

**AN ORDINANCE ADOPTING THE 2003 EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION FIRE PREVENTION CODE (NFPA 1, UNIFORM FIRE CODE), AS MODIFIED, AND AMENDING TITLE 5 (BUILDING REGULATIONS), CHAPTER 1 (BUILDING CODE), SECTION 4 (FIRE PREVENTION CODE) OF THE GALVA CITY CODE OF THE CITY OF GALVA**

***Published in pamphlet form by authority of the City Council of the City of Galva, Henry County, Illinois, this 2nd day of August, 2005.***

**WHEREAS**, at least three (3) copies of the 2003 edition of the NFPA 1 Uniform Fire Code, published in book and electronic form by the National Fire Protection Association and Western Fire Chiefs Association, have been on file in the office of the City Clerk of the City of Galva, Illinois, for public use, inspection, and examination continuously for more than 30 days prior to the date hereof, and copies thereof will hereafter be kept on file in said office for such public use, inspection, and examination; and

**WHEREAS**, prior to the aforesaid 30-day period, public notice was given in THE GALVA NEWS, a weekly newspaper having a general circulation in the City of Galva, which notice stated that at least three (3) copies of said 2003 edition of the NFPA 1 Uniform Fire Code, would be on file during said 30-day period, as well as subsequent thereto, and that the Corporate Authorities of the municipality would give consideration to and might adopt all or any part or parts of said 2003 edition of the NFPA 1 Uniform Fire Code Handbook, by reference thereto without further printing, at any time after the lapse of 30 days or more subsequent to the aforesaid publication of said public notice, as shown by the certificate of publication on file in the office of said City Clerk; and

**WHEREAS**, The Mayor and City Council of the City of Galva have determined that it is in the best interest of the City of Galva to amend the Galva Fire Prevention Code (Title Five, Chapter One, Section Four) and adopt the 2003 edition of the NFPA 1 Uniform Fire Code, as modified, as the standard by which all fire prevention work within the City of Galva shall be performed.

***NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GALVA, HENRY COUNTY, ILLINOIS, IN THE EXERCISE OF ITS AUTHORITY, AS FOLLOWS:***

**SECTION I:** That Title 5, Chapter 1, Section 4, entitled "Fire Prevention Code" of the Galva City Code is hereby deleted in its entirety and replaced with a new Title 5, Chapter 1, Section 4, entitled "Fire Prevention Code", to provide as follows:

**TITLE 5, CHAPTER 1, SECTION 4. – FIRE PREVENTION CODE.**

**5-1-4-A. NFPA1, Uniform Fire Code Adopted:**

There is created and established, in and for the City of Galva, the Galva Fire Prevention Code. This Division shall provide the City of Galva with rules and

regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, and maintenance of equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

This Division shall be known as Fire Prevention Code. This Division adopts NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and its incorporated standards, appendices, and codes as published in the National Fire Codes of the National Fire Protection Association being particularly the 2003 edition thereof, including all amendments thereto adopted by the NFPA, save and except those portion such as are hereinafter deleted, modified, or amended by **5-1-4-O** of this Division. The same are hereby adopted and incorporated as fully as if set out at length herein. One copy of the adopted issue of NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and the adopted standards, appendices and codes of the National Fire Codes shall be filed in the office of the City Clerk and the provisions thereof shall be controlling within the limits of the City of Galva. In case any provision of the foregoing Codes are inconsistent or are in conflict with any other City Code, the provision that is more restrictive shall prevail. The determination as to which of said Codes is the more restrictive shall be made in the sole discretion of the Fire Chief of the City of Galva, or his duly designated agent for said purpose.

#### **5-1-4-B. Duty to Obey:**

It shall be unlawful for any person to violate this Division, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Chief of the Fire Department in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

#### **5-1-4-C. Division of Fire Prevention:**

The Fire Chief of the Galva Fire Department shall be responsible for the enforcement of the Fire Prevention Code. The Fire Chief of the Galva Fire Department may detail qualified members of the Fire Department as inspectors as shall from time to time be necessary. To assist in the performance of the responsibilities and duties placed upon the Fire Chief of the Galva Fire Department, a Division of Fire Prevention in the Fire Department of the City of Galva is hereby created.

