

Chapter 9 - FIRE PREVENTION AND PROTECTION

Footnotes:

--- (1) ---

Charter reference— Chief of the fire department, § 20; authority of city to prescribe fire prevention regulations, § 40(21), (22); eminent domain, § 40(31).

Cross reference— Buildings and building regulations, Ch. 6; health and sanitation, Ch. 11; motor vehicles and traffic, Ch. 16; parks and recreation, Ch. 18; variances from fire prevention code, § 6-2; fire districts, § 6-93; inspection of gas appliances, § 6-152; wiring in F-1 fire districts, § 6-189; board of adjustments and appeals, § 6-226 et seq.; enforcement of litter ordinance, § 11-120; authority of fire officials as to traffic, § 16-2 et seq.; interference with fire apparatus, § 16-17, et seq.; vehicles carrying explosives, § 16-110; fire hydrants, § 23-53.

State Law reference— Fire protection and safety, Miss. Code Ann. 1972, § 45-11-1 et seq.; fireworks and explosives, § 45-13-1 et seq.; municipal fire regulations, Miss. Code Ann. 1972, § 21-19-21; fire departments and fire districts, § 21-25-1 et seq.; adoption of technical codes, § 21-19-25; municipal regulation of fireworks, § 21-19-15.

ARTICLE I. - IN GENERAL

Sec. 9-1. - Penalty for violation of Chapter 9.

- (a) Any person who shall violate or attempt to violate any of the provisions of the code adopted by this chapter or fail to comply therewith, 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 by the fire chief or his designee(s), shall severally, for each and every such violation, attempt or noncompliance respective, be guilty of a misdemeanor, and subject to the penalties as provided in section 1-9 of the Code of Ordinances, and each day that such offense shall continue shall constitute a separate offense and subject the offender to imposition of a like fine for each offense. Furthermore, any person who shall fail to comply with an order issued by the fire chief or his designee(s), and from which no appeal has been taken, in accordance with section 9-19, or who shall fail to comply with such an order as affirmed or modified by the board of mayor and aldermen of the city or by a court of competent jurisdiction, shall also be guilty of a misdemeanor and subject to the penalties as provided in section 1-9 of the Code of Ordinances. The imposition of one (1) 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.
- (b) Nothing contained in subsection (a) shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to, revocation of the violator's license, and shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1959, § 9-1(b); Ord. No. 2002-15, § 3(1), 8-19-02)

Sec. 9-1.1. - Police powers of fire chief.

Full police powers and rights are hereby conferred upon the director of building and inspections or the fire chief or his designee(s) while acting in the discharge of his official duties.

(Code 1959, § 9-4; Ord. No. 2002-15, § 3(2), 8-19-02)

State Law reference— Police, Miss. Code Ann. 1972, § 21-21-1 et seq.

Sec. 9-2. - Damaging fire alarm system.

It shall be unlawful for any person to cut, break, tear down, or otherwise injure or destroy any of the wires or other property connected with the fire alarm system in the city.

(Code 1959, § 9-5)

Sec. 9-3. - Turning in false fire alarm.

It shall be unlawful for any person knowingly, wilfully or mischievously to make or cause to be made any false alarm of fire.

(Code 1959, § 9-6)

State Law reference— False alarm of fire, Miss. Code Ann. 1972, § 97-35-45.

Sec. 9-4. - Interfering with firemen, loitering around engine house, meddling with fire apparatus.

It shall be unlawful for any person to interfere with the chief of the fire department, or with any fireman, in the discharge of his duty, or unlawfully loiter or loaf around any engine house, or meddle with any of the engines, hose or apparatus in or about such engine house.

(Code 1959, § 9-7)

Secs. 9-5—9-15. - Reserved.**ARTICLE II. - FIRE PREVENTION****Sec. 9-16. - International Fire Prevention Code adopted.**

- (a) There is hereby adopted by the mayor and aldermen of the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the *International Fire Code*, as published by the International Code Council, being particularly the 2018 Edition, subject to the amendments and modifications hereinafter set forth.

