

## Chapter 9

### FIRE PREVENTION AND PROTECTION

*Cross References — Fire, water, and police committee established, § 2-249; burning of refuse, § 11-8; storage of certain explosives declared a nuisance, § 18-98.*

#### ARTICLE I In General

**SECTION 9-1. Adoption of Fire Prevention Code.** [Ord. No. 87-0012, § 1, 7-28-1987; Ord. No. 95-02 § I, 4-11-1995; Ord. No. 2009-40 § 1, 9-22-2009]

- A. There is hereby adopted by the City of Lexington, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion or hazardous materials and for the purpose of prescribing minimum requirements for the governing of the erection of improvements, buildings and structures of all kinds, the following 2009 Edition of the International Fire Code and any subsequent amendments to said International Code be and is hereby adopted and enacted as and for the Fire Prevention Code of the City of Lexington, Missouri.
- B. The 2009 Edition of the International Fire Code and subsequent amendments to said code shall remain on file for public use, inspection and examination in the office of the City Clerk. From the date of which this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Lexington, Missouri. The Fire Chief shall recommend any amendments to the codes adopted by this Article which, in his judgment, shall be desirable.
- C. Upon adoption of these codes, all buildings as new construction will immediately comply. Buildings that are to be renovated, as well as existing building, shall be in compliance within twelve (12) months of adoption of this Code.

**SECTION 9-1.1. Penalties.** [Ord. No. 79-27, § 3, 9-11-1979; Ord. No. 95-02 § I, 4-11-1995]

- A. Any person who shall violate any of the provisions of the Code hereby adopted or rules promulgated consistent therewith 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 order as affirmed or modified by the Council or by a court of competent jurisdiction, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00), or by imprisonment for not less than ten (10) days nor more than sixty (60) days, or by both such fine and

imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such person shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each one (1) day that prohibited conditions are maintained shall constitute a separate offense. Each offense is herewith declared a nuisance for abatement purposes.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. Nuisances may be suppressed on notice given and expenses added as costs on to the tax bill.

**SECTION 9-1.2. Compliance.** [Ord. No. 95-02 § I, 4-11-1995]

Prior to the construction, alteration, relocation or other construction of any improvements within said boundaries of the City of Lexington, the owner and/or builder, thereof shall submit to the Fire Chief or his designated representative, full and complete building and plot plans of any such proposed construction, reconstruction, relocation, improvement or other building to be down with such plans and specifications to be in sufficient detail to be determined and interpreted under the terms of the Codes herein above referred to and at such time, such owner and/or builder shall be responsible to purchase a fire inspection permit. Such permit fees as required shall be for the inspection of the plans of said construction and necessary inspection thereof to insure that said buildings and/or improvements conform with Codes herein above referred to.

**SECTION 9-1.3. Fees for Fire Inspection and Building Plan Review.** [Ord. No. 95-02 § I, 4-11-1995]

Fees for fire inspection permits and owner requested fire inspections shall be charged by the appropriate officials in accordance with the table below. Fees shall be paid in full prior to any inspection or building plan review. The determination of value of valuation under any of the provisions of this Code shall be made by the Planning and Zoning Administrator in accordance with the building permit fees schedule.

**Table 9-1.A. Fire Permit Fee Schedule**

<b>Total Valuation</b>	<b>Fee</b>
\$0 to \$25,000.00	\$50.00
\$25,001.00 to \$50,000.00	\$75.00
\$50,001.00 to \$100,000.00	\$75.00 for first \$50,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.00 and up	\$250 for first \$100,000 plus \$1 for each additional \$1,000 or fraction thereof.

