

**CHAPTER 32**

**FIRE PREVENTION**

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 2-7-1967 as Chapter X of the Ordinances of the City of Dunkirk. Amendments noted where applicable.]

**General References**

- Air pollution - See Ch. 4.
- Building construction - See Ch. 15.
- Fumigation of buildings - See Ch. 17.
- Unsafe buildings or structures - See Ch. 18.
- Public dock - See Ch. 24.
- Electrical installations - See Ch. 28.
- Fireworks display - See Ch. 34.
- Housing standards - See Ch. 41.
- Junk dealers - See Ch. 44.
- Removal of plant growth - See Ch. 53.
- Plumbing - See Ch. 55.
- Sewers - See Ch. 63.
- Zoning - See Ch. 79.

**ARTICLE I  
 General Provisions**

**§ 32-1. Intent and compliance. [Amended 7-3-1973]**

It is the intent of this code to prescribe regulations consistent with nationally recognized good practice for the safeguard, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with standards of the National Fire Protection Association shall be deemed to be prima facie evidence of compliance with this intent.

**§ 32-2. Application; exceptions.**

- A. The provisions of this code shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property, in the opinion of the Chief of the Fire Department.
- B. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

**§ 32-3. Providing reasonable safety required; evidence of compliance.**

All matters within the intent of this code, not covered in detail by this code, shall provide reasonable safety to persons and property. Compliance with the Fire Prevention Code, Edition of 1965, recommended by the American Insurance Association, shall be evidence of compliance with this intent.

**§ 32-4. Authority to enter premises.**

- A. The Chief of the Fire Department or any inspector thereof may, at all reasonable hours, enter any building or premises for the purpose of making any inspection or investigation which, under the provisions of this code, he or they may deem necessary to be made.
- B. The Chief of the Fire Department or any inspector thereof shall be permitted by the owner, lessee, manager or operator of any building or premise to enter and inspect their building or premise at the time and for the purpose stated in this section.

**§ 32-5. Inspections of buildings and premises authorized.**

It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by the Fire Department officers or members, all buildings and premises, except the interiors of dwellings, as often as may be necessary, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard.

**§ 32-6. Orders to eliminate dangerous or hazardous conditions authorized.**

Whenever any of the officers, members or inspectors of the Fire Department, as mentioned in § 32-5, shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the Chief of the Fire Department:

- A. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
- B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
- C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials.
- D. Accumulations of dust or waste material in air-conditioning or ventilating systems, or of grease in kitchen or other exhaust ducts.
- E. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- F. Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

**§ 32-7. Service of orders; content of orders.**

The service of orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if such owner is absent from the jurisdiction of the officer making the order, by sending such copy by registered mail to the owner's last known post office address as it appears on the tax assessment roll of the City. Such order shall specify the alleged violation and shall provide for compliance within ten (10) days of the date of service of the notice, unless the Fire Chief shall declare the alleged violation to be of such potentially dangerous nature to the safety and welfare of the public as to require immediate remedy.

**§ 32-8. Final order.**

Any order for the correction of violations of this code shall become a final order if written request for a hearing is not made in accordance with § 32-134 within ten (10) days after service of the order. This section shall not apply to any order declared to require immediate remedy by the Fire Chief, which order shall be deemed a final order.

**§ 32-9. Permits for hazardous materials and processes; revocation.**

- A. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.
- B. Before a permit may be issued, the Chief of the Fire Department or his assistants shall make or cause to be made such inspections or tests as are necessary to assure that the provisions of this code are complied with.
- C. The Chief of the Fire Department may revoke a permit or approval issued if any violation of this code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

**§ 32-10. Definitions**

The terms defined in this section shall have the meaning indicated and shall apply to all Articles in this code. Terms defined in subsequent Articles of this code shall apply only to the Articles in which they appear.

**APPROVED** - Means accepted by the Chief of the Fire Department as a result of his investigation and experience or by reason of test, listing or approval by Underwriters' Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing agencies.

**AUTOMATIC FIRE ALARM SYSTEM** - Means a system which automatically detects a fire condition and actuates a fire alarm signal device.

**FIRE-RESISTANCE RATING** - Means the time in hours that the material or construction will withstand the standard fire exposure as determined by a fire

test made in conformity with the Standard Methods of Fire Tests of Building Construction and Materials ASTM E119, 1961 Edition, UL Inc. 263, 1959 Edition as amended 1962, or NFPA No. 251, 1963 Edition.

**I.C.C. CONTAINER** - Means any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.

**OWNER** - Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a "person" having a vested or contingent interest in the property in question.

**PERSON** - Includes corporation and co-partnership as well as individual.

**§ 32-11. Liability for damages not assumed.**

This code shall not be construed to hold the municipality responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein, or failure to inspect or reinspect, or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

**ARTICLE II**  
**Automobile Wrecking Yards, Junkyards**  
**and Waste-Material Handling Plants**

**§ 32-12. Conformity to all other requirements.**

Automobile wrecking yards, junkyards and waste-material handling plants shall conform to all other applicable requirements of this code as well as the following provisions.

**§ 32-13. Permit required.**

A permit shall be obtained to conduct or maintain any automobile wrecking yard, junkyard or waste-material handling plant.

**§ 32-14. Location restricted.**

No automobile wrecking yard, junkyard or waste-material handling plant shall be located as to seriously expose adjoining or adjacent properties.

**§ 32-15. Burning operations restricted.**

The burning of wrecked or discarded automobiles or any parts thereof, or junk or any waste materials shall be done only in designated open spaces or incinerator enclosure approved for burning purposes by the Chief of the Fire Department.

**§ 32-16. Construction and protection requirements.**

- A. Handling and storage of large quantities of wastepaper, rags or other combustible materials shall not be in a building of wood frame or ordinary construction, unless the building is sprinklered. Vertical openings shall be enclosed in an approved manner.
- B. Picking rooms shall be separated from storage rooms by construction having a fire-resistance rating of not less than one (1) hour, with each door opening provided with an approved fire door. Picking rooms shall be provided with exhaust systems of sufficient capacity to adequately remove dust and lint.

### **ARTICLE III Bowling Establishments**

#### **§ 32-17. Conformity to all other requirements.**

Bowling establishments shall conform to all other applicable requirements of this code as well as the following provisions.

#### **§ 32-18. Permit required for pin refinishing and lane resurfacing.**

A permit shall be required for bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.

