protection equipment has been restored to normal service. Certification from the repairing contractor shall be required to verify that the system has been fixed and is functioning as designed.
- (d) *Fire watch required.* When any impairment would cause a sprinkler system not to operate or a fire alarm system not to detect and signal a fire, and if the building is to remain occupied, a fire watch shall be established in that building or that portion of a building affected. It shall be the responsibility of the owner or tenant to set up the fire watch. The fire watch shall consist of an hourly check of the building or portion of the building affected, and a log kept, there stating the date, time of the checks, and who was making the checks. This log shall be accessible for immediate inspection by the fire chief, fire marshal, or code enforcement officer.
- (e) *Authority of fire marshal.* The fire marshal or his/her designee is authorized to close any such building or property where fire protection equipment is found to be impaired or non-operational to ensure the life safety of the occupants.
- (f) *Fines.* Any owner, occupant, contractor or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F—Fees and Fines.

#### **BE IT FURTHER ORDAINED:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-4 - Impact Protection of Natural Gas and LP Gas Devices, of the Dover Code be amended to read as follows:

#### **Sec. 46-4. Impact protection of natural gas and LP gas devices.**

All natural gas and LP gas installations shall be installed per adopted NFPA and International codes, with the following amendments:

- (a) *When required.* The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms. The Fire Marshal and/or Chief Building Inspector shall reserve the right to apply this section whenever it is deemed necessary to provide impact protection to address a life or fire hazard.
- (b) *Dimensions of Bollards.* Bollards shall be a minimum of 6 inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (3ft) embedded in

concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (4ft) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the Fire Marshal and/or Chief Building Inspector. The above dimensions shall serve as the requirement for installation; however the Fire Marshal and/or Chief Building Inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

- (c) *Color of Bollards.* Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the Fire Marshal and/Chief Building Inspector.
- (d) *Responsibility.* It shall be the responsibility of the property owner and/or contractor for the new installation to ensure that natural gas and LP gas meters, regulators, and valves are protected in accordance with these regulations.
- (e) *Compliance period.* All new construction projects shall comply with the provisions of this section. All existing multiple dwellings, schools, nursing homes, hospitals, and day care centers shall be protected in accordance with this section. All other existing structures shall be protected when deemed a life or fire hazard by the fire marshal.
- (f) *Exemptions.* Single-family homes, including townhouses, duplexes, and manufactured housing, except where natural gas and LP gas devices are located directly in front of head-in parking spaces and driveways, and where the fire marshal deems that impact protection is not necessary, shall be exempt from this section.

#### **BE IT FURTHER ORDAINED:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-5 - Open Burning, of the Dover Code be amended to read as follows:

#### **Sec. 46-5. *Open burning.***

- (a) *Permit required.* Open burning of structures, brush, or bonfires shall not be permitted without a permit obtained from the fire marshal.
- (b) *Fire dimensions.* Open burning, when permitted, shall be kindled in such a manner as not to be a danger to other campers, recreational vehicles, tents, or structures and shall not be of a size greater than 18 inches by 18 inches by 18 inches. Height of the fire shall be measured from the ground or from the bottom of the inside of the container being used to kindle the fire. Open burning shall not be kindled directly on the ground unless contained in a fire ring.
- (c) *Fire clearances and time restrictions.* Outdoor fireplaces shall have 36 inches clearance from all combustibles when in use. Portable fireplaces, fire pits, or fire rings shall be extinguished in a residential area between the hours of 12:00 midnight and 8:00 a.m.
- (d) *Commercial barbecuing.* Commercial barbecuing shall be permitted under the following conditions:
  - (1) The location has been approved by city licensing and inspections and the fire marshal and an outdoor public gathering permit has been obtained.
  - (2) One fire extinguisher of not less than five pounds ABC is to be located within ten feet

- of the cooking area. Cooking area and cooking fuels shall be secured from public access.
- (3) Approval from the board of public health has been obtained.
  - (4) The operator shall make all reasonable attempts to avoid causing a nuisance to nearby property owners with smoke, fumes, or sparks.
  - (5) All compressed flammable gas containers used for cooking shall be secured in such a way as to prevent them from being knocked, tipped, or blown over.

Any commercial barbecuing operations which are a continual nuisance because of smoke, fumes, or sparks shall be terminated by the code official or fire marshal and the outdoor public gathering permit revoked until such time as the director of licensing and inspections is satisfied that the problem has been corrected.

Barbecuing of any kind shall not be kindled within 200 feet of any fuel pump or storage tank fill. Cooking grease shall not be disposed of by placing it directly on the ground or in storm water drains.

(e) *Prohibited.*

- (1) *Multifamily residential dwelling units.* In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.
  - (2) *Unattended burning.* It shall be prohibited for open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time. In the event that any open burning, commercial barbecuing, or outdoor fireplaces are found to be unattended, the fire marshal, code official, fire officer, or police shall order the open burning extinguished.
- (f) *Fines.* Any owner, occupant, contractor, or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F—Fees and Fines.
- (g) *Authority of the fire marshal.* The fire marshal is authorized to impose a ban on open burning if weather conditions do not safely permit open burning. The fire marshal or fire officer shall order any fire extinguished that is deemed unsafe or not in compliance with this section of the Dover Code.