**Table 9-1.B. Additional Fees, for Inspections and Other Services**

<b>Service</b>	<b>Fee</b>
1. Inspection outside of normal City business hours (minimum charge of one hour;	\$30.00

- |  |                     |
|--|---------------------|
| additional charges in 1/2 hour increments)   | per hour            |
| 2. Residential upgrade: plumbing, electrical, mechanical; other inspections for which no fee is specifically indicated (minimum charge of one hour; additional charges in 1/2 hour increments) | \$20.00<br>per hour |
| 3. Additional plan review required by changes, additions or revisions to approved plans (minimum charge of 1/2 hour)   | \$20.00<br>per hour |

A plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees specified in this Subsection are separate fees from the permit fees and are in addition to the permit fees shown in Table 9.1 A.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate shown in Table 9.1B.

Adoption of these Fire Protection and Prevention Codes will initiate a public service program by the Fire Department for a period of twelve (12) months, to assist owners of existing structures in determining compliance requirements. The first compliance visit will be at no charge to the property owner; additional visits requested by the property owner will be charged at the additional plan review rate in Table 9.1B.

**SECTION 9-1.4. Inspection Requirements.** [Ord. No. 95-02 § I, 4-11-1995]

The Chief of the Fire Department or his designated representative shall receive from the City Clerk or the Planning and Zoning Administrator requests for building permits and shall obtain copies of plans which shall be deposited at the fire station with the Fire Chief or his designated representative, and thereafter, the Fire Chief or his designated representative shall inspect said plans to insure that all of said plans conform in reasonable compliance with the Codes herein above referred to. In the event that said plans do conform with such Codes, then a building permit, upon payment of the fees as aforesaid, shall be issued. Thereafter, during the period of construction, relocation, reconstruction or other building or improvement, the Fire Chief or his designated representative shall make periodic inspections of said premises to insure that said building construction, reconstruction or other improvement conforms with the plans as furnished to the Fire Chief or his designated representative. No building, construction, reconstruction or other improvement shall be commenced without the prior issuance of a building permit as herein set forth.

**SECTION 9-1.5. Modifications.** [Ord. No. 95-02 § I, 4-11-1995]

The Chief of the Fire Department shall have the power to modify any of the provisions of the Codes adopted by this Article upon application in writing by the owner or tenant when there are practical difficulties in the way of carrying out the strict letter of such Code, provided that the spirit of the Code shall be observed, that the public safety shall be secured and that substantial justice shall be done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department shall be entered upon the records of the Department, signed original copies shall be promptly provided the City Clerk and the Planning and Zoning Administrator, and a signed copy shall be furnished the applicant.

**SECTION 9-1.6. Failure to Comply.** [Ord. No. 95-02 § I, 4-11-1995]

In the event any owner and/or builder shall fail to carry out construction, reconstruction, building or other alteration without having first obtained a building permit and approval of plans, or shall vary from the plans as submitted to the Fire Chief or his designated representative as above set forth and that said deviation is a violation of the Codes herein above referred to, the Fire Chief or his designated representative may immediately cause all said construction, reconstruction, building, alteration or other activity at said premises to cease and terminate immediately until such time as corrections are made to fulfill the purposes and intents of this Chapter.

**SECTION 9-1.7. Appeals.** [Ord. No. 95-02 § I, 4-11-1995]

Whenever the Fire Chief or his designated representative 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 Fire Chief or his designated representative to the Planning and Zoning Commission of the City of Lexington within thirty (30) days from the date of the decision appealed. However, during such appeal period, no construction, reconstruction, building or alteration shall occur.

**SECTION 9-2. Fire Department Designated Fire Prevention Bureau.**

Wherever reference is made to the Fire Prevention Bureau in the Fire Prevention Code, adopted in Section 9-1, such reference shall be deemed to mean and refer to the Fire Department of the City.