#### **§ 32-19. Regulations for lane resurfacing operations.**

Resurfacing operations shall not be carried on while the establishment is open for business. The Chief of the Fire Department shall be notified when bowling lanes are to be resurfaced. Proper ventilation shall be provided. Heating, ventilating or cooling systems employing recirculating of air shall not be operated during resurfacing operations or within one hour following the application of flammable finishes. All electric motors or other equipment in the area which might be a source of ignition shall be shut down and all smoking and use of open flames prohibited during the application of flammable finishes and for one (1) hour thereafter.

#### **§ 32-20. Regulations for pin refinishing operations.**

- A. Pin refinishing involving the application of flammable finishes shall be done only in a special room meeting the requirements of § 32-47B;

such room shall not be located below grade, nor shall it have communication with any pits, wells, pockets or basements.

- B. All power tools in such special rooms shall be effectively grounded. A substantial metal box or other receptacle approved by the Chief of the Fire Department shall be provided for lathes and sanding or buffing machines for catching dust thrown off during operations. Contents shall be removed daily and disposed of safely.
- C. Storage of flammable or combustible liquids in such special rooms shall not exceed a combined aggregate of sixty (60) gallons in original metal containers, or in approved safety containers not exceeding five (5) gallons individual capacity. A metal waste can with self-closing cover shall be provided for all waste materials and rags; contents shall be removed daily. Smoking shall be prohibited at all times in refinishing rooms.

**ARTICLE IV**  
**Dry-Cleaning Plants**

**§ 32-21. Definitions.**

**DRY CLEANING** - shall mean the process of removing dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, rugs or other materials by the use of nonaqueous liquids (solvents), and it shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.

**SOLVENT CLASSIFICATION** - shall mean a method for classifying solvents as follows:

- A. Class I solvents shall mean flammable liquids having a flash point below one hundred degrees Fahrenheit (100° F.).
- B. Class II solvents shall mean flammable liquids having a flash point at or above one hundred degrees Fahrenheit (100° F.) and below one hundred forty degrees Fahrenheit (140° F.).
- C. Class III solvents shall mean combustible liquids having a flash point at or above one hundred forty degrees Fahrenheit (140° F.).

**SYSTEM CLASSIFICATION** - shall mean that dry-cleaning plants or systems are classified as follows:

- A. Class I systems shall mean those utilizing Class I solvents.
- B. Class II systems shall mean those utilizing Class II solvents, or systems utilizing Class II solvents which do not comply with Class III or Class IV systems.
- C. Class III system shall mean those employing equipment listed by Underwriters' Laboratories, Inc., utilizing Class III solvents.

- D. Class IV systems shall mean those utilizing solvents which are nonflammable (will not support combustion), or nonflammable at ordinary temperatures and only moderately flammable at higher temperatures.

**§ 32-22. Permit required; change in class of solvents regulated.**

- A. No person shall engage in the business of dry cleaning without a permit which shall prescribe the class of system to be used.
- B. No change shall be made in the solvent used in the equipment, to a solvent in a more hazardous class, unless permission for such change shall first have been obtained from the Chief of the Fire Department.

**§ 32-23. Operation of Class I systems.**

- A. New dry-cleaning plants or systems utilizing Class I solvents shall be prohibited.
- B. Existing dry-cleaning plants or systems utilizing Class I solvents may be continued in use, provided the quantity of Class I solvent that is stored and handled is not increased.

**§ 32-24. Operation of Class II systems.**

- A. Class II systems shall be located in buildings having walls of masonry or noncombustible construction, and wall finish shall be plain or plastered without furring or concealed spaces. Floors of dry-cleaning sections shall be of fire-resistive material and without pits, wells or pockets, and, where located over a basement, floor shall be vapor- and liquidtight. Roof and floors above grade floor, if of combustible material, shall have the ceilings over the dry-cleaning areas protected by cement or gypsum plaster on metal lath, or equivalent material having a fire-resistance rating of not less than one (1) hour. Dry-cleaning buildings shall not be closer than ten (10) feet to the line of adjoining property, except that, if exposing walls are blank walls having a fire-resistance rating of at least four (4) hours, the building may be located on the property line.
- B. Dry-cleaning operations shall be restricted to the lowest floor of a building, but shall not be located on any floor below grade nor in the

same building with other occupancies. Operations incidental to the dry-cleaning business, such as laundering, pressing and ironing, may be in a communicating building or located on the same floor with the dry-cleaning plant, provided the dry-cleaning operations are separated therefrom by noncombustible partitions having a fire-resistance rating of not less than two (2) hours and the communicating openings are protected by approved fire doors.

- C. Door openings on stairs or elevators leading from a dry-cleaning area to a basement, or opening into a room having openings or stairs to basement, shall be provided with noncombustible sills or ramps raised at least six (6) inches. Approved self-closing fire doors shall be provided at such openings. Enclosures shall be of material equivalent to the floor material but having a fire-resistance rating of not less than one (1) hour.
- D. Rooms in which articles are hung up to dry shall be constructed with noncombustible walls, partitions and ceilings having a fire-resistance rating of not less than (2) hours. Entrances to drying rooms shall be provided with approved self-closing fire doors. If the drying room is in a separate building, it shall conform in all respects to provisions for a dry-cleaning building.
- E. A mechanical system of ventilation shall be installed in dry-cleaning areas and drying rooms. The mechanical system of ventilation shall have sufficient capacity to insure complete and continuous change of air every six (6) minutes and shall be provided with means for remote control. The system shall operate automatically when any dry-cleaning equipment is in use.

**§ 32-25. Operation of Class III systems.**

Class III systems, if located in the same building with other occupancies, shall be separated from the remainder of the building vertically and horizontally by material having a fire-resistance rating of not less than one (1) hour, with openings protected by approved fire doors, except that such separation shall not be required for operations incidental to or in connection with the dry-cleaning business, such as laundering, scouring, scrubbing, drying, pressing or ironing, and the requirement for such separation may be waived at the discretion of the Chief of the Fire Department, based upon a consideration of such factors as type of building construction, nature of occupancy, storage and operating capacity of the system and extent of private fire protection provided.

**§ 32-26. Operation of Class IV systems.**

- A. Class IV systems shall be subject to the requirements for permit in § 32-22, but shall be exempt from all other provisions of this Article.
- B. Self-service dry-cleaning plant utilizing only solvents approved for Class IV dry-cleaning installations may be installed, subject to the approval of the Chief of the Fire Department.
- C. Spotting operations using flammable or combustible liquids shall not be permitted where self-service dry-cleaning equipment is installed.