#### **5-1-4-D. Duties:**

It shall be the duty of the officers of the Division of Fire Prevention to enforce all laws and ordinances of the City of Galva, covering the following:

- I. The preservation of safety to life and the prevention of fires;
- II. The storage, sale, and use of combustible, flammable or explosive materials;
- III. The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- IV. The means and adequacy of exit in case of fire or other emergency, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;

They shall have such other powers and perform such other duties as are set forth in other sections of this Chapter, and as may be conferred and imposed from time to time by law, or as designated by the Fire Chief.

#### **5-1-4-E. Instructions:**

The Fire Chief of Galva shall prepare instructions for the Fire Inspectors, and forms for their use in the reports required by this Division.

#### **5-1-4-F. Permits:**

Before permits may be issued as required by this Code, the Fire Inspectors shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes.

#### **5-1-4-G. Inspections:**

The Fire Inspectors shall inspect or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

#### **5-1-4-H. Compliance:**

- I. Whenever any inspection shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs,

passageways, doors, or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in the Fire Prevention Code.

- II. Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.
- III. The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.
- IV. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure, or land is used in violation of this Chapter, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such an unlawful erection, maintenance or use to restrain, correct or abate such violation; to prevent the occupancy of said building or structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

#### **5-1-4-I. Records:**

The Fire Inspectors shall compile and keep a record of all fires and all the facts concerning the same, including injuries, deaths, rescue of persons, statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the Fire Inspectors under the provisions of this ordinance.

#### **5-1-4-J. Annual Report:**

The Fire Inspectors shall make an annual report of the activities of the Bureau of Fire Prevention and shall transmit this report to the Fire Chief of the Galva Fire Department. The report shall contain all proceedings under the Fire Prevention Code with such statistics as the Fire Chief may wish to include therein.

#### **5-1-4-K. Amendments:**

The Fire Chief of the Galva Fire Department or the Chief Fire Inspector shall also recommend any amendments to the Fire Prevention Code or ordinance that shall be desirable.

**5-1-4-L. Scope:**

The provisions of the Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

**5-1-4-M. Source of Division:**

This act shall be deemed in exercise of the police powers of the City of Galva for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Fire Prevention Code shall be liberally construed for that purpose.

**5-1-4-N. Penalties:**

- I. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the investigation or enforcement of any of the provisions of this Code, upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense and not less than two hundred and fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) for the second and each subsequent offense in any 180 day period: provided however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to provisions of the Illinois Code of Civil Procedure (735 ILCS 5/1 et seq.). A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification or knowledge of the existence thereof.
  
- II. Persons receiving citations for violations of the Fire Prevention Code may settle certain of those violations as set forth in Ordinance 1460 – An Ordinance Establishing A Program and Procedure For The Use Of Administrative Warning Tickets For Certain Ordinance Violations.

**5-1-4-O. Additions, Insertions, Deletions, Amendments, and Modifications to NFPA1:**

- I. Amend Section 1.3 Application of NFPA 1 to read as follows:

Section 1.3 Application. The provisions of this Code shall apply to all buildings, structures, vehicles, marine vessels, premises, and conditions within this jurisdiction. The provisions of this Code shall apply equally to existing as well as new buildings, structures, marine vessels, premises, and conditions not in compliance with this Code may be permitted to continue unless in the opinion of the Fire Chief they constitute a fire hazard to life or property.

- II. Amend Sections 1.10 Board of Appeals to read as follows:

Section 1.10 Board of Appeals. As used in NFPA, the term Board of Appeals shall mean the City Council as established by the City pursuant to Title 5, Chapter 1, Section 4, Paragraph D, Item 2 of the City of Galva City Code, 1994, as amended.

