

Fire Prevention and Fire Safety Ordinance



southburlington
VERMONT

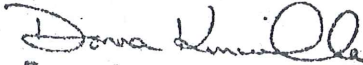
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The Council of the City of South Burlington hereby ordains:

1. Purpose and Authority

It is the purpose of this Ordinance to reduce, and insofar as possible, eliminate the hazards to persons and property by fire and explosion within the City of South Burlington and thereby promote the public health, safety, welfare, and convenience. This Ordinance is enacted pursuant to the authority granted to the City under 20 V.S.A. §2736, 24 V.S.A. Chapter 59, and Sections 103 and 104 of the South Burlington City Charter. As authorized by 20 V.S.A. §2736(a), the Commissioner of the Department of Public Safety has assigned responsibility to the City for enforcement of certain rules and standards adopted under 24 V.S.A. §2731(a) as described in a Cooperative Inspection and Plan Review Agreement between the State of Vermont and the City of South Burlington, dated June 3, 2013. This Ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

2. General Definitions

Except as provided herein, the definitions contained in the Vermont Fire & Building Safety Code, as amended from time to time by the State of Vermont, Division of Fire Safety, and in the nationally recognized safety standards referenced therein, adopted by reference in Section 3 below, shall apply to this Ordinance. For the purpose of this Ordinance, the definitions contained in 20 V.S.A. §2730, including, without limitation, the definition of "public building," shall also apply to this Ordinance.

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

Authority Having Jurisdiction (AHJ) Those individuals responsible for enforcing the requirements of the Vermont Fire and Building Safety Code pursuant to a Cooperative Inspection and Plan Review Agreement between the State of Vermont and the City of South Burlington.

Cooperative Inspection and Plan Review Agreement The legal document that assigns responsibility for inspection and enforcement of the Vermont Fire and Building Safety Code to the City and its Fire Department.

Deputy Fire Chief The individual appointed by the City Manager, in consultation with the Fire Chief, and with the consent of the City Council, to assist the Fire Chief in the management of the Fire Department and all of its functions.

Dwelling Unit A building or portion thereof designed, used, constructed, or occupied as separate living quarters for one (1) household, which includes independent and exclusive cooking, sleeping, and sanitary facilities for a household, and direct access to the unit from the outside of the building or through a common hall. Unless the context indicates otherwise, this term may include single (one) family, two family, multi-family, townhouse or row-house dwellings.

Emergency Vehicles Any fire truck or fire apparatus, police vehicle, ambulance, or rescue vehicle.

Fire Chief The individual appointed by the City Manager, with the consent of the City Council, to manage the Fire Department and all of its functions.

National Fire Protection Association (NFPA) The organization that creates consensus documents that are nationally recognized and contain minimum-requirement fire prevention codes and standards for

the protection of life and property. These requirements are adopted via legislative authority by state and municipal governments.

Natural Material Any of the following, provided such material has not been painted, coated, treated or injected with preservatives, paint or oil: (a) trees and brush, including logs, trunks, branches limbs, roots and stumps; (b) lumber, including timber, logs, dimensional lumber or slabs; and, (c) leaves and garden waste. Natural Material does not include pallets, skids, plywood, particle board, chip board, or sawdust.

Public Building The same meaning as defined in 20 V.S.A. §2730.

Vermont Fire and Building Safety Code (Code) The comprehensive document comprised of state and nationally recognized codes and standards for public safety from fire, explosions, and dangerous substances, adopted by the State of Vermont pursuant to 20 V.S.A. Chapter 173.

Qualified Firefighter A firefighter who has received training and instruction in the Code and its enforcement.

3. Fire Code Adoption by Reference

(A) Except as otherwise provided herein, the Code, as amended from time to time by the State of Vermont, Division of Fire Safety, and all of the nationally recognized safety standards referenced therein, as amended from time to time by their promulgating authorities, and as further modified and amended by the Code, are hereby adopted by reference.

(B) Specifically excluded from the above-referenced adoption by reference are any and all provisions of the Code pertaining to Boiler and Pressure Vessel Inspection (Code Section 6), Access Board Rules, and any and all provisions addressing electrical or plumbing rules and standards.