**§ 32-27. Heating equipment.**

- A. Where Class II systems are used, heating shall be by steam or hot water only. Where Class III systems are used, heating shall be by any approved means which does not involve any open flame or ignition source in the dry-cleaning area. Steam and hot water pipes, and radiators for heating and drying purposes, shall be at least one (1) inch from all woodwork and shall be protected by substantial metal screens arranged so as to prevent combustible goods or materials from coming in contact with pipes and radiators.
- B. For Class II or III systems, boilers shall be located in a detached building or in a boiler room cut off from the dry-cleaning room by partitions of noncombustible material having a fire-resistance rating of not less than two (2) hours, and without openings. For Class II systems, openings into such boiler rooms shall be at least ten (10) feet from any exterior openings into the cleaning room.

**ARTICLE V**  
**Explosives, Ammunition and Blasting Agents**

**§ 32-28. Scope of Article; exceptions.**

- A. This Article shall apply to the manufacture, possession, storage, sale, transportation and use of explosives, blasting agents, pyrotechnics and ammunition, except as provided in Subsection B.
- B. Nothing in this Article shall be construed as applying to:
- (1) The armed forces of the United States or the state militia.
  - (2) Explosives in forms prescribed by the official United States Pharmacopoeia.
  - (3) The sale or use of fireworks. [Editor's Note: See Ch. 34, Fireworks Displays]
  - (4) The possession, transportation and use of small arms ammunition or special industrial explosive devices.
  - (5) The possession, storage, transportation and use of not more than twenty (20) pounds of smokeless propellant and one thousand (1,000) small arms primers for hand loading of small arms ammunition for personal use.
  - (6) The manufacture, possession, storage and use of not more than fifteen (15) pounds of explosives or blasting agents, exclusive of smokeless propellants in educational, governmental or industrial laboratories for instructional or research purposes when under direct supervision of experienced competent persons.
  - (7) The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service or police and Fire Departments acting in their official capacity.

**§ 32-29. Definitions.**

**BLASTING AGENT** - Shall mean any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an "explosive," in which none of the ingredients are classified as "explosives," provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a "No. 8 test blasting cap" when unconfined. Materials or mixtures classified as nitro carbo nitrates by Inter-

state Commerce Commission Regulations, 1965 Edition, shall be included in this definition.

**EXPLOSIVE** - Shall mean any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B, or Class C explosives by Interstate Commerce Commission Regulations, 1965 Edition, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord and igniters, "small arms ammunition," small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, and "pyrotechnics."

**EXPLOSIVE MATERIAL** - Shall mean any quantity of Class A, Class B or Class C explosives, and any other chemical compounds or mixtures thereof, used as the propelling or exploding material in any cartridge or other explosive device.

**PYROTECHNICS** - Shall mean any special fireworks which are manufactured and designed primarily for producing visible and audible pyrotechnic effect by a combustible explosion, and which are of such composition so as to be included under Class B explosives, as defined by the Interstate Commerce Commission Regulations, 1965 Edition.

**SMALL ARMS AMMUNITION** - Shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

**TEST BLASTING CAP NO. 8** - Shall mean one containing (2) grams of a mixture of eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate, or a cap of equivalent strength.

**§ 32-30. Permit required.**

Permits shall be obtained:

- A. To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents or small arms ammunition.
- B. To transport explosives or blasting agents.
- C. To use explosives or blasting agents.
- D. To operate a terminal for handling explosives or blasting agents.

- E. To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
- F. To transport blasting caps or electric blasting caps on the same vehicle with explosives.

**§ 32-31. General requirements.**

- A. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, shall be prohibited unless such manufacture is authorized by the Chief of the Fire Department. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.
- B. The storage of explosives and blasting agents is prohibited within the limits established by law as the limits of the district in which such storage is to be prohibited, except for:
  - (1) Temporary storage for use in connection with approved blasting operations.
  - (2) Wholesale and retail stocks of small arms ammunition, fuses, lighters, fuse igniters and safety fuses (not including cordeau detonant fuses) in quantities involving less than five hundred (500) pounds of explosive material; and explosive-actuated power devices, when employed in construction operations in highly populated areas, in quantities involving less than fifty (50) pounds of explosive material.
- C. The Chief of the Fire Department may limit the quantity of explosives, blasting agents or ammunition to be permitted at any location.
- D. No person shall sell or display explosives or blasting agents on highways, sidewalks, public property or in places of public assembly.
- E. The Chief of the Fire Department may designate the location and specify the maximum quantity of explosives or blasting agents which may be loaded, unloaded, reloaded or temporarily retained at each terminal where such operations are permitted.
- F. Shipments of explosives or blasting agents delivered to carriers shall comply with Interstate Commerce Commission Regulations, 1965 Edition.
- G. Carriers shall immediately notify the Chief of the Fire Department when explosives or blasting agents are received at terminals.

**§ 32-32. Storage of explosives.**

- A. Explosives, including special industrial explosive materials and any newly developed and unclassified explosive, shall be stored in magazines which comply with this Article. This shall not be construed as applying to the materials covered in § 32-31B(2).
- B. Class I magazines shall be used for the storage of explosives when quantities are in excess of fifty (50) pounds of explosive material.
- C. Class I or Class II magazines shall be used for the storage of explosives in quantities of fifty (50) pounds or less of explosive material, except that a Class II magazine may be used for temporary storage of a larger quantity of explosives at the site of blasting operations, where such amount constitutes not more than one (1) day's supply for use in current operations.
- D. Class I and Class II magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in accordance with the American Table of Distances for Storage of Explosives, 1955 Edition, except as provided in Subsection E.
- E. The Chief of the Fire Department may authorize the storage of up to fifty (50) pounds of explosives and five thousand (5,000) blasting caps in wholesale and retail hardware stores or other approved establishments. Explosives and blasting caps shall be stored in separate Class II magazines, at approved locations on the first floor not more than ten (10) feet from an entrance. A distance of ten (10) feet shall be maintained between the magazines. Their location shall not be changed without approval of the Chief of the Fire Department.
- F. At the site of blasting operations, a distance of at least one hundred fifty (150) feet shall be maintained between Class II magazines and the blast area when the quantity of explosives temporarily kept therein is in excess of twenty-five pounds, and at least fifty (50) feet when the quantity of explosives is twenty-five (25) pounds or less.
- G. Property upon which Class I magazines are located shall be posted with signs reading "Explosives-Keep Off."
- H. Class II magazines shall be painted red and shall bear lettering in white on all sides and top at least three (3) inches high, "Explosives -- Keep Fire Away."