- III. Add Section 1.10.9.4 Filing Fee to read as follows:

Section 1.10.9.4 Filing Fee. A filing fee shall accompany each notice of appeal in the amount of twenty-five dollars (\$25.00).

- IV. Amend Section 1.16.4 to read as follows:

Section 1.16.4. Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant of this Code or violates any condition attached to a permit, approval, or certificate, shall be subject to the penalties established by **5-1-4-N** of this Division.

- V. Add Section 1.16.5 Re-inspection Fee to read as follows:

Section 1.16.5 Re-inspection Fee. Continuous violations requiring more than one (1) re-inspection shall be subject to a fifty dollar (\$50.00) fine for each and every subsequent re-inspection.

- VI. Add To Section 10.12.2 Access Boxes to read as follows:

Any building, other than a one or two family dwelling, that has an automatic alarm system which is capable of dialing a remote station for Fire Department notification as described in NFPA72 shall have an approved access box installed in an accessible location approved by

the Fire Department.

VII. Add Section 10.18.4 Decorations and Floats the following:

No float shall be erected over any mechanical vehicle which shall hinder the occupant from being able to remove himself safely and quickly.

All electrical wiring to decorations shall be on a separate circuit of the proper capacity to protect all wiring and conform to the electrical code of the City.

The Fire Prevention Division can reject any display, float, house decoration, or structure placed in a hazardous location to life, safety, or dangerous to property. The Fire Prevention Division shall have the authority to have the paid structure, decoration, float, or display removed or replaced at any time.

Any float placed on display must be located at least fifty (50) feet from any building or structure.

The above sections shall prevail to any place within the jurisdiction of the Fire Department of the City of Galva.

VIII. Add Section 13.3.1.7.3 Automatic Sprinkler Alarms for Multi-Story Buildings as follows:

In multi-story buildings that have sprinkler systems, approved floor control valves with water flow switches shall be provided for each floor. There shall be a white horn/strobe unit installed in weatherproof housing above each fire connection for each sprinkler system.

IX. Add Section 13.3.1.7.4 Automatic Sprinkler Alarms for Multi-Tenant Buildings as follows:

In sprinklered buildings with multiple tenants an approved control valve with water flow switches shall be provided for each tenant space. There shall be a white horn/strobe unit installed in weatherproof housing above each fire connection for each sprinkler system. An additional amber strobe shall be installed at an approved exterior location for each unit to be activated by the flow switch for that particular unit.

X. Add Section 13.3.1.7.5 Notification Devices for Sprinkler Alarms in Multi-Tenant Buildings as follows:

Approved audio/visual devices shall be connected to every automatic sprinkler system. Such devices shall be activated by the flow of water through any flow switch installed in the sprinkler system. All water flow devices shall activate alarm notification devices in compliance with NFPA 13 and 72. Where there are multiple tenants or uses in a building, the activation of a water flow device in any area of the building will activate all notification devices in the building or structure.

XI. Add Section 18.3.6 Hydrant Location to read as follows:

Hydrants. Other than single-family and two-family zoning, pumper type hydrants shall be located no more than 250 feet apart and at such additional locations as are necessary due to configuration, size, use of buildings, or property as required by the division of fire prevention.

XII. Add Section 18.3.7 Hydrant Flow to read as follows:

Section 18.3.7 Hydrant Flow. Water flow from hydrants, as recommended by the Illinois Insurance Services Office (ISO), shall be required before occupancy of any structure. Where at least fifty percent (50%) of the required water flow is not present at the closest hydrant to any structure, said structure shall have a sprinkler system installed conforming with NFPA standards. Water flows shall be tested and/or certified by the Galva Fire Department.

XIII. Add Section 18.3.8 Water Supply to a Private Hydrant to read as follows:

Section 18.3.8 Water Supply to a Private Hydrant. All water supply mains to a private fire hydrant shall be constructed and installed so that such mains do not pass through a building or structure.