**SECTION 9-3. Burning Guidelines — Rules and Regulations.** [Ord. No. 93-08 §§ I — IV, 6-22-1993; Ord. No. 2006-43 § 1, 9-12-2006; Ord. No. 2009-20 § 1, 4-28-2009]

*A. Allowed Practices — Regulations.*

1. Residents of the City shall be allowed to burn weeds, leaves, grass and other plant life from gardens and areas being used as gardens, brush and tree clippings during any months with a burn permit from the Fire Department.
2. All fires, consisting of the above referenced material, shall be kept to a size where flame height shall not exceed five (5) feet.
3. Residents are required to accompany all controlled burning areas with a garden hose and rake.
4. Controlled burning fires are to be completely extinguished by 6:00 P.M., and shall not endanger the life or property of the community.
5. Campfires/bonfires shall be allowed to burn after 6:00 P.M., provided that the proposed area is inspected by an authorized Fire Official prior to issuing the required burning permit to allow such burning.
6. Under severe drought conditions, the Fire Department reserves the right to ban all burning privileges.

- B. *Prohibited Practices.* It shall be unlawful for any person to:
1. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
  2. Burn weeds, grass, leaves, brush, or tree clippings during the months not allowed as burning months without an authorized burning permit;
  3. Burn any materials of any nature upon any public street, sidewalk, or thoroughfares within the City;
  4. Burn any materials other than those allowed by this Section without prior approval from the Fire Department.
- C. *Burning Permit.* A burning permit issued by the Fire Department is required by residents desiring to burn during any months. There is no fee charged for a burning permit. A person may obtain a burning permit by going to the fire station and contacting a Fire Official.
- D. *Penalty.* Anyone violating any of the terms and provision of this Section shall be deemed guilty of misdemeanor punishable by confinement for a term of not to exceed ninety (90) days and/or a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).

**SECTION 9-4. through SECTION 9-15. (Reserved)**

ARTICLE II  
**Fire Department**<sup>1</sup>

**SECTION 9-16. Establishment, Purpose.**

There is hereby established for the City a Fire Department for the welfare and protection of the citizens of the City and of their property.

**SECTION 9-17. Composition.**

- A. The Fire Department shall be composed of such members as may be appointed by the Mayor with the consent and approval of the City Council.
- B. *Fire Marshal, Deputies And Assistants.* The Fire Chief or his designee shall be the Fire Marshal for the City of Lexington. Within the Fire Department, there shall be appointed by the Fire Marshal such deputies or assistants as may be necessary. These deputies or assistants shall have the same powers and perform the same duties as the Fire Marshal, at his direction or in his absence. The Fire Marshal shall be responsible for the enforcement of the Fire Prevention Code referenced by Chapter 9 of this Code and related laws of the City and State and for the investigation and/or prosecution of all cases of alleged arson and other fire-related incidents. [Ord. No. 2014-22 § I, 9-23-2014]

**SECTION 9-18. Compensation.**

---

1. Cross Reference — Performance of duties of members of fire department while on vacation, § 2-93.

The Chief of the Fire Department and other members of the Fire Department shall receive such compensation as is or may be fixed by ordinance.

**SECTION 9-19. Authority of Fire Chief.**

The Fire Chief shall be in general charge of the Fire Department and fire-fighting equipment of the City.

**SECTION 9-20. Duties of Members.** [Ord. No. 97-15 § I, 7-22-1997; Ord. No. 98-13 § I, 4-28-1998]

- A. It shall be the duty of members of the Fire and Rescue Department to attend with utmost haste all alarms of fire, to engage in such drills and practices at such times as the Mayor may designate, to preserve in good condition the equipment and apparatus furnished the Department, and to report to the City Council any repairs on equipment that may be needed.
- B. It shall be the duty of members of the Fire and Rescue Department to provide twenty-four (24) hour a day emergency medical services, at the advanced life support level to the citizens of the City of Lexington, Lexington R-5 School District and citizens in areas under contract with the City of Lexington for fire or EMS services. "Emergency" is defined as a situation or occurrence that requires immediate action to save life or prevent suffering or disability, as defined in Section 321.225, RSMo.
- C. Lexington Fire and Rescue will provide patient assessment, treatment at the basic and advanced life support level and transport of patients to area hospital emergency departments, if appropriate as determined by the Lexington Fire and Rescue advanced life support protocol or a medically licensed physician. All transport procedures will follow the standard operating procedures and protocols as approved by the Medical Director and adopted by department policy.