**§ 32-33. Transportation of explosives.**

- A. Explosives shall not be transported on public conveyances.
- B. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and shall be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flame-proof and moistureproof tarpaulin or other effective protection against moisture and sparks. Such vehicles shall have tight floors, and exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking material to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the side of open-body vehicles.
- C. Explosives may be loaded into and transported in a truck, truck with semitrailer, truck with full trailer, truck tractor with semitrailer, or truck-tractor with semitrailer and full trailer. Explosives shall not be transported on any pole trailer.
- D. Every vehicle when used for transporting explosives shall be equipped with not less than one (1) approved-type fire extinguisher, suitable for use on flammable liquid fires, filled and ready for immediate use and located near driver's seat.
- E. Only those dangerous articles authorized to be loaded with explosives by Interstate Commerce Commission Regulations, 1965 Edition, shall be carried in the body of a vehicle transporting explosives.
- F. Every vehicle transporting explosives shall be marked or placarded on both sides, front and rear, with the word "Explosives" in letters not less than three (3) inches high on contrasting background.
- G. Blasting caps or electric blasting caps shall not be transported over the highways of the municipality on the same vehicle with other explosives, except by permission of the Chief of the Fire Department.
- H. Vehicles transporting explosives shall not be left unattended at any time within the municipality.
- I. Vehicles transporting explosives shall be routed to avoid congested traffic and densely populated areas.

**§ 32-34. Use and handling of explosives.**

- A. Blasting operations shall be conducted during daylight hours, except when authorized at other times by the Chief of the Fire Department.

- B. Wherever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least twenty-four (24) hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the Chief of the Fire Department.
- C. Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar, transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity.

**§ 32-35. Storage of blasting agents and supplies.**

- A. Blasting agents or oxidizers, when stored in conjunction with explosives, shall be stored in accordance with § 32-32. The quantity of blasting agents or oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.
- B. Buildings used for the storage of blasting agents separate from explosives shall be located away from inhabited buildings, passenger railways and public highways, in accordance with the American Table of Distances for Storage of Explosives, 1955 Edition.
- C. Semitrailers or full trailers may be used for temporarily storing blasting agents, provided they are located away from inhabited buildings, passenger railways and public highways, in accordance with the American Table of Distances for Storage of Explosives, 1955 Edition.

**§ 32-36. Mixing of blasting agents.**

- A. Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with the American Table of Distances for Storage of Explosives, 1955 Edition.
- B. Not more than one (1) day's production of blasting agents, or the limit determined by the American Table of Distances for Storage of Explosives, 1955 Edition, whichever is less, shall be permitted in or near the building or other facility used for mixing blasting agents. Larger quantities shall be stored in separate buildings or magazines.

**§ 32-37. Transportation of blasting agents.**

- A. Blasting agents shall be transported in accordance with the requirements for explosives in § 32-33, when transported in the same vehicle with explosives.
- B. Every vehicle transporting blasting agents shall be marked or placarded on both sides, front and rear, with the word "Dangerous," and also the words "Blasting Agents," in letters not less than three (3) inches high on a contrasting background.

**ARTICLE VI**  
**Fire Protection Equipment**

**§ 32-38. Survey of premises and specification of equipment authorized.**

The Chief of the Fire Department shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, multifamily house and trailer camp, and shall specify suitable fire-detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire, or suitable asbestos blankets, manual or automatic covers, or carbon dioxide or other special fire extinguishing systems. In special hazardous processes or storage, appliances of more than one (1) type or special systems may be required.

**§ 32-39. Maintenance of equipment required.**

Sprinkler systems, standpipe systems, fire alarm systems and other fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order or because of any law or ordinance shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Chief of the Fire Department shall be notified before such tests, repairs, alterations or additions are started, unless the work is to be continuous until completion.

**ARTICLE VII**  
**Flammable and Combustible Liquids**

**§ 32-40. Scope of Article.**

This Article shall apply to liquids with a flash point below two hundred degrees Fahrenheit (200° F.) and to liquids with flash points above two hundred degrees Fahrenheit (200° F.) which, when heated, assume the characteristics of liquids with flash points below two hundred degrees Fahrenheit (200° F.) except as provided in § 32-2B.

**§ 32-41. Definitions.**

**BOILING POINT** - Shall mean the "boiling point" of a "liquid" at a pressure of fourteen point seven (14.7) pounds per square inch (absolute). Where an accurate "boiling point" is unavailable for the material in question or for mixtures which do not have a constant "boiling point," for purposes of this classification the initial point of a distillation as determined by applicable test procedures and apparatus specified in ASTM D-86, Standard Method of Test for Distillation of Petroleum Products, 1962 Edition, may be accepted in lieu of the "boiling point" of the "liquid."

**FLASH POINT OF THE LIQUID** - Shall mean the minimum temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the "liquid" or within the vessel used, as determined by applicable test procedures and apparatus as follows:

- A. Except for fuel oils and certain viscous materials, the "flash point of a liquid" having a flash point at or below one hundred seventy-five degrees Fahrenheit (175° F.) shall be determined in accordance with the applicable provisions of ASTM D-56, Standard Method of Test for Flash Point by the Tag Closed Tester, 1961 Edition.
- B. Except for fuel oils, the "flash point of liquids" having a flash point above one hundred seventy-five degrees Fahrenheit (175° F.) shall be determined in accordance with the applicable provisions of ASTM D-92, Standard Method of Test for Flash Point by the Cleveland Open Cup Tester, 1957 Edition.

- C. The flash point of fuel oils and certain viscous materials having a flash point at or below one hundred seventy-five degrees Fahrenheit (175° F.) shall be determined in accordance with the applicable provisions of ASTM D-93, Standard Method of Test for Flash Point by the Pensky-Martens Closed Tester, 1962 Edition.

**LIQUID** - Shall mean, when not otherwise identified, both "flammable and combustible liquids."

**COMBUSTIBLE LIQUID** - Shall mean any "liquid" having a flash point at or above one hundred forty degrees Fahrenheit (140° F.) and below two hundred degrees Fahrenheit (200° F.), and shall be known as Class III liquids.