(C) The provisions of this Ordinance shall not be construed to abrogate or annul the provisions of other ordinances or regulations or to impair private restrictions placed upon property. In the event there is a conflict between a provision of this Ordinance and a provision of any other ordinance or regulation of the City, the more restrictive provision shall apply.

4. Appointment of the Fire Marshal

The South Burlington City Council shall appoint the Fire Marshal upon recommendation of the City Manager.

5. Powers and Duties of the Fire Marshal

The Fire Marshal shall have and exercise all the powers of an AHJ in making the inspections required in this chapter and shall report his or her findings to the Fire Chief.

6. Revocation of Appointment

The City Manager may revoke the appointment of the Fire Marshal, for cause, at any time.

7. Assistant Fire Marshal(s)

As needed, the City Manager, upon recommendation of the Fire Chief, may appoint any Qualified Firefighter(s) as Assistant Fire Marshal(s). All Assistant Fire Marshals shall be subject to the order and direction of the Fire Marshal in connection with the inspection of Public Buildings, review of plans, and other duties and functions undertaken pursuant to the Cooperative Inspection and Plan Review Agreement. The Fire Chief, Deputy Fire Chief, or Fire Marshal may revoke the appointment of an Assistant Fire Marshal at any time and without cause.

8. Fire Marshal to Make Inspections of Buildings

As appropriate, the Fire Marshal or Assistant Fire Marshal shall make a careful inspection of any Public Buildings and premises within the City of South Burlington. Upon report of a citizen's complaint or at the request of an AHJ shall inspect any building or premises complained of as being unsafe or hazardous, or containing unsafe or combustible material.

9. Fire Marshal to be Permitted Entry into Premises

For the purpose of inspecting buildings and carrying out other responsibilities under this Ordinance, the Fire Marshal or Assistant Fire Marshal may, at all reasonable times, have access to and enter into any land, premises, and buildings in the City. However, prior to entering a one and two family dwelling, where the Dwelling Unit is wholly owner occupied, the Fire Marshal or Assistant Fire Marshal shall first obtain the consent of any owner of the dwelling. Where permission to enter is granted, the provisions of this Ordinance shall apply. Where permission to enter an owner-occupied one or two family dwelling is refused, the Fire Marshal or Assistant Fire Marshal shall seek a warrant or other authorization provided by law prior to entry, except in those instances where the Fire Marshal or Assistant Fire Marshal reasonably determines that an emergency situation exists. Upon request, the Fire Marshal or Assistant Fire Marshal, when making an inspection, shall provide the owner or occupant of such buildings or premises with proper identification.

10. Refusal to Permit Entry

Except as provided above, no person shall refuse to allow the Fire Marshal or Assistant Fire Marshal to enter upon or into his or her premises or buildings, at a reasonable time, for the purpose of carrying out his or her responsibilities under this Ordinance. Furthermore, no person shall attempt to prevent any inspection required by this Ordinance, or obstruct such official in carrying out the provisions of this Ordinance.

11. Inspections

(A) **General Fire Inspections** General fire inspections of Public Buildings shall be conducted by the Fire Marshal, Assistant Fire Marshal or other duly authorized personnel.

(B) **Violation Notices** Upon finding any violation of the Code or other rules or standard adopted under this Ordinance, the Fire Marshal or Assistant Fire Marshal shall provide a written notice to the property or business owner or their designee, and a reasonable amount of time, as defined by the State Hazard Index, shall be provided for the violation(s) to be corrected. Nothing in this section shall preclude

an issuing municipal official from issuing a municipal complaint, or the City from seeking criminal charges, or initiating any other legal actions authorized under this Ordinance or otherwise provided by law.

(C) **Re-inspection Fees** There is no charge for the initial inspection or the first re-inspection if all violations are corrected. If the owner fails to correct the violations at the time of the first re-inspection, the owner shall be responsible for a re-inspection fee, as prescribed by the applicable fee schedule, for this and any subsequent re-inspections, due and payable at the beginning of the second or subsequent re-inspection. Until all fees are paid, the violations shall not be considered abated, and are subject to further penalties or legal action. Failure to pay the re-inspection fees in the time required is a violation of this Ordinance.

