

## Chapter 8

### FIRE PREVENTION, PROTECTION AND AMBULANCE FEES\*

Art. I. In General, §§ 8-1—8-29

Art. II. Fire Department, §§ 8-30—8-36

Art. III. Ambulance Service Fee Schedule, § 8-40

#### ARTICLE I. IN GENERAL†

##### **Sec. 8-1. Fire Prevention Code.**

The provisions of the "BOCA Basic National Fire Prevention Code, 1999 including Appendix A, Eleventh Edition" as modified, is hereby adopted as the City's Fire Prevention Code. See separate publication and adopting modification on file in the office of the city clerk. (Ord. No. 9053, §1, 7-5-01; Ord. No. 9820, §1, 12-4-08)

##### **Sec. 8-2. False fire alarms.**

No person shall intentionally give or make a false alarm of fire. (Gen. Ords. 1959, §52.11)

##### **Sec. 8-3. Adoption of fire control measures and regulations.**

There is hereby adopted the fire control measures and regulations as herein set forth for the purpose of controlling conditions which could impede or interfere with fire suppression forces. (Ord. No. 6048, §1, 11-4-76)

##### **Sec. 8-4. Authority at fire and other emergencies.**

The fire official or his duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control such suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the fire department. The fire official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire official. (Ord. No. 6048, §2, 11-4-76)

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**Cross references**—Licensing of gasoline dealers, §13-216; fire hazards in city parks, §18-20.

**State law reference**—Fire protection, RSMo Ch. 320.

†**Editor's note**—Ordinance No. 6049, adopted Nov. 4, 1976, repealed §§8-2—8-9. At the editor's discretion, Ord. No. 60-47, nonamendatory of the Code, has been included as §8-1, and former §8-1 has been renumbered as §8-2. Also at the editor's discretion, Ord. No. 6048, nonamendatory of the Code, has been included as §§8-3—8-20. The repealed portions of Art. I pertained to fire prevention and were derived from Gen. Ords. 1959.

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### **Sec. 8-5. Interference with fire department operations.**

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any fire department operation. (Ord. No. 6048, §3, 11-4-76)

### **Sec. 8-6. Compliance with orders.**

A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire official or to interfere with the compliance attempts of another individual. (Ord. No. 6048, §4, 11-4-76)

### **Sec. 8-7. Vehicles crossing fire hose.**

A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the fire official in command of said operation. (Ord. No. 6048, §5, 11-4-26)

### **Sec. 8-8. Definition of authorized emergency vehicle.**

Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Missouri. (Ord. No. 6048, §6, 11-4-76)

### **Sec. 8-9. Operation of vehicles on approach of authorized emergency vehicles.**

Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the fire official or a police officer. (Ord. No. 6048, §7, 11-4-76)

### **Sec. 8-10. Vehicles following fire apparatus.**

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than three hundred (300) feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm. (Ord. No. 6048, §8, 11-4-76)

### **Sec. 8-11. Unlawful boarding or tampering with fire department emergency equipment.**

A person shall not without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle. (Ord. No. 6048, §9, 11-4-76)

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### **Sec. 8-12. Damage, injury to fire department equipment, personnel.**

It shall be unlawful for any person to damage or deface, or attempt to conspire to damage or deface any fire department emergency vehicle at any time, or to injure, or attempt to injure or conspire to injure fire department personnel while performing departmental duties. (Ord. No. 6048, §10, 11-4-76)

### **Sec. 8-13. Emergency vehicle operation.**

The driver of any emergency vehicle, as defined in this article, shall not sound the siren thereon or have the front appropriate warning lights on or disobey any existing traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from a fire. Tactical strategies such as, but not restricted to "move-ups" do not constitute an emergency call. The driver of an emergency vehicle may:

- (a) Park or stand irrespective of the provisions of existing traffic regulations;
- (b) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the prima facie speed limit so long as he does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions;
- (e) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying an appropriate warning light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

(Ord. No. 6048, §11, 11-4-76)

### **Sec. 8-14. Blocking fire hydrants and fire department connections.**

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurizations of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property.

If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire official and with the approval of the chief administrative official; and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.