**SECTION 9-21. Duty to Attend Fires, Answer Alarms.**

It shall be the duty of every member of the Fire Department to attend every fire and answer every call or alarm. If any member of the Fire Department is unable to answer an alarm by attendance, it shall be his duty to immediately notify the Fire Chief in such a manner and within such a time that a substitute fireman may attend in the place of said regular fireman.

**SECTION 9-22. Adoption of Fire Control Measures and Regulations.** [Ord. No. 79-28, § 1, 9-11-1979]

There is hereby adopted by the Council of the City of Lexington, Missouri, the fire control measures and regulations as herein set forth for the purposes of controlling conditions which could impede or interfere with fire suppression forces.

**SECTION 9-23. Authority at Fires and Other Emergencies.** [Ord. No. 79-28, § 2, 9-11-1979]

The Fire Official, or his duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas

leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The Fire Official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The Fire Official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the Fire Official.

**SECTION 9-24. Interference with Fire Department Operations.** [Ord. No. 79-28, § 3, 9-11-1979]

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any Fire Department operation.

**SECTION 9-25. Compliance with Orders.** [Ord. No. 79-28, § 4, 9-11-1979]

A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Official or to interfere with the compliance attempts of another individual.

**SECTION 9-26. Vehicles Crossing Fire Hose.** [Ord. No. 79-28, § 5, 9-11-1979]

A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alley-way, private drive or any other vehicular roadway without the consent of the Fire Official in command of said operation.

**SECTION 9-27. Definition of Authorized Emergency Vehicle.** [Ord. No. 79-28, § 6, 9-11-1979]

Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Missouri.

**SECTION 9-28. Operation of Vehicles on Approach of Authorized Emergency Vehicles.** [Ord. No. 79-28, § 7, 9-11-1979]

Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the Fire Official or a Police Officer.

**SECTION 9-29. Vehicles Following Fire Apparatus.** [Ord. No. 79-28, § 8, 9-11-1979]

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than five hundred (500) feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

**SECTION 9-30. Unlawful Boarding or Tampering with Fire Department Emergency Equipment.** [Ord. No. 79-28, § 9, 9-11-1979]

A person shall not without proper authorization from the Fire Official in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board, or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell, or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

**SECTION 9-31. Damage, Injury; Fire Department; Equipment, Personnel.** [Ord. No. 79-28, § 10, 9-11-1979]

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any Fire Department emergency vehicle at any time, or to injure, or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

**SECTION 9-32. Emergency Vehicle Operation.** [Ord. No. 79-28, § 11, 9-11-1979]

The driver of any emergency vehicle, as defined in Section 9-27 of this Chapter, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulations, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from a fire. Tactical strategies such as, but not restricted to "move-ups" do not constitute an emergency call. The driver of an emergency vehicle may:

1. Park or stand irrespective of the provisions of existing traffic regulations;
2. Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the prima facie speed limit so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions;
5. The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

**SECTION 9-33. Blocking Fire Hydrants and Fire Department Connections.** [Ord. No. 79-28, § 12, 9-11-1979]

- A. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property.
- B. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the Fire Official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the Municipal Treasury on certificate of the Fire Official and with the approval of the Chief Administrative



Official; and the legal authority of the Municipality shall institute appropriate action for the recovery of such costs.

**SECTION 9-34. Hydrant Use Approval.** [Ord. No. 79-28, § 13, 9-11-1979]

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the Fire Official and the Water Company having jurisdiction. This Section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the Water Company having jurisdiction.

**SECTION 9-35. Public Water Supply.** [Ord. No. 79-28, § 14, 9-11-1979]

The Fire Official shall recommend to the Chief Administrative Official of the City the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Official.