**5-1-4-P. Permits:**

I. Rules for Activities Requiring Permits.

1. A permit is required:

a. For the storage, handling, or use of containers of more than:

- i. 2,000 gallons (7,570L) individual water capacity or an aggregate water capacity of 4,000 gallons (15,140L) of flammable compressed gases, or



- ii. 10,000 gallons (37,850L) individual water capacity or an aggregate water capacity of 20,000 gallons (75,700L) of nonflammable compressed gases.
  - iii. For each temporary installation of flammable compressed gases over ten (10) gallon water capacity.
  - iv. To store, use, or handle containers of flammable liquefied gases of 2,000 gallons (7,570L) individual water capacity aggregate water capacity of 4,000 gallons (15,140L).
  - v. To store, use, or handle liquefied medical gases exceeding 2,000 gallons (7,570L) water capacity in any one container or an aggregate water capacity of 4,000 gallons (15,140L).
- b. Permits to manufacture, possess, sell, or otherwise use explosive materials shall be obtained in accordance with the requirements set forth in NFPA 495, Manufacture, Transportation, Storage, and Use of Explosive Materials.
- c. A permit is required for:
  - i. Storage, handling, or use of Class I flammable liquids in excess of 15 gallons (56.78L) inside of any building or in excess of 60 gallons (227.1L) outside of any building.
  - ii. Storage, handling, or use of Class II or III flammable or combustible liquids in excess of 25 gallons (94.36L) in a building or 60 gallons (227.1L) outside of a building.
  - iii. The initial installation of an oil burner and attendant fuel tank installed in accordance with applicable NFPA Codes and standards.
  - iv. The replacement of an existing oil burner or fuel oil tank connected to the oil burner.
- d. Permits for the supervised display of fireworks conducted in accordance with the provisions of NFPA 1123, and the State of Illinois Fireworks Use Act, 425 ILCS 35/1 et. seq., shall be required. Application for such permits shall be made in

writing at least 15 days in advance of the date of display and shall include a sketch of the display area including distances and physical barriers where required. Additionally, all permit applications shall be accompanied by a \$1,000 cash bond to insure compliance with all laws, ordinances and regulations and to pay for any damage which the display may cause.

- e. A permit is required for the storage or handling of more than 25 pounds (11.4 kg) of pyroxylin plastics, for the manufacture of articles of pyroxylin plastics in the manufacturing or assembling of other articles.
- f. A permit is required for all installations, additions, or modifications to any sprinkler system, fire suppression system, fire alarm or fire detection system. Plans for all systems shall be submitted before installation and system test shall be witnessed and/or certified by the Division of Fire Protection.
- g. A permit is required for other regulated materials and operations as provided in NFPA 1.

II. Permit Application and Appeal Process. Permits for open burning for special events and for other activities requiring a permit shall be as set forth in this section.

- 1. Special Event Permit Applications. The Fire Chief or his designee may issue a permit for a fire at a special event if the following information is provided to the City:
  - a. The name, address and phone number of the person seeking the permit. (If the permit is sought for a group or association, the name address and phone number of the association's member who is in charge of the event.); and
  - b. The location, date and time of the fire, including a brief description of the event and type of fire, e.g. campfire, bonfire, wiener roast, and
  - c. If the property is not owned by the person seeking the permit, written authorization from the owner of the property for the fire.
  - d. Such other information as the Fire Chief believes is necessary for the determination that the public safety would

not be jeopardized by the issuance of a special event permit.