**FLAMMABLE LIQUID** - Shall mean any "liquid" having a flash point below one hundred forty degrees Fahrenheit (140° F.) and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred degrees Fahrenheit (100° F.). "Flammable liquids" shall be divided into two (2) classes of "liquids" as follows:

- A. Class I liquids shall include those having flash points below one hundred degrees Fahrenheit (100° F.) and may be subdivided as follows:
- (1) Class IA shall include those having flash points below seventy-three degrees Fahrenheit (73° F.) and having a boiling point below one hundred degrees Fahrenheit (100° F.).
  - (2) Class IB shall include those having flash points below seventy-three degrees Fahrenheit (73° F.) and having a boiling point at or above one hundred degrees Fahrenheit (100° F.).
  - (3) Class IC shall include those having flash points at or above seventy-three degrees Fahrenheit (73° F.) and below one hundred degrees Fahrenheit (100° F.).
- B. Class II liquids shall include those having flash points at or above one hundred degrees Fahrenheit (100° F.) and below one hundred forty degrees Fahrenheit (140° F.).

**UNSTABLE (REACTIVE) LIQUID** – Shall mean any "liquid" which will vigorously and energetically react, is potentially explosive, will polymerize, decompose instantaneously, undergo uncontrollable auto-reaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are organic peroxides and nitromethane.

**VAPOR PRESSURE** - Shall mean the pressure, measured in pounds per square inch (absolute), exerted by a volatile "liquid," as determined by applicable test procedures and apparatus specified in ASTM D323, Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method), 1958 Edition.

**§ 32-42. Certain storage of flammable or combustible liquids prohibited. [Added 7-7-1970]**

The storage of Class IA and IB liquids in or outside of a dwelling, other place of human habitation or private garage in excess of ten (10) gallons is prohibited. Such prohibition shall not, however, apply to the following:

- A. Storage or use of flammable or combustible liquids in a fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant.
- B. Storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than thirty (30) days.

**§ 32-43. Permit required. [Amended 7-7-1970; effective 7-15-1970]**

A permit shall be obtained for any of the following:

- A. Storage, handling or use of Class II or III liquids in excess of twenty-five (25) gallons in a building, or in excess of sixty (60) gallons outside of a building, except for fuel oil used in connection with burning equipment.
- B. For the manufacturing, processing, blending or refining of flammable or combustible liquids.
- C. For the storage of flammable or combustible liquids in stationary tanks.

**§ 32-44. Design and construction of tanks.**

**A. Materials.**

- (1) Tanks shall be built of steel except as provided in subsection A(2) through A(5) below.
- (2) Tanks may be built of noncombustible materials other than steel if required by the properties of the flammable or combustible liquid stored.

- (3) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used, and shall be approved by the Chief of the Fire Department.
- (4) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of forty degrees (40°) API or heavier. Concrete tanks with special lining may be used for other services, providing the design is in accordance with sound engineering practice.
- (5) Tanks may have combustible or noncombustible linings.
- (6) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water, or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below zero degrees Fahrenheit (0° F.)

**B. Fabrication.**

- (1) Tanks may be of any shape or type consistent with sound engineering design.
- (2) Metal tanks shall be welded, riveted and caulked, brazed or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above one thousand degrees Fahrenheit (1,000° F.) and below that of the metal joined.

**C. Atmospheric tanks.**

- (1) Tanks designed for underground service not exceeding two thousand five hundred (2,500) gallons capacity may be used aboveground.
- (2) Low-pressure tanks and pressure vessels may be used as atmospheric tanks.
- (3) Atmospheric tanks shall not be used for the storage of Class IA liquids.

**D. Low-pressure tanks.** The normal operating pressure of the tank shall not exceed the design pressure of the tank. Atmospheric tanks

built according to Underwriters' Laboratories, Inc. standards may be used for operating pressures not exceeding one (1) pound per square inch gauge, and shall be limited to two point five (2.5) pounds per square inch gauge under emergency venting conditions. Pressure vessels may be used as low-pressure tanks.

- E. **Pressure vessels.** The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

**§ 32-45. Installation of outside aboveground tanks.**

- A. **Restricted locations.** The storage of Class I liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of the districts in which such storage is to be prohibited.
- B. **Location with respect to property lines.**

Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boilover characteristics and unstable liquids, operating at pressures not in excess of two point five (2.5) pounds per square inch gauge and equipped with emergency venting which will not permit pressures to exceed two point five (2.5) pounds per square inch gauge, shall be located in accordance with Table 32-45B(1).

<b>TABLE 32-45B(1)</b>			
<b>Type of Tank</b>	<b>Protection</b>	<b>Minimum distance in feet from property line which may be built upon, including the opposite side of a public way</b>	<b>Minimum distance in feet from nearest side of any public way</b>

Floating roof	Protection for exposures*	1/2 times diameter of tank but need not exceed 90 feet	1/6 times diameter of tank but need not exceed 30 feet
	None	Diameter of tank but need not exceed 175 feet	1/6 times diameter of tank but need not exceed 30 feet
Vertical with weak roof to shell seam	Approved form or inerting system on the tank	1/2 times diameter of tank but need not exceed 90 feet and shall not be less than 5 feet	1/6 times diameter of tank but need not exceed 30 feet and shall not be less than 5 feet
	Protection for exposures*	Diameter of tank but need not exceed 175 feet	1/3 times diameter of tank but need not exceed 60 feet
	None	2 times diameter of tank but need not exceed 350 feet	1/3 times diameter of tank but need not exceed 60 feet
Horizontal and vertical with emergency relief venting to limit pressures to 2.5 psig	Approved inerting system on the tank or approved foam system on vertical tanks	1/2 times Table 32-45B(4), but shall not be less than 5 feet	1/2 times Table 32-45B(4), but shall not be less than 5 feet
	Protection for exposures	Table 32-45B(4)	Table 32-45B(4)
	None	2 times Table 32-45B(4)	Table 32-45B(4)

\*Protection for exposures shall mean fire protection for structures on property adjacent to tanks. When acceptable to the Chief of the Bureau of Fire Prevention, such structures located within the jurisdiction of any public fire department or within or adjacent to plants having private fire brigades shall be considered as having adequate protection for exposures.