**SECTION 9-36. Yard Systems.** [Ord. No. 79-28, § 15, 9-11-1979]

All new and existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire, or life hazards, and which are located more than one hundred fifty (150) feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system, shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Fire Official and shall be connected to a water system in accordance with accepted engineering practices. The Fire Official shall designate and approve the number and location of fire hydrants. The Fire Official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Official.

**SECTION 9-37. Maintenance of Fire Suppression Equipment.** [Ord. No. 79-28, § 16, 9-11-1979]

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs, or when permitted by the Fire Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Official.

**SECTION 9-38. Street Obstructions.** [Ord. No. 79-28, § 17, 9-11-1979]

A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street,

within the boundaries of the City. The word "*street*" as used in this Chapter, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the City.

**SECTION 9-39. Fees for Response to Rural Fires.** [Ord. No. 80-19, §§ 1-2, 9-17-1980]

- A. The fees for each response shall be the actual itemized expense incurred by the City including but not limited to:
1. Mileage;
  2. Depreciation on equipment;
  3. Equipment expense for damage or destruction;
  4. The total man hours itemized by name and amount per hour with total amount shown.
- B. The minimum charge or fee shall be fifty dollars (\$50.00).

ARTICLE III  
**Fire Zone Limits; Rules and Regulations**

**SECTION 9-40. Fire Zone Limits.** [Ord. No. 79-26, § 1, 9-4-1979]

All that part of the City of Lexington comprised within the following described boundaries shall be known as the fire limits of said City. Commencing at the junction of Main Street with Highland Ave, thence east along Main Street to Eighth; thence south with Eighth Street to Franklin Avenue, thence east along Franklin Avenue to Ninth Street; thence south along Ninth Street to the alley south of Franklin Avenue; thence east along said alley to Thirteenth Street; thence north along Thirteenth Street across Main Street to the east end of the alley in block number twenty-eight (28) thence west with said alley to Ninth Street; thence in a northwesterly direction along the alley north of Broadway to Highland Avenue; thence along Highland Avenue to the place of beginning.

**SECTION 9-41. Structures Prohibited.** [Ord. No. 72-26, § 2, 9-4-1979]

Hereafter it shall be unlawful for any person to construct, build, place or move on, or cause to be constructed, built, placed or moved on, any edifice, building, structure or shed, the outer walls of which are in whole made of wood, within that part of the City of Lexington embraced within the fire limits as described in the preceding Section.

**SECTION 9-42. Non-Compliance a Misdemeanor.** [Ord. No. 79-26, § 3, 9-4-1979]

Any person who shall construct, build, place or move on, or suffer any wooden building to be constructed, built, placed, or moved on, within the fire limits of the City of Lexington, contrary to the provisions of the preceding Sections, shall be deemed a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), and a like fine for every week he shall continue in the violation of said Sections.

**SECTION 9-43. Building Taken Down or Removed; When.** [Ord. No. 79-26, § 4, 9-4-1979]

Whenever any wooden building shall be constructed, built, place or moved on, within the fire limits of this City contrary to the provisions of this Article, it shall be the duty of the Mayor to issue an order requiring the owner, occupant, person in charge of building thereof, to cause such building to be taken down or removed outside the fire limits. If the person so notified shall refuse or neglect for the space of ten (10) days to comply with the requirements of the order issued by the Mayor, as herein provided, then the Mayor shall cause such building to be taken down or removed beyond said fire limits, and the expense incident thereto may be recovered of the owner of such building by suit in any court of competent jurisdiction.