2. Denials of Special Event Fire Permit Applications. The Fire Chief, or his designee, may deny a Special Event Permit request for any of the following reasons:
  - a. Required information is missing or false; or
  - b. The application is not timely filed or;
  - c. A prior event sponsored by the individual or organization sponsoring this event violated City ordinances, caused a disturbance; or created a fire hazard or;
  - d. A prior event held at this location violated City ordinances, caused a disturbance; or created a fire hazard or;
  - e. The proposed location, time or type of fire presents a substantial risk to the public health and welfare if the permit were issued or;
  - f. A permit has been granted in the past year for any location within 1500 feet of the proposed location and the Fire Department finds that the issuance of a fire permit would unduly disrupt the quiet of the area of the proposed fire or;
  - g. One or more fire permits have been issued within 48 hours of the time being requested for the permit and the Fire Department reasonably believes that there are insufficient fire or police resources available to monitor the special event or;
  - h. Weather or environmental conditions, such as high winds or droughts, exist or are predicted to exist, which would cause a danger to property or persons if the special event fire were to occur.
3. Appeals of Denials of Special Event Permits. The denial of a special event fire permit by the Fire Chief, or his designee, may be appealed to the City Administrator by the applicant. Such appeal shall be in writing, filed with the City Administrator and must specify objections to the decision of the Fire Chief or his designee. The City Administrator or his designee shall within seven (7) days act upon the appeal. If the City Administrator or his designee determines that a permit should not be issued, then he shall inform the applicant of his decision in writing specifying his reasons therefore. All decisions

of the City Administrator, or his designee shall be final and reviewable only in the courts in accordance with applicable law.

4. Applications for Permits Other than Special Event Permits. The Fire Chief or his designee may issue any permit required by this division if the following information is provided to the City:
  - a. The name, address and phone number of the person seeking the permit. (If the permit is sought for a corporation or association, the name address and phone number of the corporation or association's member who is in charge of the item for which a permit is required.), and
  - b. The location of the item, including an exact description of the item or items for which a permit is required, and
  - c. If the property on which the item is to be located is not owned by the person seeking the permit, written authorization from the owner of the property for the item, and
  - d. Any operating permits or other permits required to be possessed to own or operate the item in question, and
  - e. A description of the use of the property on which the item or items are to be located, including all structures, parking areas and drives on the property, and
  - f. A description of the uses of the properties adjacent to the property on which the item or items are to be located, including all structures, parking areas and drives on those properties, and
  - g. Such other information as the Fire Chief believes is necessary for the determination that the public safety would not be jeopardized by the issuance of a permit.
5. Denials of Permits for Activities Other Special Events. The Fire Chief, or his designee, may deny a permit request for any of the following reasons:
  - a. Required information is missing or false; or
  - b. The application is not filed in sufficient time to make a reasonable assessment of the risk involved by the item or items or;

- c. A prior permit issued to this individual, corporation or organization violated Town ordinances, caused a danger or caused a fire or;
  - d. A prior permit issued at this location violated Town ordinances, caused a danger or fire or;
  - e. The proposed location, time or type of item presents a substantial risk to the public health and welfare if the permit were issued or;
  - f. A permit has been granted for any location within 1500 feet of the proposed location and the Fire Chief determines that the issuance of a permit would create a danger to the public health and welfare.
6. Appeals of Denials of Permits Other than Special Events. The denial of a permit other than a special event fire permit by the Fire Chief, or his designee, shall be final and reviewable only in the courts in accordance with applicable law.
- III. Revocation of a Permit. The Fire Chief, or his designee, may revoke a previously issued permit if weather conditions create a hazardous condition or if the Fire Chief learns of additional information which would cause him to have not issued the permit in the initial instance. The Fire Chief, or his designee, shall immediately notify the holder of a permit of the revocation of the permit. It shall be unlawful to engage in any activity for which a permit had been issued after that permit has been revoked.

#### **5-1-4-Q. Failure To Comply With State Fire Marshal Equipment Regulations:**

Any person servicing, installing, repairing, altering, or modifying any equipment subject to regulation by the State of Illinois Fire Marshal shall comply with said state regulations or be subject to penalty as set forth in this Chapter.

#### **5-1-4-R. Relief From Personal Responsibility**

The Fire Inspector or other officer or employee charged with the enforcement of this Code while acting for the City of Galva shall not thereby render himself personally liable and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duty. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this Code shall be defended by the legal

representative of the City of Galva until a final termination of the proceedings. The Code Official or any of his subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this Code and any officer of the Division of Fire Prevention acting in good faith and without malice shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection herewith.