**Chapter 11**

**FIRE PROTECTION**

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**Chapter 11**

**FIRE PROTECTION**

**ARTICLE I**

**IN GENERAL**

**Sec. 11-1. Burning of trash, rubbish or refuse within the city limits - Prohibited.**

(a) From and after the date of the passage and approval of this Section it shall be unlawful for any person to burn, or cause to be burned, any trash, rubbish, or refuse of any nature whatsoever, in an open fire within the city limits of the City of Potosi, Missouri, except as specifically provided below.

 (b) It shall be lawful to burn leaves, dead limbs, brush and other dry, non-poisonous and non-toxic vegetation only upon the following conditions:

(1) The owner or occupant of the property upon which the burning is to be done, must notify the 911 non-emergency office at 573-438-1079 prior to any fire being started.

(2) No such fire may be started in or allowed to spread into any City street or City alley, or upon City property.

(3) A fire may be maintained in a ditch adjacent to a City street or City alley, upon the property owner's property, provided that the fire is not allowed to burn into the street or alleyway, traffic is in no way impeded, there are no parked motor vehicles within fifty feet of the fire, and the property owner removes all debris and ash from the ditch within 48 hours of burning.

(4) Except as provided in subsection (3) above, no such fire may be started or allowed to burn any closer than fifty feet from any building line or fifteen feet from any boundary line, whichever is greater.

(5) The fire must be attended to at all times by a person of not less than 18 years old, physically present at all times while the fire is burning, and with adequate firefighting equipment in proper functioning order to control and prevent the spread of the fire.

(6) All such fires must be completely extinguished at sundown.

(7) Such burning is not banned by the State of Missouri.

 (c) This section is passed for the protection of public health and safety.

 (d) In addition to any other penalty as provided in Section 11-2 of this Code of Ordinances, any violation of this section shall make both the person starting or maintaining the fire and the property owner upon which a fire has been started, civilly liable for any and all damage which may be caused by any such fire, and to any penalty from the State of Missouri. (Ord. 447, §§1-2; Ord. 848; Ord. 849, §1; Ord. 1123, §1)

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**Sec. 11-2. Penalties for unauthorized burning in restricted areas.**

Any person violating this ordinance shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00). (Ord. 447, §4; Ord. 479, §3.)

**Sec. 11-3. Regulating service stations; handling of gasoline and oil.**

(a) **Definitions *-*** As used herein, the term *"service station"* shall mean a place of business where gasoline or any highly volatile fuels for motor vehicles or internal combustion engines are sold or offered for sale at retail and dispensed into fuel tanks of such motor vehicles including service stations which provide mechanical services to automobiles.

 *"Gasoline*" as defined herein shall also include diesel or other propellants for motor vehicles. *Oil* as used herein shall mean any substance having a petroleum base.

 (b) **Service stations shall be kept free of fire hazards *-*** All service stations as defined herein shall be kept free of all debris, rubbish and trash. Any service station which allows to accumulate on the property thereof any rubbish, trash or debris which creates a fire hazard or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, and other vermin, is hereby specifically made subject to this Ordinance and such debris, rubbish, or trash is hereby declared a public nuisance.

 (c) **Nuisance involving petroleum products unlawful *-*** It shall be unlawful for any person, whether individual, partnership, or corporation, to create or maintain a nuisance as defined in subsection (b).

 (d) **Notice to remove nuisance -**Whenever the chief of police or his duly authorized representative determines that any debris, rubbish or trash is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the service station, if he can be located, or the person in custody of such service station by registered mail or by personal service. The notice shall state that the debris, rubbish or trash is deemed a nuisance within the provisions of subsection (b) hereof and shall briefly state the facts deemed to constitute such nuisance within the terms of this Ordinance, and state that the nuisance shall be abated within seven days from the receipt of such notice.

 (e) **Failure to comply with notice -**Any person receiving the notice provided for shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.

 (f) **Spilling or discharging of oil or gasoline unlawful -**It shall be unlawful for any service station to discharge upon property, public or private, gasoline as defined herein. It shall be further unlawful for any service station to spill or discharge upon property, public or private, oil as described herein.

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 (g) **Notification of accidental spills to chief of police required -**The owner of any service station who discharges gasoline or oil upon the property, whether intentionally or accidentally, must immediately notify the chief of police or his representative. Failure to comply with this notice shall be a violation of this Ordinance. Thereupon, it is the duty of the owner of said service station, under the advisement of the chief of police, to cause said oil or gasoline spill to be cleaned up in a manner in accordance with the dictates of public health and safety.

 (h) **Right of entry -**The chief of police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any debris, trash, or rubbish or to investigate for oil or gasoline spills in accordance with this Ordinance. If any person refuses to allow entry onto his private property, the chief of police may obtain a warrant from the proper official and proceed in accordance therewith.

 (i) **Penalties for violations -**Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than five dollars ($5.00) nor more than five hundred dollars ($500.00) or by imprisonment in the city jail for a term not exceeding ninety (90) days or by both such fine and imprisonment. (Ord. 483, §§ 1-9.)

**Secs. 11-4 to 11-8. Reserved.**

*(Revised 4/04)*

**ARTICLE II**

**CONSTRUCTION OF BUILDINGS**

**Sec. 11-9. Common wall specifications of masonry construction for commercial or**

 **industrial buildings.**

 Every building hereafter erected or enlarged in an area zoned commercial or industrial which shall have a wall or walls in common shall meet the following:

 (a) Said common wall shall be of masonry construction.

 (b) Said common wall shall be at least twelve (12) inches thick.

 (c) Said common wall shall be continuous from foundation to roof.

 Such common walls shall not have windows, communication openings, passageways, or doors except where such openings have an approved fire door. (Ord. 464, §1.)

**Sec. 11-10. Common wall specifications of stone or concrete construction for**

 **commercial or industrial buildings.**

Every building hereafter erected or enlarged in an area zoned commercial or industrial which shall have a wall or walls in common may with the approval of the building inspector:

 (a) Erect a natural stone wall in thickness specified by building inspector but in no case less than twelve (12) inches thick;

 (b) Erect hewn or squared stone walls in the thickness set out for masonry walls;

 (c) Erect reinforced concrete walls in a thickness set out by building inspector but in no case less than nine (9) inches in thickness. In all cases, nonreinforced concrete walls shall comply with the thickness set out for masonry walls. (Ord. 464, §2.)

**Secs. 11-11 to 11-15. Reserved.**

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