

Conway  
5 R2083B

ORDINANCE NO. 0-99- 78

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION. ~~Declaring an Emergency and for other purposes:~~

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the City of Conway, Arkansas for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the State of Arkansas Fire Prevention Code, recommended by the Department of Arkansas State Police and the State Fire Marshall, being particularly the 1999, edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 5 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk Treasurer of the City of Conway, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Conway, Arkansas.

SECTION 2. ENFORCEMENT.

The code hereby adopted shall be enforced by the Chief of the Fire Department.

SECTION 3. DEFINITION.

Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the City of Conway, Arkansas.

SECTION 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES AND STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE RESTRICTED.

The limits referred to in Section 1406 of the code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in Section 1900 of the

code hereby adopted, or by Act 18 of the Acts of the General Assembly of Arkansas for 1957, and in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 1803 of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as those areas of the City of Conway, Arkansas which may be now or hereafter zoned to be industrial under valid zoning ordinances and laws of said City. Provided, however, nothing herein contained shall be construed as requiring the removal of any outside aboveground tanks for the storage of flammable liquids and the bulk storage of liquefied petroleum gas which are now situated within the areas of the City of Conway, which are now zoned other than industrial. Provided, further, that nothing herein contained shall be construed, nor is it intended, to permit the storage of flammable liquids in outside aboveground tanks or the bulk storage of liquefied petroleum gases, of the storage of explosives and blasting agents with any less degree of caution or protection than is now or may be hereafter provided or required by applicable statutes of the State of Arkansas or of lawful rules and regulations adopted by lawful agencies pursuant to such statutes.

#### **SECTION 5. AMENDMENTS TO THE CODE HEREBY ADOPTED.**

The code hereby adopted is amended and changed in the following respects:

- a. Section 2802 is amended as follows:

"Section 2802: BURNING OF TRASH.

(a) No person or persons shall kindle or maintain a bon-fire, or burn trash, lumber, leaves, straw, or any other combustible material in any street or alley, or on any premises or vacant lot, unless burning be done in covered receptacles or incinerators approved by the City Health Officer or the Chief of the Fire Department. The Chief of the Fire Department may issue a general permit, by publication, during the seasons of the year, for the burning of leaves or other like materials outside the receptacles. All burning of materials permitted by this paragraph shall be conducted on still days, during daylight, with an adult in constant attendance, and shall be done in a location at least 25 feet from any building or structure, and where standing grass or weeds will not communicate fire to nearby property.

- b. Article XV of said code pertaining to the regulation of the sale and handling of fireworks, is hereby deleted in its entirety, it being the specific intention of the City Council to leave in full

force and effect its existing ordinances prohibiting the sale, at wholesale or retail, and the firing or discharging of fireworks within the corporate limits of the City of Conway, Arkansas. ?

#### SECTION 6. NOTIFICATIONS.

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

#### SECTION 7. APPEALS.

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

#### SECTION 8. PENALTIES.

a. Any person who shall violate any of the provisions of the code 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 and 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 City Council of the City of Conway, Arkansas, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$50.00 or by imprisonment for not less than one day nor more than ten days or by both such fine and imprisonment. 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 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.

#### SECTION 9. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted and particularly Ordinance No. A-425, adopted by the City of Conway, Arkansas, are hereby repealed.

#### SECTION 10. VALIDITY.

It is hereby declared that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Conway, Arkansas that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

#### SECTION 11. DATE OF EFFECT.

This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

ADOPTED this 24th day of August 1999.

APPROVED:



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Mayor Tab Townsell

ATTEST:



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City Clerk Michael O. Garrett