**BE IT FURTHER ORDAINED:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-7 - Preventable and malfunctioning alarms to the fire company, of the Dover Code be amended to read as follows:

**Sec. 46-7. Preventable and malfunctioning alarms to the fire company.**

- (a) *Responsibility for malfunctioning and preventable alarms, owner response, and corrective action.*
  - (1) *Generally.* The responsibility for a preventable or malfunctioning alarm shall be that of the owner of the premises in which the fire alarm system is installed. A response to a preventable or malfunctioning alarm shall result when any fire marshal or member of the

fire department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system, by any means whatsoever, and responds thereto by traveling to that premises. After responding to a malfunctioning or preventable alarm, the responding official shall notify the owner or his/her authorized representative and such person shall thereupon travel to the premises to ascertain the status thereof. Should the person notified fail to appear at said premises within 30 minutes after being notified to do so, the fire marshal may issue the owner of the premises a fine as provided for in Appendix F—Fees and Fines. The official or member of the fire department who responded to said premises shall notify the fire marshal's office.

- (2) *Malfunction.* In the event of a fire alarm deemed by the responding official to be the result of a fire alarm malfunction, the owner will be served a notice of violation form, indicating that the activation was deemed to be the result of a fire alarm malfunction, and requiring the owner to provide documentation that the fire alarm component that caused the fire alarm malfunction has been corrected, to the satisfaction of the fire marshal, and that the fire alarm system in question has actually been examined by a fire alarm technician and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the fire alarm malfunction. Failure to return documentation of service/repair within the period of time stated on the notice of violation, which is satisfactory to the fire marshal, will result in assessment against the owner of a fine for the fire alarm malfunction as provided for in Appendix F—Fees and Fines.
- (b) *Fine charges; multiple fire alarm malfunctions or preventable alarms.*
  - (1) *Amount of fine.* A fine may be assessed for the third and subsequent malfunctioning or preventable alarms at the same premises responded to by the fire department within the prior 12-month period. Thereafter, the fines, as provided for in Appendix F—Fees and Fines, shall be paid by the owner for each preventable or malfunctioning fire alarm responded to by the fire department at the same premises during a 12-month period beginning with the date of the first alarm.
  - (2) *Panel reset.* Once a preventable alarm or fire alarm malfunction has been responded to by the fire department, it shall be unlawful for the alarm panel to be reset by any person until the authorization of the fire department has been obtained. A fine as provided for in Appendix F—Fees and Fines may be assessed to the owner of a premises where the fire alarm has been reset before the fire department or assisting fire department arrives.
  - (3) *Insufficient alarms.* When any premises are protected by a fire alarm system that, in the opinion of the fire marshal or his/her deputy(ies), will not safely alarm the occupants of a fire, the fire marshal or his/her deputy(ies) may close said building, or a portion of said building, to human occupancy until the problem with the fire alarm is corrected and a written report from a licensed fire alarm company is submitted to the fire marshal.

#### **BE IT FURTHER ORDAINED:**

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-8 - Maintaining a known violation or hazard, of the Dover Code be amended to read as follows:

#### **Sec. 46-8. Maintaining a known violation or hazard.**

- (a) *Known violation or hazard.* Any person is guilty of maintaining a known violation or hazard if:

- (1) After having been informed in writing by a code enforcement officer of a violation of the fire code, property maintenance code, a city ordinance, or state law existing on property he or she owns or occupies, he or she fails to correct the said violation;
  - (2) He or she prevents a fire protection system from functioning as designed;
  - (3) He or she knows that a fire protection system will not function as designed and takes no action to repair the fire protection system;
  - (4) He or she interferes with any occupant's egress from a building;
  - (5) He or she knows of an obstruction that would interfere with any occupant's egress from a building and takes no action to remove the obstruction;
  - (6) He or she engages in any act, written or verbal, within city limits that obstructs, delays, hinders or interferes with the operations of the fire department during an emergency.
- (b) Penalties.
- (1) Any fines issued for violation of this section shall be issued as provided for in Appendix F—Fees and Fines.
  - (2) Occupancies that continue to maintain a known violation or hazard may be closed by the code enforcement officer until such time as all violations and hazards have been corrected.

**ADOPTED: SEPTEMBER 22, 2014**

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### **SYNOPSIS**

The proposed ordinance clarifies the standards for impact protection surrounding natural gas and liquid propane gas devices. Currently the code does not specify the standards, specifically dimensions and color, for bollards installed to protect natural gas and liquid propane gas devices. The standards in the proposed ordinance are consistent with the direction provided by the Fire Marshal's Office when questioned about impact protection. Formally adopting the standards into code will reduce potential for confusion about requirements. Additionally, the ordinance creates a new Section 46-0 - Definitions, which places all of the definitions for Chapter 46 into one section.

(SPONSORS: HUTCHISON AND MULLANEY)

#### Actions History

- 09/22/2014 - Final Reading at Council
- 09/08/2014 - First Reading at City Council
- 08/25/2014 - Introduced at Safety Advisory and Transportation Committee