**SECTION 9-44. Stoves, Furnaces, Etc; Regulations.** [Ord. No. 79-26, § 5, 9-4-1979]

No person shall set up or use a stove or furnace the top or any side of which shall be within two (2) feet of any part of the woodwork of the wall or partition of any building without protecting such woodwork with a metallic or other incombustible covering, so as to effectually prevent the same from taking fire from such stove or furnace; and every stove or furnace so set up shall be placed on a platform of brick or sheet iron, or incombustible substance, extending at least four (4) inches in every direction beyond the part of the lower plate which fronts the door of the stove or furnace. And whenever in the opinion of the City Marshal, any stove or furnace is in such condition from any cause whatsoever, as to endanger the firing of the building in which it is situated, or any adjoining building or property, or any building or property in the vicinity, he shall give the owner or occupant of the premises notice to change the construction of such stove or furnace, so as to avoid, as far as practicable, all such dangers. And if the construction of such stove or furnace renders it impracticable to avoid such danger, then the notice aforesaid shall require the owner or occupant of the premises to pull down the stove, furnace, pipe, flue or chimney; and if the party notified shall neglect or refuse to comply with the notice of the City Marshall for the space of twenty-four (24) hours, the Marshall shall forthwith enter complaint, in the corporate name of the City, against such person for violation of this Article.

**SECTION 9-45. Stovepipes and Flues; Construction and Maintenance.** [Ord. No. 79-26, §§ 6-7, 9-4-1979]

- A. No person shall permit a stovepipe to project or pass through the roof, walls or windows of any building, nor shall any person owning or occupying a house in the City of Lexington permit a stovepipe to run through any wooden wall or partition, unless the same shall enter a brick or stone flue and is at least four (4) inches distant from any woodwork. All stovepipes shall enter into stone or brick chimneys or flues and all chimneys or flues shall be built of brick, stone or other fireproof material, and shall be smoothly plastered inside from top to bottom with metal asbestos double jacketed flue.
- B. The owner or agent of any owner of any house, store, shop or other building within this Fire Zone shall cause the flues or chimneys thereof to be swept or burned out as often as may be necessary to keep the same clean. Provided that the chimneys and flues shall be burned out only in the daytime and when rain is falling, or when the roof is covered with snow.

**SECTION 9-46. Fireworks — Discharge and Sale Unlawful — When.** [Ord. No. 91-6 §§ 1-6, 6-11-1991; Ord. No. 92-19 §§ 1-6, 7-13-1992; Ord. No. 2011-31 § 1, 7-26-2011]

- A. The term "*fireworks*" as used herein means any explosive device designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term also includes aerial devices containing no more than two (2) grains (130 mg) of explosive composition or ground devices containing no more than 50 mg of explosive composition, all of which are classified as Class "B" or "C" explosives by regulation of the U.S. Department of Transportation. The term also includes all such instruments or items defined as "*common fireworks*" or "*special fireworks*" within Section 320.106, et seq., RSMo.
- B. At no time shall an aerial "*fireworks*" commonly known or described as "bottle rockets" be sold or discharged within the Lexington City Limits, nor shall any fireworks prohibited under the laws of the State of Missouri be sold within the City Limits.
- C. Any fireworks, other than those prohibited in the preceding paragraph, may be sold within the City limits from July first (1st) to July fourth (4th) each year. However, fireworks may not be used or discharged at any time other than on the official City fireworks display day and on the fourth (4th) day of July from 8:00 a.m. until 11:59 p.m.
- D. Prior to selling any authorized fireworks within the City of Lexington, a permit therefor shall be procured from the City Clerk at a cost of fifteen dollars (\$15.00).
- E. The sale, use or discharge of fireworks specifically shall be prohibited in the following instances:
  - 1. On private property without the owners's consent;
  - 2. On City-owned property, unless performed or undertaken by authorized City Officials;
  - 3. Within one hundred (100) feet of any premises providing for the sale of gasoline, or any other appreciable quantity of an otherwise explosive or combustible material;
  - 4. Within an area designated as a hospital or school zone.
- F. Anyone violating any of the terms and provisions of this Section shall be deemed guilty of a misdemeanor punishable by confinement for a term not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both.