(D) **Time of Sale Inspection**

(1) Upon request by an owner, agent, attorney, or lender prior to the transfer of property, the Fire Marshal or Assistant Fire Marshal will conduct, subject to available resources, a "time of sale inspection" for a Public Building to insure a reasonable level of occupant safety prior to the sale of the property. Any such request for inspection shall be submitted in writing, and shall include any proposed closing date.

(2) All violations identified during a time of sale inspection shall be corrected prior to occupancy of the property that has been transferred as a result of the sale.

(3) Any party requesting a time of sale inspection shall pay the fees set forth in the applicable fee schedule.

(4) The inspection fees shall apply to the property for the initial inspection and one (1) re-inspection.

(5) Any additional re-inspections shall be subject to a re-inspection fee as prescribed in the fee schedule for each subsequent visit, prior to the commencement of the inspection.

(6) A time of sale inspection shall be valid for the period of one (1) year from the date of inspection or for one (1) transfer of ownership, unless subsequent transfers of ownership are to an affiliated person or entity, in which case the inspection shall continue to be valid for one (1) year from the date of inspection.

(E) **Inspections for the Sale of Consumption of Alcohol**

(1) To the extent consistent with or as required by any rules of the State Liquor Control Board, any Public Building in which alcohol is offered to the public for consumption or sale shall have a valid fire safety inspection completed prior to the issuance of the state license.

(2) Public Assembly Occupancy Load Certificates shall be required for all Public Buildings in which alcohol is served that have a total occupancy capacity of fifty (50) or more patrons and staff.

(F) **Lien** All expenses, fees, costs, or charges assessed pursuant to this section shall also be a lien upon the real estate, which may be enforced in the same manner as a tax lien under 32 V.S.A. §5061 provided the lien is duly recorded in the office where the land records are kept.

12. Construction Permits & Plan Review

(A) The owner of a Public Building, or a designated representative of the owner, shall obtain a construction permit before commencing any construction, addition, alteration, demolition, or the installation of fixed building equipment at the building site unless waived by the AHJ.

(B) Additionally, all construction projects requiring installation of a fire alarm, fire suppression system, or other fire protection system shall require a separate permit prior to installation of the system.

(C) To obtain a construction permit, an applicant shall provide legible construction documents related to the work and equipment under consideration. As appropriate, construction plans and documents shall be prepared by a registered design professional, stamped and signed, where required by 26 V.S.A. Chapters 3 and 20. Such plans shall otherwise comply with the requirements of Section 7 of the Code. Fire prevention, protection, and alarm system plans shall include a floor plan with device locations, a wiring riser diagram, a complete equipment list and specifications, the type of occupancy proposed, known hazards and/or unusual building features, and any other information required by the Code.

(D) Without limiting any of the foregoing, project plans shall also be submitted to the Fire Marshal for approval prior to undertaking any of the following:

- (1) Whenever new equipment is installed in a Public Building;
- (2) Changes to places of assembly, including bars and restaurants;
- (3) Construction of tents or other temporary structures for public use over one thousand two hundred (1,200) square feet in size;
- (4) Construction or erection of grandstands or bleachers; and,
- (5) Any activity involving the use of hazardous processes, such as spraying flammable liquid, explosives storage, or manufacturing or flammable liquid storage.

(E) The Fire Marshal shall review plans, make inspections, and issue a permit for the system within 30 days of plan submission, which period may, upon notification to the applicant, be extended. Plans for systems with contracted costs valued at less than twenty thousand dollars (\$20,000) may be eligible for an expedited process. The Fire Marshal's schedule shall dictate the availability of this service. Plans accepted for this expedited process will be reviewed within ten (10) business days. Plans may be approved, rejected or be required to be amended for compliance with this Ordinance and the Code. No plan shall be approved or permit issued unless all fees have been paid and all conditions satisfied. The period for review shall not commence until all required documents have been received by the Fire Marshal.

(F) A tent permit shall be required for any tent larger than two hundred (200) square feet erected on public property or in a public way. Any tent one thousand two hundred (1,200) square feet or larger, regardless of location, shall require a tent permit.

13. Suspension and Revocation of Permits and Stop Work Orders

The Fire Marshal's Office may suspend permits, issue a stop work order and/or order a property vacated where a threat to public safety or other exigent circumstance exist. Such permits may be revoked, and future permits denied, when an individual, partnership, firm, corporation, or other legal entity is convicted of multiple violations of the Fire Code, ordinances, or otherwise demonstrates a pattern of incompetence. The failure to stop work when so ordered shall be a violation punishable pursuant the provisions of this Ordinance and applicable law, including 20 V.S.A. §2734, as amended from time to time.

