

CHAPTER 11 - CONSTRUCTION AND SPECIAL CODES

ARTICLE 3 – UNIFORM FIRE CODE AND PERMITS

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Sections 11-3-101 to 199, inclusive. International Fire Code and permits - general provisions.

Section 11-3-101 Adoption of International Fire Code.

There is hereby adopted that certain fire code known as the *International Fire Code, 2009 Edition*, the whole thereof except such portions as have been deleted, modified or amended and as so deleted, modified or amended and filed in the finance office, for the purpose of prescribing regulations governing

conditions hazardous to life and property from fire or explosion. Additional deletions, modifications and amendments may from time to time be made by the City Commission and shall be effective upon their adoption and filing with the finance officer. The finance officer shall keep and maintain a master copy of said code, including all future deletions, modifications or amendments which may be adopted by the City Commission as herein provided, and the same shall be available and subject to public inspection at all reasonable times.

Source: R.O. Pierre, 1957, 6.0101, Rev. of Ord., 1990; Ord. No. 1348, 1994; Ord. No. 1512, 2002; Ord. No. 1623, 2008; Ord. No. 1705, 2012.

Statutory reference: SDCL 9-19-7, codes incorporated by reference.

Section 11-3-102 Enforcement of International Fire Code by the building official and/or fire chief - modifications - appeals.

The International Fire Code adopted pursuant to Section 11-3-101 shall be enforced by the building official or the fire chief.

The building official or fire chief shall have power to modify any of the provisions of said code upon application in writing by the owner or lessee of any premises, or his duly authorized agent, whenever there are practical difficulties in the manner of carrying out the strict letter of the code; provided however, 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 fire chief thereon shall be entered upon the records of the fire department and a signed copy shall be furnished the applicant.

Whenever the building official or fire chief shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of said code do not apply or that the true intent and meaning of said code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the city commission within thirty days from the date of the decision appealed from.

Source: R.O. Pierre, 1957, 6.0102; 6.0106; and, 6.0107; Ord. No. 1348, 1994; Ord. No. 1623, 2008;

Section 11-3-103 Unlawful to violate provisions of International Fire Code- penalties.

Any person who shall violate any of the provisions of the International Fire 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 commission or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be punishable by a fine of not more than one hundred dollars (\$100.00) or

by imprisonment for not more than thirty 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. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

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

Source: R.O. Pierre, 1957, 6.0108; Ord. No. 1348, 1994; Ord. No. 1623, 2008;

Section 11-3-104 Fire lanes required.

Except as hereinafter provided, every building in the City of Pierre shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet 6 inches of vertical clearance. Provided, however, this shall not apply when there are not more than two Group R, Division 3 or M Occupancies as defined in the Building Code.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994.

Section 11-3-105 No parking in fire lanes.

The required width of access roadways as herein provided shall not be obstructed in any manner, including parking of vehicles. "NO PARKING FIRE LANE" signs or other appropriate notice prohibiting obstructions shall be required and maintained.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994.

Section 11-3-106 Fire protection systems required.

The access roadways shall be within 150 feet of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be provided as required and approved by the fire chief.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1994.

Section 11-3-107 Modification.

Where fire protection systems required by the building official or fire chief are provided, the above required clearance may be modified.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990; Ord. No. 1348, 1994.

Section 11-3-108 Authority to increase widths of fire lane.

The fire chief shall have the authority to require an increase in the minimum access widths where such width is not adequate for fire or rescue operations.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994.

Section 11-3-109 Open Burning.

It is unlawful for any person to burn any garbage, refuse, leaves, wood, pallets, shingles, cardboard, paper or similar material within the city. Any person conducting open burning outside of recreational fires shall first request authorization from the fire chief. Recreational fires are permitted under the following conditions.

Section 11-3-110 Recreational fire discontinuance.

A recreational fire that is offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions or local circumstances such as high wind and drought conditions make such fires hazardous shall be prohibited. If a law enforcement or fire department officer determine that the fire is not in compliance with this article, or the smoke is offensive to nearby neighbors or the burning is determined to constitute a hazardous condition. Those officers are authorized to order that a recreational fire be immediately extinguished and discontinued.

Section 11-3-111 Recreational fire pit and outdoor fireplace.

A fire pit and fireplace includes either a below ground pit or a permanent or portable device intended to contain and control outdoor wood fires. The fuel load capacity of the fire pit container cannot exceed three feet in diameter and two feet in height.

Section 11-3-112 Recreational fire pit and outdoor fireplace location.

It is recommended that fire pits and outdoor fireplaces be located a minimum of 10 feet away from any structures or combustibles, such as houses, garages, sheds, and decks when possible. All fire pits and fire places must be located a minimum of 10 feet away from neighboring property lines unless approval is granted by the adjoining property owner.

Section 11-3-113 Recreational fire pit and fireplace extinguishing equipment.

A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, sand, or dirt must be readily available to extinguish a fire pit and fireplace fire. Fire pit and fireplace fires must be constantly attended and supervised until the fire has been completely extinguished.

Sections 11-3-114 to 199, inclusive. Reserved.

Source: Ord. No. 1170, 1986, Rev. of Ord., 1990, Ord. No. 1348, 1994; Ord. No. 1786, 2018; Ord. No. 1800, 2019.