

## CHAPTER VII. FIRE

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### ARTICLE 1. FIRE DEPARTMENT

- 7-101. CITY FIRE DEPARTMENT ESTABLISHED. There is established a fire department in the city to consist of a chief, an assistant chief, and not less than five nor more than 30 members per company, who shall be properly trained and qualified under standards and regulations promulgated by the chief, and confirmed by the mayor and councilmembers. There shall be a total of one company, to be known as the Bentley Volunteer Fire Department. (Ord. 108, Sec. 1)
- 7-102. MEMBERSHIP; FIRE DRILL. Members of the fire department shall be volunteers. They shall meet at least two times each month for practice and drill. The chief shall keep a record of attendance of such meetings. Any member who shall fail to attend four consecutive meetings shall automatically become expelled from membership. (Ord. 108, Sec. 2)
- 7-103. SAME; DISCIPLINE. Any member of the Bentley Volunteer Fire Department reporting to an official meeting or to a fire call under the influence of alcohol or drugs shall be suspended from the Bentley Volunteer Fire Department, pending a hearing before the governing body. In the event that the offending member is found to have been under the influence of alcohol or drugs as accused, or in the event that a due process hearing is waived, the offending member shall be expelled for a minimum of six months. (Ord. 108, Sec. 3)
- 7-104. SUPERVISION OF DEPARTMENT. The chief of the volunteer fire department shall be under the general supervision of the governing body and shall have superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment, and it shall be his or her duty to see that all such apparatus and equipment shall be at all times ready for immediate use. The chief shall submit a written report as to its condition to the mayor and council at their first meeting in April each year. (Ord. 108, Sec. 4)
- 7-105. FIRE CHIEF; POWER. (a) The chief of the fire department shall be responsible for the discipline of members and is hereby given the authority to suspend or expel any member for the refusal to obey orders, or for misconduct or failure to do his or her duty at a fire, after approval by the governing body.
- (b) The chief shall also have the right to summon any and all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof, and in guarding the same.
- (c) The chief of the fire department shall have full power, control and command over all persons whomsoever present at fires, and he or she shall direct the use of all fire apparatus and equipment, and command all members in the

discharge of their duties. He or she shall take such measures as he or she may deem necessary in the preservation and protection of property and the extinguishing of fires. The volunteer fire department shall have authority to respond to fire calls in Eagle Township, or any township there adjoining, and may enter agreements, with the approval of the governing body, with such township or townships for the provision of fire protection services by the volunteer fire department.

(Ord. 108, Sec. 5:6)

7-106. SAME; RECORDS. The chief of the fire department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how extinguished, value of building and contents, loss on building and contents, insurance on building and contents, members responding to the alarm, and any other information deemed advisable. (Ord. 108, Sec. 7)

7-107. DUTIES. It shall be the duty of the chief of the fire department to adopt all prudent measures for the prevention of fires and for this purpose the chief or assistant chief under his or her direction may, upon request or whenever he or she has reason to believe that the safety of life and property demands it, and as often as he or she may deem necessary, enter any building, yard or premises in the city during reasonable hours for the purpose of inspection, and where dangerous, unsafe or hazardous conditions are found to exist he or she shall give such directions for the alteration, change or removal or better care or management of the same as he or she may deem proper, and such directions shall be obeyed and complied with by the person directed in that regard and at their expense. (Ord. 108, Sec. 8)

7-108. ASSISTANT CHIEF. In the absence of the chief, the assistant chief shall perform all the duties and have all the authority and responsibility of the chief as conferred by this article. (Ord. 108, Sec. 9)

7-109. PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person or persons to take away or use any fire apparatus or equipment for any private purpose or for any person willfully and without proper authority to remove, take away, keep, or conceal any tool, appliance, equipment, or other article used in any way by the fire department. (Ord. 108, Sec. 13; Code 1990).

7-110. FIRE EQUIPMENT; EMERGENCY RIGHT-OF-WAY AND USE. (a) All fire apparatus and equipment is hereby given and granted the exclusive right- of-way over and through all streets, avenues, alleys and public thoroughfares in the city while enroute to fires or in response to any alarm, and it shall be unlawful for any person or persons to in any manner obstruct or hinder the apparatus or equipment.

(b) All emergency vehicles of the fire department, while proceeding on official business, shall be operated in strict accordance with the requirements of the Kansas Statutes regarding the operation of emergency vehicles, and each departmental member assigned to the operation of emergency vehicles shall familiarize himself or herself with the requirements of the law and govern himself or herself accordingly. Any operator violating the provisions of the state law shall be liable for disciplinary action.

(Ord. 108, Sec. 11; Code 1990)

7-111. (Reserved).