- (2) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boilover characteristics and unstable liquids, operating at pressures exceeding two point five (2.5) pounds per square inch gauge, or equipped with emergency venting which will permit pressures to exceed two point five (2.5) pounds per square inch gauge, shall be located in accordance with Table 32-45B(2).\*

**TABLE 32-45B(2)**

distance	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum in feet from nearest side of any public way
Type of Tank	Protection for exposures*	1 1/2 times Table 32-45B(4), but shall not be less than 25 feet	1 1/2 times Table 32-45B(4), but shall not be less than 25 feet
Any Type	None	3 times Table 32-45B(4), but shall not be less than 50 feet	1 1/2 times Table 32-45B(4), but shall not be less than 25 feet

\*Special consideration may be given to tanks equipped with automatic depressuring systems.

- (3) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table 32-45B(3), except that unstable liquids that are unstable (reactive) chemicals, such as organic peroxides and nitromethane, shall, in addition to complying with the applicable provisions of this Article VII, comply with § 32-07A through C as applicable.

Type of Tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public building
Tank protected with			

Horizontal and vertical tanks with emergency relief venting to permit pressure not in excess of 2.5 psig	any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade	Table 32-45B(4), but not less than 25 feet	Not less than 25 feet
	Protection for exposures	2 1/2 times Table 32-45B(4), but not less than 50 feet	Not less than 100 feet
	None	5 times Table 32-45B(4) but not less than 100 feet	Not less than 100 feet
Horizontal and vertical tanks with emergency relief venting and refrigeration to permit pressure over 2.5 psig	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation, refrigeration, approved barricade	2 times Table 32-45B(4) but not less than 50 feet	Not less than 50 feet
	Protection for exposures	4 times Table 32-45B(4), but not less than 100 feet	Not less than 100 feet
	None	8 times Table 32-45B(4), but not less than 150 feet	Not less than 150 feet

(4) Reference table for minimum distance used in Tables 32-45B(1) through 32-45B(3) inclusive shall be as follows:

<b>TABLE 32-45B(4)</b>		
<b>Capacity tank (gallons)</b>	<b>Minimum distance in feet from property line which may be built upon, including the opposite side of a public way</b>	<b>Minimum distance in feet from nearest side of any public way</b>

275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

- (5) Where two (2) tank properties of diverse ownership have a common boundary, the Chief of the Fire Department may, with the written consent of the owners of the two (2) properties, substitute the distances provided in Subsection C for the minimum distances set forth in Subsection B.
- (6) Where end failure of horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure

**C. Spacing (shell-to-shell) between aboveground tanks.**

- (1) The distance between any two (2) flammable or combustible liquid storage tanks shall not be less than three (3) feet.
- (2) Except as provided in Subsection C(3), the distance between adjacent tanks shall not be less than one-sixth (1/6) the sum of their diameters, except when the diameter of one (1) tank is less than one-half (1/2) the diameter of the adjacent tank, the distance between the two (2) tanks shall not be less than one-half (1/2) the diameter of the smaller tank.
- (3) For unstable liquids, the distance between such tanks shall not be less than one-half (1/2) the sum of their diameters.

**D. Drainage, dikes and walls for aboveground tanks.**

- (1) Drainage and diked area. The area surrounding a tank or a group of tanks shall be provided with drainage as in Subsection D(2) or shall be diked as provided in Subsection D(3).

- (2) Drainage. A slope of not less than one percent (1%) away from the tank toward the drainage system shall be provided. The drainage system shall terminate in vacant land or other area, or in an impounding basin having a capacity not smaller than that of the largest tank served.
- (3) Diked areas.
- (a) The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one (1) tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.
- (b) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquid-tight and to withstand a full hydrostatic head.

Earthen walls three (3) feet or more in height shall have a flat section at the top not less than two (2) feet wide. The walls of the diked area shall be restricted to an average height of six (6) feet above interior grade.

- (c) Each diked area containing two (2) or more tanks shall be subdivided, preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked areas, as follows:
- [1] When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks, one (1) subdivision for each tank in excess of ten thousand (10,000) barrels and one (1) subdivision for each group of tanks [no tank exceeding ten thousand (10,000) barrels capacity] having an aggregate capacity not exceeding fifteen thousand (15,000) barrels.
- [2] When storing normally stable liquids in tanks not covered in § 32-45D(3)(c)[1], one (1) subdivision for each tank in excess of one hundred thousand (100,000) gallons [two thousand five hundred (2,500) barrels] and one (1) subdivision

for each group of tanks [no tank exceeding one hundred thousand (100,000) gallons capacity] having an aggregate capacity not exceeding one hundred fifty thousand (150,000) gallons [three thousand five hundred seventy (3,570) barrels].

[3] When storing unstable liquids in any type of tank, one (1) subdivision for each tank, except for tanks installed with approved drainage.

[4] The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space, with due regard for the individual tank capacities. Intermediate curbs, where used, shall not be less than eighteen (18) inches in height.

E. **Testing.** All tanks, whether shop-built or field-erected, shall be strength-tested before they are placed in service. The American Society of Mechanical Engineers code stamp, American Petroleum Institute monogram or the label of the Underwriters' Laboratories, Inc. on a tank shall be evidence of compliance with this strength test.

**§ 32-46. Container size and construction.**

A container shall not exceed sixty (60) gallons individual capacity and shall be made of metal, except that:

- A. Plastic or glass containers having an individual capacity of not more than one (1) pint may be used for flammable and combustible liquids.
- B. Plastic or glass containers having an individual capacity of not more than one (1) gallon may be used for medicines, beverages, foodstuffs and toiletries that are flammable or combustible liquids.
- C. Plastic or glass containers having an individual capacity of not more than one (1) gallon may be used for flammable and combustible liquids whose chemical purity would be contaminated by metal containers.

**§ 32-47. Storage of closed containers inside buildings.**

- A. Section 32-47 shall apply to the storage of flammable or combustible liquids in drums or other portable closed containers, not exceeding sixty (60) gallons individual capacity, inside buildings. This section shall not apply to the storage of closed containers in bulk plants,

service stations, refineries, chemical plants and distilleries, nor shall this section apply to areas where containers are opened for dispensing, mixing or handling.