14. Occupant Load Certificate

(A) **Annual Inspection** On an annual basis, the Fire Marshal's office shall inspect any occupancy or premises involved in the sale of alcohol and/or each place of assembly in the City to determine the maximum number of occupants that should be permitted at each location, as determined by the capacity

and egress requirements of this Ordinance and the Code. For purposes of this section, a place of assembly is defined as a room or space, including all connected rooms or spaces, with a common means of egress, accommodating fifty (50) or more individuals, for civic, social, or amusement purposes, or for the consumption of food and drink.

(B) **Posting of Certificate** Every occupancy or premises and place of assembly referenced above shall obtain a certificate from the Fire Marshal's office stating the maximum number of occupants permitted at the site. The business and/or property owner shall be responsible for installing the certificate in a conspicuous public location at the site and shall be responsible for the proper maintenance of the certificate.

15. Smoke Detectors

Each and every building or structure where people routinely sleep, including owner-occupied one and two family residences, shall meet the following requirements for smoke detectors/alarms:

- (A) Smoke detectors/alarms shall be installed in the following, areas:
 - (1) In every sleeping room or area;
 - (2) Outside every sleeping room or area in the immediate vicinity of the sleeping room or area; and
 - (3) On all levels of the building or structure, includes basements but excluding crawl spaces and unfinished attics.
 - (4) Notwithstanding the above installation locations, detectors/alarms shall not be located within kitchens or garages or in other spaces where temperatures can fall below 40°F (4°C) or exceed 100°F (38°C). Detectors/alarms shall not, unless specifically listed for the application, be located closer than three feet (3') horizontally from:
 - (a) The door to a kitchen;
 - (b) The door to a bathroom containing a tub or shower; or (c) The supply registers of a forced air heating or cooling system or the immediate airflow from those registers.
- (B) Smoke detectors/alarms shall be the photoelectric-only type and shall receive their operating power from the building or structure's electrical system (A/C) and from a battery (D/C) when the building electrical system power is interrupted.
- (C) Smoke detectors/alarms within each dwelling or rooming unit shall be interconnected so smoke detected by one smoke detector will sound the alarms of all detectors within that dwelling or rooming unit.
- (D) Smoke detectors/alarms shall be approved or listed by a nationally recognized testing or listing agency for the purposes for which they are intended.
- (E) Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.
- (F) In an existing wholly owner occupied, single family home that is not rented in part or in whole, built prior to January 1, 1994, and with no significant remodel or renovation to the dwelling after January 1, 1994, battery operated, wirelessly interconnected, photo smoke alarms are allowed. Placement and location of the photo smoke alarms shall comply with Section 16 (A) – (E).

16. Carbon Monoxide (CO) Detectors

(A) Carbon monoxide detectors which are UL 2034 listed or approved by a nationally recognized independent testing laboratory shall be installed in all new and existing buildings in which people routinely sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, multiple unit dwellings, and other occupancies in which there are rooms or spaces in which sleeping is permitted, including single and two family owner-occupied houses and premises. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer’s instructions and state law.

(B) CO alarms within each dwelling or rooming unit shall be interconnected so that CO detected by one (1) CO detector sounds the alarms of all CO detectors within that dwelling or rooming unit.

(C) The owner of all existing buildings in which people sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, or multiple unit dwellings, after the effective date of this section, shall install either a combination smoke detector/carbon monoxide detector device or a combination system providing smoke and carbon monoxide detection and alarm. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer’s instructions and state law.

(D) The seller of a residential dwelling transferred by sale or exchange shall certify to the buyer that the dwelling is provided with the carbon monoxide detectors required in subsection (A). This certification shall be signed and dated by the seller and filed in the City’s Land Records at the time of recording the transfer. If the buyer notifies the seller within ten (10) days by certified mail from the date of conveyance that the dwelling lacks a carbon monoxide detector or that the detector is not operable, the seller shall comply with this section within ten days of notification.

17. Standpipes Required

All new buildings having three (3) floors or more and/or having ten thousand (10,000) net square feet per floor, shall have a minimum of a Class I, manual wet standpipe installed for firefighter use.