7-112. OBSTRUCTION OF FIRE HYDRANT. It shall be unlawful for any person to place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character, or in any manner obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. Nor shall any person fasten to any fire hydrant any guy rope or brace, nor stand any vehicle within 15 feet of any such hydrant. (Ord. 108, Sec.11; Code 1990)

7-113. FALSE ALARM. It shall be unlawful for any person to knowingly make or sound or cause to be made or sounded, or by any other means, any false alarm. (Ord. 108, Sec. 12; Code 1990)

## ARTICLE 2. FIRE PREVENTION

- 7-201. INCORPORATING UNIFORM FIRE CODE. There is hereby incorporated by reference, for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the Uniform Fire Code, edition of 1994, prepared and published in book form by the International Conference of Building Officials and the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California, as amended by Sections I and IV of Resolution No. 7-1996 of the Board of County Commissioners of Sedgwick County, Kansas, except such portions as are hereinafter omitted, amended, or modified. One copy of the Uniform Fire Code and Sedgwick County Resolution No. 7-1996 shall be marked "Official Copy as adopted by Ordinance No. 135," to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public during the hours the city offices are open.  
(Ord. 135, Sec. 1; Code 2016)

### ARTICLE 3. FIREWORKS

- 7-301. DEFINITIONS. The term “fireworks” and the type and kind of such fireworks permitted under this article shall be referred to and be in compliance with K.S.A. 31-155 and the Rules and Regulations of the Kansas State Fire Marshall in Section 22-6-7 of such rules and Regulations effective January 1, 1973, which are hereby incorporated by reference as provided by law. In addition, fireworks shall not be permitted which are of the “bottle-rocket” type or which cause a projectile with an aerial explosion and to further ban the sale, ignition, and use of “aerial luminaries” to prevent conditions hazardous to life and property from fire and explosion; such prohibitions to be effective within the corporate limits of the City of Bentley. (Ord. 272; Code 2016)
- 7-302. USE OF FIREWORKS.
- (a) The discharging, firing or igniting of fireworks, as defined in Section 7-301 of this article, is hereby prohibited except on dates and times as established by the governing body at least 30 days prior to the 4th of July of each year.
- (b) The discharging, firing or igniting of fireworks, as defined in Section 7-301 of this article, is hereby allowed on city streets and rights-of-way, so long as traffic is not impeded or impaired excluding city owned buildings or property of any kind or character, including, but not limited to, the City Park, on the dates and times as established annually by the governing body provided that the trash and residue is removed with 12 hours of discharge. Failure to cleanup discharge area shall result in further action being taken.
- (c) The governing body may grant a permit for the public display of fireworks by responsible persons at such places and times as the governing body may determine. The application for a permit for display shall be made through the city clerk in writing at least 10 days in advance of the date of display. The application must be accompanied by proof of a bond or certificate of insurance in an amount deemed adequate by the governing body for the payment of all damages which could be caused to person or property by reason of the permitted display. (Ord. 272; Code 2016)
- 7-303. FIRE ZONES. It shall be unlawful for any person to discharge, fire or ignite any fireworks, as defined in section 7-301 of this article, within the existing fire zone as outlined in Ordinance 302 of the City of Bentley at any time. (Ord. 272; Code 2016)
- 7-304. FIREWORKS BAN. The Fire Chief, or lawfully constituted designate, can ban the use of fireworks if conditions exist that pose a hazard to life or property. (Ord. 272; Code 2016)
- 7-305. PERMIT TO SELL FIREWORKS.
- (a) Permit applications shall be made at the city administrative offices between the first business day of April and the first business day of June.
- (b) Clubs, organizations, and residents of the City of Bentley shall be eligible to apply for a permit to engage in the sale of fireworks.
- (c) It shall be unlawful for any person to sell any fireworks as defined by Section 7-301 of this article within the corporate limits of the city without having first obtained a permit to engage in such sale.

(d) Such permit shall be issued by the city clerk upon the payment of a fee established by the governing body for each location at which fireworks are to be sold by organizations, clubs, and/or residents of the City of Bentley only.  
(Ord. 272; Code 2016)

7-306. SAME; FIREWORKS SALES LOCATION. No permit shall be issued for a location of sale within any existing fire zone, nor shall any fireworks be sold within any existing fire zone, as outlined in any applicable ordinance of the City of Bentley.  
(Ord. 272; Code 2016)

7-307. SAME; EFFECTIVE DATES. Each permit shall only be effective for sales on dates established by the governing body at least 30 days prior to the 4th of July of each year. (Ord. 272; Code 2016)

7-308. VIOLATIONS. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 and by a term of confinement in the county jail not to exceed 30 days.  
(Ord. 272; Code 2016)