(Ord. No. 6048, §12, 11-4-76)

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### **Sec. 8-15. Hydrant use approval.**

A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures a permit for such use from the fire official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction. (Ord. No. 6048, §13, 11-4-76)

### **Sec. 8-16. Public water supply.**

The fire official shall recommend to the commissioner of streets and public improvements the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire official. (Ord. No. 6048, §14, 11-4-76)

### **Sec. 8-17. Yard systems.**

All new and existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire, or life hazards, and which are located more than one hundred fifty (150) feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the fire official and shall be connected to a water system in accordance with accepted engineering practices. The fire official shall designate and approve the number and location of fire hydrants. The fire official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire official. (Ord. No. 6048, §15, 11-4-76)

### **Sec. 8-18. Maintenance of fire suppression equipment.**

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs, or when permitted by the fire official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire official. (Ord. No. 6048, §16, 11-4-76)

### **Sec. 8-19. Sale of defective fire extinguishers.**

A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the fire official, or which is not in proper working order, or the contents of which do not meet the requirements of the fire official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk and said units are permanently disfigured or marked with permanent sign identifying the unit as junk. (Ord. No. 6048, §17, 11-4-76)

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### **Sec. 8-20. Street obstructions.**

Any person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the municipality. Nothing herein shall prevent the temporary placing of such items with permission of the fire official and chief of police. The word "street" as used in this article shall mean private and public streets and highways within the boundaries of the municipality. (Ord. No. 6048, §18, 11-4-76; Ord. No. 8609, §1, 4-17-97)

### **Sec. 8-21. Fireworks--Authority of police to enforce provision of the fire prevention code.**

The chief of police, or any police officer of the city is authorized to enforce the provisions of Sections F-2800.1 through F-2801.4 of the BOCA Basic Fire Prevention Code, 1984 edition. (Ord. No. 6291, §1(a), 6-15-78)

### **Sec. 8-22. Same--Police officers authorized to confiscate.**

The authority granted the fire official to confiscate unauthorized fireworks is hereby also given to such police officers. (Ord. No. 6291, §1(b), 6-15-78)

**Editor's note**—Ordinance No. 7195, §§1, 2, adopted May 17, 1984, amended § 8-1 of this Code to provide for adoption of the 1984 edition of the BOCA *Basic Fire Prevention Code*. Pursuant to instructions of the city, the editor has substituted "BOCA *Basic Fire Prevention Code*, 1984 edition" for the previous wording "BOCA *Basic Fire Prevention Code*, 1981 edition" in order to conform the provisions of this section to §8-1.

**Cross reference**—Discharging fireworks in parks, §18-15.

### **Sec. 8-23. Same--Authority of fire official not limited by authority granted to police.**

Nothing contained herein in sections 8-21 through 8-28 shall limit the authority granted the fire official pursuant to the fire prevention code adopted in section 8-1. (Ord. No. 6291, §1(c), 6-15-78)

### **Secs. 8-24—8-29. Reserved.**

## **ARTICLE II. FIRE DEPARTMENT\***

### **Sec. 8-30. Established; composition.**

There is hereby established a fire department in the city, which shall be under the direct control and supervision of the council. The fire department shall consist of one (1) chief and such other employees with titles applicable thereto as may, in the opinion of a majority of the council, be found necessary from time to time or as may be prescribed by ordinance. (Gen. Ords. 1959; §9.01)

### **Sec. 8-31. Duties and salaries of personnel.**

The duties and salaries of the employees of the fire department shall be prescribed and fixed by the council, and the expenses of the department shall be paid from whatever revenue may be available to the council. (Gen. Ords. 1959, §9.02)

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\***Cross reference**—Obedience to fire department officials, §14-2; traffic enforcement authority and duties of firemen, §14-85.

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**Sec. 8-32. Procurement of supplies.**

The purchase of supplies and all material used by the city in behalf of the fire department shall be made by the purchasing agent. (Gen. Ords. 1959, §9.03)

**Sec. 8-33. Reports by the chief to the council.**

The chief of the fire department shall furnish to the council such information as may be required from time to time, and shall make an annual report of all the business of such department under his supervision for each fiscal year. (Gen. Ords. 1959, §9.04)

**Secs. 8-34—8-35. Reserved.**

**Sec. 8-36. Assistance to other municipalities.**

All ordinances of the city providing for mutual fire protection assistance to other municipalities are hereby saved from repeal and continued in full force and effect.

**Secs. 8-37—8-39. Reserved.**

**ARTICLE III. AMBULANCE SERVICE FEE SCHEDULE**

**Sec. 8-40. Fee Schedule:**

This article shall hereafter be known as the Ambulance Service Fee schedule for the City of Kirkwood.

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|----|-----------------------------|--------------|
| 1. | Kirkwood Non-Resident Rate: | \$650        |
| 2. | Kirkwood Resident Rate:     | \$598        |
| 3. | Loaded Mile Charge:         | \$8 per mile |

(Ord. No. 9249, §2, 5-15-03)