18. Sprinkler Floor Control Valves Required

All new buildings having an NFPA compliant sprinkler system, and three (3) floors or more and/or having four thousand (4,000) net square feet per floor, shall have sprinkler zone control valves that allow immediate access to control/shutoff sprinklers discharging during a fire within the compartment. These zone control valves shall be clearly labeled.

19. Stairwell Identification

All new and existing building shall have stairwell marking denoting floor served and geographical location within the building and comply with the marking standard found in NFPA 1.

20. Elevators

The following standards shall be met on all elevators installed or permitted after the effective date of this Ordinance:

(A) **Dimension.** All new elevator installations shall comply with the applicable elevator code adopted by the State of Vermont. Notwithstanding the applicable code adopted by the State, elevators shall have minimum interior finished dimensions of eight feet (8') by four feet (4') and have an unrestricted door opening of not less than four feet (4').

(B) In existing elevator banks, the stretcher compliant elevator(s) shall be marked by a three-inch (3") retro-reflective star of life on the latch side of the elevator lobby door frame.

21. Compliance with Codes Required

(A) All fire protection, prevention, and alarm systems shall comply with the Vermont Fire and Building Safety Code, in effect at the time of installation.

(B) In the event there is a conflict between the provisions of the Code adopted by reference in this section and the provisions of this Ordinance, the more restrictive standard shall apply.

22. Fire Alarm System Malfunctions

(A) **Malfunction.** For the purposes of this section, a malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation or maintenance, mechanical defect(s) in the system, or that results in the transmittal of a false alarm signal to the South Burlington Fire Department during maintenance or construction.

(B) **Response Fee.** A response charge as prescribed in the applicable fee schedule shall be imposed for a false alarm due to a system malfunction.

(C) If a false alarm is generated through no negligence of the owner, the response fees may be waived by the Fire Chief, Deputy Fire Chief, or City Manager for due cause. The owner shall provide a written waiver request to the Fire Chief or Deputy Fire Chief within fifteen (15) days of the billing date, with an explanation of the basis for the requested waiver. The Fire Chief, Deputy Fire Chief, or City Manager will review and approve or disapprove the request within five (5) business days from the date of request receipt and notify the requesting party in writing.

23. Damage to Fire Protection Systems and Equipment

No person shall destroy, deface, or in any way damage any fire protection or life safety system, or any part thereof, so as to prevent or delay the proper or timely use of fire protection systems, fire department connections or hydrants.

24. Intentional False Alarms

(A) Any intentional misuse of a fire protection system that results in a false fire alarm from a property shall be a violation of this Ordinance and subject to all fines, penalties, and other remedies available to the City by law. Such intentional misuse of a fire protection system may also be subject to criminal prosecution under applicable statutes of the State of Vermont. In addition, the property owner may be held responsible for all costs to the City incurred in responding to such alarm.

(B) Alarms generated by contractors performing work or testing alarm systems shall be deemed an intentional false alarm unless the contractor first notifies Fire Department dispatch of the date and time when such work or testing will occur.

(C) No person shall intentionally report, or cause to be reported, a false alarm. Any intentional report of a false alarm shall be a violation of this Ordinance and subject to all fines, penalties, and other remedies available to the City by law. Such false report may also be subject to criminal prosecution under applicable statutes of the State of Vermont. In addition, the offending party may be held responsible for all costs to the City incurred in responding to such false report.

25. Master FACP Key

(A) All buildings having a fire alarm system shall utilize a CAT 30 lock assembly to secure the main fire alarm panel. Any proprietary remote annunciator keys that are part of the FACP-UL listing for the remote annunciator shall be kept in the required Fire Department Key vault.

(B) Existing fire alarm control panels and remote annunciator access keys shall be converted to this standard within one (1) year of the effective date of this Ordinance during the required annual test and inspection performed by a third party on the owner's behalf.

26. Fire Department Access Key Vault

(A) All buildings having a fire protection system(s) shall be required to install key boxes.

(B) The building owner shall be required to install in the key box all master keys to offices, electrical rooms, elevator equipment, and all keys needed to reset the fire alarm system.