- (b) If a conflict should arise between the *International Fire Code* and the *Life Safety Code, NFPA 101*, then the more stringent provision shall be the provision that controls.

(Code 1959, § 9-1(a); Ord. No. 85-9, 8-19-85; Ord. No. 94-15, §§ 31, 32, 9-26-94; Ord. No. 98-7, §§ 34, 35, 6-15-98; Ord. No. 2004-08, §§ 4, 5, 4-9-04; Ord. No. 2020-02, § 1, 6-10-20)

State Law reference— Examination of local fire prevention codes, Miss. Code Ann. 1972, § 45-11-101.

Sec. 9-17. - Life safety code adopted.

- (a) There is hereby adopted by the mayor and aldermen of the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion the *Life Safety Code, NFPA 101*, 2018 Edition, as published by the National Fire Protection Association, Inc., subject to the amendments and modifications hereinafter set forth.

- (b) If a conflict should arise between the *International Fire Code* and the *Life Safety Code, NFPA 101*, then the more stringent provision shall be the provision that controls.

(Code 1959, § 9-2; Ord. No. 85-10, 8-19-85; Ord. No. 2004-08, §§ 6, 7, 4-9-04; Ord. No. 2020-02, §§ 2, 3, 6-10-20)

Sec. 9-18. - Same—Definitions.

References in any fire prevention code adopted in this article to certain officials shall be construed as follows:

Building official shall be the building official of the city.

Chief of fire prevention shall be the chief of the fire department or his designee.

Corporation counsel shall be the city attorney for the city.

Fire official shall be the chief of the fire department or his designee.

Municipality shall mean the City of Vicksburg, Mississippi.

(Code 1959, § 9-3)

Sec. 9-19. - Same—Board of appeals and adjustments.

The board of appeals and adjustments referred to in Chapter 2 of the fire prevention code adopted in section 9-16 shall consist of the present board of appeals and adjustments established by section 9-19 et seq. of this Code, but solely to the extent of participation in decisions or appeals coming within the purview of the fire prevention code.

(Code 1959, § 9-3.1)

Sec. 9-20. - Permit required for construction of gasoline filling stations; appeals; appeal from refusal to issue.

- (a) Any person desiring to construct, improve, remodel or re-equip, in whole or in part, a retail or consumer filling station within the city, wherein or whereby gasoline will be stored in quantities of more than one hundred fifty (150) gallons, shall first secure a permit therefor in the following manner: The plans and specifications therefor shall first be submitted to the chief of the fire department who shall review the same and thereupon either approve or disapprove such plans and specifications as to the hazards of fire and explosion therefrom. In the event of disapproval, the chief of the fire department shall make such a list of recommended changes therein as will eliminate such hazards, as far as is possible, and shall attach such list to the plans and specifications as submitted, whereupon, such person shall file such plans and specifications with such approval or disapproval, together with a list of recommended changes, as the case may be, together with the registration of all such gasoline pumps, storage tanks and their capacity and strength to be installed, with the city building official for the issuance or denial of such a permit therefor.
- (b) If the city building official shall deny the issuance of a permit therefor, such person may, within ten (10) days thereafter, appeal such denial to the mayor and aldermen, who shall determine the appeal solely upon the question of how the same may affect the public health, safety and welfare of the inhabitants of the city.

(Code 1959, § 9-9)

Cross reference— Licenses and business regulations, Ch. 13.

State Law reference— Motor vehicle fueling centers, Miss. Code Ann. 1972, § 27-63-1 et seq.

Sec. 9-21. - Proximity of filling stations to terminals—Scope of prohibitions.