- B. Inside storage rooms shall comply with the following general construction requirements: Walls, floors and ceilings shall be of noncombustible material having a fire resistance rating of not less than one (1) hour. Openings to other rooms or buildings shall be provided with noncombustible liquid tight sills or ramps at least six (6) inches in height and with approved fire doors arranged to close doors automatically in case of fire. A permissible alternate to either sills or ramps is open trenches covered with steel grating which drain to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected in an approved manner. Wood at least one (1) inch nominal thickness may be used for shelving, racks, dunnage, scuff boards, floor overlays and similar installations. Proper ventilation shall be provided. Heating shall be restricted to low-pressure steam or hot water or to electric units. Electrical wiring and equipment located in inside storage rooms using Class I liquids, shall be approved for Class I, Division 1 hazardous locations; for Class II and III liquids, shall be approved for general use.
- C. The quantity of flammable liquid in an inside storage room shall not exceed the quantity specified in this subsection, except as provided in Subsection D.
- (1) If not protected by an approved automatic fire extinguishing system:
- (a) Five hundred fifty (550) gallons total of Class I, II and III liquids, of which not more than
  - (b) Two hundred seventy-five (275) gallons may be of Class I liquids, of which not more than
  - (c) Sixty (60) gallons may be of Class IA liquid.
- (2) If protected by an approved automatic fire extinguishing system:
- (a) One thousand one hundred (1,100) gallons total of Class I, II and III liquids, of which not more than
  - (b) Five hundred fifty (550) gallons may be of Class I liquids, of which not more than

- (c) Two hundred seventy-five (275) gallons may be of Class IA liquid.
- D. The quantity of flammable or combustible liquid in an inside storage room may be increased to that permitted by this subsection, provided the construction is as provided in Subsection B, but with walls, floors and ceiling of noncombustible material having a fire-resistance rating of not less than two (2) hours.
  - (1) If not protected by an approved automatic fire extinguishing system, shall contain not more than
    - (a) One thousand one hundred (1,100) gallons total of Class I, II and III liquids, of which not more than
    - (b) Five hundred fifty (550) gallons may be of Class I liquid, of which not more than
    - (c) Two hundred seventy-five (275) gallons may be of Class IA liquid.
  - (2) If protected by an approved automatic fire extinguishing system, shall not contain more than:
    - (a) Eleven thousand (11,000) gallons total of Class I, II and III liquids, of which not more than
    - (b) Two thousand seven hundred fifty (2,750) gallons may be of Class I liquid, of which not more than
    - (c) Five hundred fifty (550) gallons may be of Class IA liquid;
    - (d) These amounts may be increased to not more than one (1) day's supply where daily consumption exceeds the above limits.
- E. Storage cabinets may be used where it is desired to keep more than ten (10) gallons of flammable or combustible liquids inside buildings. No individual container shall exceed five (5) gallons capacity, and not over fifty (50) gallons shall be stored in any one (1) cabinet.
- F. Flammable or combustible liquids (including stock for sale) shall not be stored near exits, stairways or areas normally used for the safe egress of people.

- G. The storage of flammable or combustible liquids in closed containers shall comply with the following occupancy schedule, except that the Chief of the Fire Department may impose a quantity limitation or require greater protection where, in his opinion, unusual hazard to life or property is involved, or he may authorize increase of these amounts where the type of construction, fire protection provided or other factors substantially reduce the hazard.
- H. Dwellings and apartment houses containing not more than three dwelling units and accompanying attached or detached garages. Storage other than fuel oil for oil burner service shall be prohibited, except that which is required for maintenance or equipment operation, which shall not exceed ten (10) gallons. Such flammable or combustible liquid shall be stored in metal closed containers or safety cans.
- I. Assembly and business occupancies, apartment houses containing more than three dwelling units, and hotels. Storage other than fuel oil for oil burner service shall be prohibited, except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet, or in safety cans, or in an inside storage room not having a door that opens into that portion of the building used by the public.
- J. Educational and institutional occupancies. Storage other than fuel oil for oil burner service shall be limited to that required for maintenance, demonstration, treatment and laboratory work. Flammable or combustible liquids in the laboratories and at other points of use shall be in containers not larger than one (1) quart, or in safety cans or in storage cabinets.
- K. Mercantile occupancies. In rooms or areas accessible to the public, storage shall be in closed containers and limited to quantities needed for display and normal merchandising purposes. Where the aggregate quantity of additional stock exceeds fifty (50) gallons, it shall be stored in rooms or portions of buildings that comply with the construction provisions of Subsection B.
- L. General purpose and public warehouses. Storage shall be in accordance with Table 32-47 in fire-resistive buildings or in portions of fire-resistive buildings cut off by standard fire walls from combustible materials other than liquids, except as may be required by other portions of this code. Noncombustible material creating no

hazard to the flammable or combustible liquids may be stored in the same area as the liquids.

- M. Flammable or combustible liquid warehouses or storage buildings. Storage shall be in accordance with Table 32-47. Storage buildings shall be of fire-resistive or non-combustible material. If storage building is located thirty (30) to fifty (50) feet from a building or line of adjoining property that may be built upon, the exposing wall shall be a noncombustible blank wall having a fire-resistance rating of not less than two (2) hours. If storage building is located ten (10) to thirty (30) feet from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of not less than three (3) hours. If storage building is less than ten (10) feet from the line of adjoining property that can be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of not less than four (4) hours. In particular installations, the distances between the storage building and other buildings may be altered at the discretion of the Chief of the Fire Department, after consideration of the height, size and character of construction and occupancy of the exposed buildings. At the discretion of the Chief of the Fire Department, approved Class A fire doors may be installed in an approved manner on the otherwise blank walls.

**§ 32-48. Storage of closed containers outside buildings.**

- A. Section 32-48 shall apply to the storage of flammable or combustible liquids in drums or other portable closed containers, not exceeding sixty (60) gallons individual capacity, outside of buildings in areas used solely for such storage. This section shall not apply to storage of flammable or combustible liquids in drums or portable closed containers in bulk plants, service stations and refineries.
- B. Drums shall not be stored outside on building platforms or between buildings or in locations adjacent thereto, in such a manner that they would contribute to the spread of fire.
- C. Storage of over one hundred (100) drums of Class I liquids shall be limited to groups of one hundred (100) drums, located at least sixty (60) feet from the nearest building or line of adjoining property that may be built upon, and each group shall be separated by at least forty (40) feet. Storage of over three hundred (300) drums of Class II or III liquids shall be limited to groups of three hundred (300) drums, located at least fifty (50) feet from nearest building or line of adjoining property that may be built upon, and each group shall be separated by at least thirty (30) feet. These distances may be reduced fifty percent (50%) if sprinklers and drainage away from exposures are provided. In particular installations, the distances to buildings may be altered at the discretion of the Chief of the Fire Department, after consideration of the height, size and character of construction and occupancy of the exposed buildings.