(C) If requested by the Fire Department, building owners shall be required to supply additional sets of keys as needed by the Fire Department to allow more than one (1) team of firefighters to have access to areas of the building.

(D) If requested by the Fire Department, more than one (1) key vault may be required to facilitate multiple points of entry in large facilities.

(E) The key vault shall be mounted on the pull side of the Fire Department access door, within three feet (3') horizontally of the door, at a vertical height of five feet (5') as measured from the access door threshold.

(F) There shall be a minimum of two (2) complete sets of access keys stored in the key vault. The property owner shall be responsible for providing the master keys and shall update the access key in the vault when the locks are changed.

(G) As the key vault capacity is limited, the owners shall key all locks to a master core assembly of their choosing.

27. Radio Coverage in Structure and Buildings

(A) **General.** Except as otherwise provided herein, no individual, partnership, corporation, or other legal entity shall maintain, own, erect, or construct any building or structure (or cause the same to be done) which is used for commercial, multi-family, or institutional use, in whole or in part, which fails to support adequate radio coverage to the Fire Department.

(B) For purpose of this section, adequate radio coverage shall include all of the following:

- (1) A minimum signal strength of -101 Dbm available in ninety-five percent (95%) of the area of each floor of the building when transmitted from the public safety radio communications system; and

(2) A minimum signal strength of – 101 Dbm received at the public safety radio communications system when transmitted from ninety-five percent (95%) of the area of each floor of the building, via portable radio with public safety microphone.

(C) **Channel Performance Criterion (CPC).** CPC is the minimum performance level in a faded channel, per TSB-88, clause 4.2 TSB-88 is a “Telecommunications Systems Bulletin” published by the TIA, Telecommunication Industry Association. The performance level is rated using “Delivered Audio Quality.” Industry standard DAQ definitions are shown in Table 1, below. A DAQ level of 3 is the minimum performance level which shall be attainable by public safety radio systems in ninety-five percent (95%) of the area of each floor of a building subject to this chapter.

Table 1 – DAQ (DELIVERED AUDIO QUALITY DEFINITIONS)

Subjective Performance Description:

- (1) Unusable, speech present but unreadable.
 - (2) Understandable with considerable effort. Frequent repetition due to noise/distortion.
 - (3) Speech understandable with slight effort. Occasional repetition required due to noise/distortion.
 - (4) Speech understandable with repetition only rarely required. Some noise/distortion.
 - (5) Speech easily understood. Occasional noise/distortion.
 - (6) Speech easily understood. Infrequent noise/distortion.
 - (7) Speech clearly understood.
- (D) The frequency range must support the Fire Department radio frequencies from the communications base stations and the public safety radio communications base stations.
- (E) The Fire Department may alter necessary frequencies or signal strengths due to changes in technical specification for public safety radio requirements. In such event, any frequency changes shall be reported to the City Council and approved as amendments to this Ordinance as soon as is practicable.

28. Testing

- (A) **Initial Tests.** Officials of the Fire Department or their designees shall perform initial radio coverage tests. A certificate of occupancy shall not be issued to any new structure if the building fails to comply with this section.
- (B) **Annual Tests.** Fire Department personnel or their designees shall thereafter conduct annual radio coverage tests.

29. Emergency Services Radio Amplification

(A) Buildings and structures which cannot independently support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type-accepted signal booster amplifiers, as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or

generator system for a period of at least twelve (12) hours without external power input. Any battery system employed shall automatically recharge in the presence of an external power input.

(B) The installation of equipment as indicated above shall not have a detrimental effect on the operation of the public safety radio system.

(C) In the event that a signal booster is employed, it shall be fully encased within a dust and water resistant case.

30. Field Testing

The Fire Department, after providing reasonable notice to the owner or his or her representative, shall have the right to enter onto the property to conduct field testing to determine whether the required level of radio coverage is present.

31. Special Events/Festivals

(A) The promoter of any special event or festival or, in the absence of any promoter, the owner of the land on which any special event or festival is to be conducted, shall notify the Fire Department of the event or festival at least ten (10) business days in advance of the event or festival. Such promoter or owner shall comply with the requirements of this Ordinance and such other requirements as the Fire Marshal shall impose, including maintenance of adequate fire lanes and the location and size of all fire lanes, booths, stages, and other structures and equipment. The South Burlington Fire Department is charged with sole responsibility for providing fire protection and EMS coverage for such events in the City.

