

Chapter 30
Fire Prevention

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History: This Chapter was Ordinance 5001 (adopted May 5, 1958).

Section 30-1 Adoption of Fire Prevention Code

There is hereby adopted by the Council of the Mayor and Council of Delaware City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain Regulations known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1956 edition thereof and the whole thereof, save and except such portions as hereinafter deleted, modified or amended (by Section 30-5 of this Article) of which Regulations not less than three (3) copies have been and now are filed in the office of the Secretary to the Mayor and Council of Delaware City and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Article shall take effect, the provisions thereof shall be controlling within the limits of Delaware City, Delaware.

Section 30-2 Enforcement

The Regulations hereby adopted shall be enforced by the Fire Marshall of the Bureau of Fire of Delaware City, Delaware.

Section 30-3 Definitions

- a. Municipality: shall be held to mean "Delaware City, Delaware."
- b. Chief of the Fire Department, Fire Chief, etc.: shall mean the "Fire Marshall" of Delaware City, Delaware.
- c. Fire Department: shall mean the "Bureau of Fire" of Delaware City, Delaware.

Section 30-4 Establishment of Limits of Districts for Storage of Flammable Liquids

The limits referred to in section 904a of the code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 1104 of the Fire Prevention Chapter hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: within the limits of Delaware City except that nonconforming uses may continue without extension of capacity and new exceptions granted providing such shall have the full approval of all the members of council and the Mayor, following a public hearing on such exceptions, for which hearing public notice must be posted in at least five (5) public places at least ten (10) days previous to such hearing.

Section 30-5 Amendments Made to the Code Hereby Adopted

The Regulations hereby adopted is amended by addition of the following Articles or Sections:

Article 8 Section 803: Tank Trucks Carrying Flammable Materials

All tank trucks carrying flammable materials must be provided with fire extinguishers that meet the National Board of Fire Underwriters specification when operated in this service.

Article 16 Section 1601: Fire Escapes

All multiple dwelling units more than one story high must be provided with two separate means of egress, one of which must be fire resistant, with the location of the two means of egress located as conveniently as possible at opposite sides of each dwelling unit they serve.

Section 30-6 Modifications

The Fire Marshall of the Bureau of Fire shall have power to modify any provisions of the Regulations hereby adopted, except Section 30-4 above, upon application in writing by the owner or lessee, or his duly authorized agent when practical difficulties are in the way of carrying out the strict letter of the Regulations, provided the spirit or the Regulations shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Marshall of the Bureau of Fire thereon shall be entered upon the records of the Bureau and a signed copy shall be furnished the applicant.

Section 30-7 Appeals

Whenever the Fire Marshall of the Bureau of Fire shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the Regulations do not apply so that the true intent and meaning of the Regulations have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshall of the Bureau of Fire to the Council of the Mayor and Council of Delaware City within thirty (30) days from the date of the decision appealed.

Section 30-8 Penalties

a.) Any person who shall violate any of the Regulations hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall

build in violation of any detailed statement of specifications or plans submitted an approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Council of the Mayor and Council of Delaware City or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than fifteen dollars (\$15.00) nor more than twenty-five dollars (\$25.00) for the first offense, by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the second offense, by a fine of not less than one hundred dollars (\$100.00) nor more than that permitted by the Delaware City Charter, as amended, and/or thirty (30) days in jail for the third and subsequent offenses. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

b.) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sections 30-9 to 30-10 Reserved