The building, establishment, maintenance or use of a retail gasoline service station, selling or distributing gasoline, oil, greases and the like to the general public, in conjunction with what is commonly known as a gasoline terminal used for the loading or unloading of gasoline or other flammable liquids, as defined in the fire prevention code adopted in this section 9-16, on property adjoining such gasoline terminal within two hundred eighty (280) feet from any such gasoline terminal loading facilities is prohibited and forbidden, subject only to the provisions of section 9-22 hereof. The building, establishment, maintenance or use of a gasoline terminal in conjunction with a retail gasoline service station on adjoining property within two hundred (200) feet of such retail gasoline service station is likewise prohibited and forbidden. The prohibitions of this section shall apply to any terminal facility where gasoline or any other flammable liquid is loaded or unloaded, regardless of whether such liquid is transported to or from terminal facility by highway, rail or river methods.

(Code 1959, § 9-12)

Sec. 9-22. - Same—Existing establishments excepted from prohibitions.

The prohibitions of section 9-21 shall not apply to any retail gasoline service station or gasoline terminal facility existing and in operation on February 9, 1952, but shall apply to any retail gasoline service station or gasoline terminal facility established or sought to be established after such date.

(Code 1959, § 9-13)

Sec. 9-23. - Fireworks regulation.

- (a) *Statutory authorization.* Title 45, Chapter 13, Mississippi Code Annotated 1972 is hereby adopted as the Fireworks Code of The City. Mississippi Code Annotated 1972, Section 45-13-13 grants the authority for municipal governing authorities to expend upon the regulation or prohibit the possession, sale and use of fireworks of any kind within the city. The hereinafter provisions are in addition to all statutory provisions and in addition to all other City Codes and ordinances which may also regulate, affect the sale, storage and use of fireworks, including but not limited to, building codes, fire safety codes and other codes adopted by various city ordinances.
- (b) *Sale from permanent structures.* No fireworks shall be stored or sold from tents, portable building, trailers or motor vehicles.
- (c) *Structure-requirements of buildings used for storage or sales.*
 - (1) Any building used for the storage or sale of fireworks and having two hundred (200) pounds or more of explosives on site at any one time shall meet the, "*Southern Building Requirements, Hazardous Occupancy*" provisions.
 - (2) All structures used for storing or selling fireworks and having two hundred (200) pounds or more of explosives on site at any one time shall be sprinkled in accordance with the National Fire Prevention Association 13 provisions (*Standards for the Installation of Sprinkler Systems*).
 - (3) All electrical wiring, fixtures and other components of the entire electrical system in every storage and sale facility for fireworks which stores two hundred (200) pounds or more of explosives at any one time shall comply with the National Electrical Code, National Fire Protection Association 70.
- (d) *Display storage of fireworks.*
 - (1) Any fireworks devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of any item by spark, cigarette ash or other ignition source. Safety type thread wrapped in coded fuses shall be exempt from this provision.
 - (2) Placing, storing, locating or displaying of fireworks in any window where the sun may shine

through glass on to the fireworks so displayed is prohibited.

- (e) *Vicinity of flammable liquids, combustible.* No fireworks shall be sold or stored within fifty (50) feet of any business or mercantile being a hazardous occupancy site that stores, sells, or ships combustible or flammable liquids.
- (f) *Age requirement.* No fireworks shall be sold to any person under the age of sixteen (16) years.
- (g) *Shooting close to public building.* No person shall ignite or discharge any Class "C" fireworks within six hundred (600) feet of any church, hospital, asylum, public school or industrial site. No person shall ignite or discharge any Class "C" fireworks within two hundred (200) feet of any commercial building, or where fireworks are stored, sold, or offered for sale.
- (h) *Shooting inside or toward motor vehicle.* It shall be unlawful for any person to ignite or discharge fireworks within or throw the same from or into any motor vehicle or at any person or group of people.
- (i) *Public fireworks display.* No public fireworks displays may be held without a permit being issued by the Vicksburg Fire Department. Additionally, no fireworks displays, either public or private, may be held on city-owned property without approval of the Board of Mayor and Aldermen of the City of Vicksburg.

(Ord. No. 94-6, § 1, 5-10-94; Ord. No. 94-16, § 1, 9-26-94; Ord. No. 2003-03, §§ 1—8, 4-25-03)