(B) Any special event or festival with an attendance of one thousand (1,000) persons or more shall be required to provide South Burlington Fire Department personnel specially and exclusively assigned to the event. The promoter of the event or owner of the land involved shall be responsible for the reasonable costs of this additional coverage. The number of firefighters/EMTs and the time required for staffing shall be set by the Fire Department based on an assessment of the event and the location, weather, time, traffic impact, availability of alcohol, history of the event, or other identifiable safety factors, taking into account the requirements of the adopted fire codes and the SFPE Fire Protection Handbook. The promoter or owner shall secure a signed staffing agreement with the Fire Marshal or designee, not less than seven (7) business days prior to the event.

(C) The Fire Chief, or his/her designee may request the immediate assistance of any City department or agency with which the City has a local or mutual aid agreement to assist in the abating or mitigating of any unsafe condition. All City departments and officials shall respond in an expeditious manner when called upon by the Fire Chief.

(D) All costs to abate or mitigate the hazard shall be borne by the property owner.

32. Fire Lanes

(A) Fire lanes may be established on any public or private parking lot or other area adjacent to buildings which are open to public use or in areas where congestion from any cause, or obstruction by parked vehicles might impede quick access by Emergency Vehicles. The fire lanes or fire zones so established shall be available for use by the Fire Department, its firemen and equipment, or any other Emergency Vehicle.

(B) The owners of such property, as directed by the Fire Chief, shall cause to be posted and/or marked upon the ground the proper control signs for the fire zone or fire lane, and all signs and ground markings and their location shall first be approved by the Fire Chief or his/her designee.

(C) No vehicles, except an Emergency Vehicle, as herein defined, shall be parked in the fire lane or fire zone at any time nor shall any vehicle be operated to as to impede an Emergency Vehicle in its use of said areas.

(D) Any member of the Police Department may cause to be towed to a convenient public garage, any vehicle parked in violation of this Ordinance. The owner of any vehicle towed to a public garage under the provisions of this Ordinance shall be responsible for paying all towing charges, storage charges, or other expenses incurred in moving the vehicle, except that the charge of towing and storage of each vehicle shall not exceed an amount established by resolution of the City Council.

33. Outside Burning

(A) **Burning Permit Required.** A burning permit issued by the Fire Chief or his/her designee shall be required for any outside fire, except that a burning permit shall not be required for campfires thirty inches (30") or less in diameter, outdoor grills, free-standing fireplaces, or commercial fire pits and fireplaces for recreation or preparation of food. Failure to obtain a burning permit or to abide by any condition of the Permit shall be a violation of this Ordinance. All burning permits shall be subject to the following general conditions and any special conditions written on the permit:

- (1) The Permit shall be valid only for the place and time stated on the permit.
- (2) The person holding the permit must at all times have sufficient help, water and tools present to control the fire.
- (3) Fires shall be kindled in a garden or cleared space no less than fifty feet (50') from any building or structure.
- (4) The fire may not be left unattended until entirely extinguished.
- (5) Only Natural Materials may be burned, and any wood or woody material shall be three inches (3") or less in diameter.
- (6) No gasoline, kerosene, diesel fuel, fuel oil, or other flammable liquid or material may be used to ignite the fire.

(B) All outside fires shall be attended at all times and shall only be kindled at such times and under such conditions as will enable the party kindling the fire to keep the fire under control and prevent the fire from creating a public nuisance or hazard.

(C) Any outside fire kindled without a required Burning Permit or any outside fire that, in the opinion of the Fire Chief or his/her designee, presents a public nuisance or hazard may be extinguished by the Fire Department.

(D) Outside fires kindled for the purposes of recreation or preparation of food shall be confined to devices or appliances designed for such purposes. Such devices and appliances shall be used no less than ten feet (10') from any structure or overhanging roof or porch. Campfires not contained in a device or appliance designed for such purpose shall be no less than twenty-five feet (25') from any structure or combustible material.

(E) The use of outdoor incinerators, including any burn barrel or other article, machine, equipment or contrivance, structure or part of a structure used primarily to dispose of waste by burning is prohibited. This prohibition shall not apply to the incineration of Solid Waste at any facility regulated by the State of Vermont and having and complying with all necessary permits in accordance with all applicable laws, rules and regulations, including all air quality permits.

(F) The State of Vermont, Division of Fire Safety requires the following:

NFPA 1, Section 10.11.7. For other than one and two family dwellings, no hibachi, gas fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion or within 10 feet of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted.

34. Reward for Information Resulting in Conviction of Persons Burning

The City Council may offer a reward of not more than one thousand dollars (\$1,000.00) for information which shall result in the detection and conviction of any person guilty of the illegal burning of property in the City.

35. Removal of Fire Hazard

(A) The Fire Chief or his/her designee may direct the owner or occupant of any building or premises to abate any unsafe condition, move to a place of safety, or remove any unsafe or combustible materials which in his or her opinion shall expose the building or the surrounding or adjacent buildings or property to unnecessary hazard. The Fire Chief or his/her designee may also direct an owner or occupant to clear away from his building or premises debris or other materials resulting from fire, windstorm or other catastrophe within a reasonable time after the occurrence of such fire, storm or catastrophe. Failure to comply with a direction of the Fire Chief or his/her designee shall be a violation of this Ordinance.

(B) The Fire Chief or his/her designee may request the immediate assistance of any City department or agency with which the City has a local or mutual aid agreement to assist in the abating or mitigating of any unsafe condition. All City departments and officials shall respond in an expeditious manner when called upon by the Fire Chief.

(C) All costs to abate or mitigate the hazard shall be borne by the property owner.

36. Order to Evacuate

(A) The Fire Chief or his/her designee may direct any owner or occupant of any building, land or premises to move to a place of safety during a fire or other emergency.

(B) Failure to comply with this order shall be a violation of this Ordinance.

37. Enforcement

Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. Firefighters and police officers of the City of South Burlington shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau or other appropriate judicial body a municipal complaint. A municipal complaint may, at the discretion of the Issuing Municipal Official, be dismissed upon the successful completion of a restorative justice program before the South Burlington Community Justice Center.

38. Civil Penalty; Waiver Fee

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

(A) Civil Penalties:

First Offense	\$200
Second Offense	\$400
Third Offense	\$600
Fourth Offense and subsequent offenses	\$800

(B) Waiver Fees – An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	\$100
Second Offense	\$200
Third Offense	\$300
Fourth Offense and subsequent offenses	\$400

39. Other Relief

In addition to the recovery of civil penalties provided for above, the City may seek to enforce this Ordinance by an appropriate action for injunctive relief. Further, nothing herein shall be construed to limit other rights, remedies or penalties available by law, including under Chapter 173 of Title 20, V.S.A.

40. Fees

All fees to be paid to the City under this Ordinance, including but not limited to fees for permits, plan review and inspections, shall be as prescribed in the applicable fee schedule (Schedule A, attached hereto), which may be amended from time to time by majority vote of the City Council.

41. Ordinances Repealed

The following City ordinances are hereby repealed in their entirety:

- (A) *Ordinance to Provide for the Inspection of Electrical Installations*, adopted January 4, 1971.
- (B) *Ordinance for the Control and Prevention of Fire*, adopted December 21, 1970, as amended November 6, 1972, and November 18, 1974.
- (C) *Ordinance to Establish and Maintain Fire Lanes*, adopted March 21, 1977. (D) *Ordinance Relating to the Use of Fire Alarm Systems*, adopted January 5, 1987.
- (E) *Outside Burning Ordinance*, adopted September 7, 2010.

42. Severability

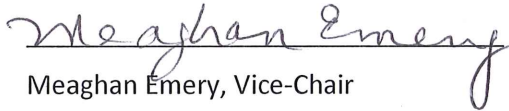
If any portion of this Ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not invalidate any other part of this Ordinance.

Adopted at South Burlington, Vermont this 17th day of April, 2017, and to be effective upon adoption.

SOUTH BURLINGTON CITY COUNCIL



Helen Riehle, Chair



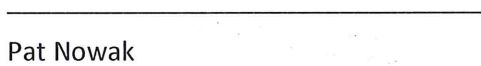
Meaghan Emery, Vice-Chair



Tim Barritt, Clerk



Thomas Chittenden



Pat Nowak

Received and recorded this 18 day of April, 2017.



Donna Kinville, City Clerk