**§ 32-49. Dispensing systems at automotive service stations.**

- A. **Location.** Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.
  - (1) Inside location. Approved dispensing units may be located inside garages upon specific approval of the Chief of the Fire Department. The dispensing area shall be separated from motor vehicle repair areas in a manner approved by the Chief of the Fire Department. The dispensing unit and its piping shall be protected against physical damage from vehicles either by mounting on a concrete island or by equivalent means, and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing areas shall be provided with an approved mechanical or gravity ventilation system. A clearly identified switch, readily accessible in case of fire or physical damage to any dispensing unit, shall be provided to shut off the power to dispensing units. When dispensing units are

located below grade, only approved mechanical ventilation shall be used, and the entire dispensing area shall be protected by an approved automatic sprinkler system. The ventilating system shall be electrically interlocked with the gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are engaged.

**B. Dispensing units.**

- (1) Class I liquids shall be transferred from underground tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge. Class I liquids shall not be transferred from any storage tank by any equipment or procedure which subjects the shell of the storage tank to pressures above its allowable working pressure. Air or gas pressure shall not be used for this purpose.
- (2) Supplemental means shall be provided outside of the dispensing device whereby the source of power may be readily disconnected in the event of fire or other accident.
- (3) Dispensing devices for Class I liquids shall be of approved type.
- (4) Class I liquids shall not be dispensed by pressure from drums, barrels and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

**C. Automatic dispensing units.** The installation and use of unattended coin-operated dispensing devices for Class I liquids is prohibited.

**D. Delivery nozzles.**

- (1) Manual nozzles. The dispensing of Class I liquid into the fuel tank of a vehicle or into a container shall be under the control of a competent attendant at all times. The use of any device which permits the dispensing of Class I liquids when the hand of the operator of the discharge nozzle is removed from the nozzle control lever is hereby forbidden, except when using an

automatic nozzle at an automotive service station as provided in Subsection D(2).

- (2) Automatic nozzles with latch-open devices. In lieu of being held open by hand, an approved automatic nozzle may be used for dispensing Class I liquid into the fuel tank of a vehicle. Such a nozzle shall have the latch-open device as an integral part of the assembly and shall shut off the liquid reliably and positively when the gasoline tank is filled, when it falls from the filling neck of an automobile tank, when it is subject to rough usage such as dropping or lack of proper lubrication, or when an automobile is driven away while the nozzle is still in the tank. A competent attendant shall be in the immediate vicinity of the vehicle being filled by such an approved nozzle.
- E. **Dispensing containers.** No delivery of any Class I liquids shall be made into portable containers unless the container has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling.

## ARTICLE VIII

### Flammable and Combustible Liquid Tank Vehicles

#### § 32-50. Scope of Article.

This Article shall apply to tank motor vehicles to be used for the transportation of asphalt or normally stable flammable and combustible liquids with a flash point below two hundred degrees Fahrenheit (200° F.).

#### § 32-51. Definitions.

**CARGO TANK** - Shall mean any container having a liquid capacity in excess of one hundred (100) gallons, used for the carrying of flammable or combustible "liquids" or asphalt and mounted permanently or otherwise upon a "tank vehicle." The term "cargo tank" does not apply to any container used solely for the purpose of supplying fuel for the propulsion of the "tank vehicle" upon which it is mounted.

**LIQUID** - See § 32-41, third definition.

**TANK VEHICLE** - Shall mean any vehicle, other than railroad tank cars and boats, with a "cargo tank" mounted thereon or built as an integral part thereof, used for the transportation of flammable or combustible "liquids." "Tank vehicles" include self-propelled vehicles, and full trailers and semitrailers without motive power and with wheels carrying either part or all of the load.

**§ 32-52. Permit required.**

No person shall engage in the business of delivering flammable or combustible liquids from tank vehicles without a permit.

**§ 32-53. Tank vehicle design.**

- A. The material used in the construction of the cargo tanks shall be compatible with the chemical characteristics of the flammable or combustible liquid to be transported.
- B. Any tank vehicle designed or used for transporting materials at liquid temperatures above ambient temperature shall have a red warning sign permanently attached to the vehicle containing at least the following: "Maximum allowable cargo temperature is ..... degrees F." This maximum allowable cargo temperature shall be specified by the manufacturer of the vehicle.

**§ 32-54. Static protection.**

- A. Cargo tanks and vehicle chassis shall be electrically bonded.
- B. Provision shall be made in the tank structure of the vehicle for the bonding of the vehicle to the fill pipe during truckloading operations.

**§ 32-55. Protection against damage from collision or overturn.**

- A. Draw-off valves or faucets projecting beyond the frame at the rear of a tank vehicle shall be adequately protected against collision by bumpers or similar means.

- B. On tank vehicles constructed hereafter, all closures for filling openings shall be protected from damage in the event of overturning of the tank vehicle, by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the tank vehicle.

**§ 32-56. Marking of vehicles.**

Every tank vehicle used for the transportation of any flammable liquid, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof in letters at least three (3) inches high on a background of sharply contrasting color, optionally as follows:

- A. With a sign or lettering on the motor vehicle with the word "Flammable."
- B. With the common name of the flammable liquid being transported.

**§ 32-57. Fire control.**

- A. Each tank vehicle shall be provided with at least one (1) portable fire extinguisher having at least a 12-B, C rating, or when more than one (1) is provided, each extinguisher shall have at least a 6-B rating.
- B. Fire extinguishers shall be kept in good operating condition at all times, and they shall be located in an accessible place on each tank vehicle.

**§ 32-58. Ignition sources prohibited.**

- A. Smoking by tank vehicle drivers, helpers, repairmen or other personnel is prohibited while they are driving, making deliveries, filling or making any repairs to tank vehicles.
- B. Open flames shall not be used near manholes or vents.

**§ 32-59. Parking and garaging.**

- A. Except in an emergency, no tank vehicle shall be left unattended on any street, highway, avenue or alley provided, that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his load, except that during actual discharge of the liquid some responsible person shall be present at

the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking.

- B. Tank vehicles containing flammable or combustible liquids shall not be parked out-of-doors at any one (1) point for longer than one (1) hour, except off the streets and at least twenty-five (25) feet from any building used for assembly, institutional or residential occupancy.
- C. Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief of the Fire Department.

## ARTICLE IX Garages

### § 32-60. Conformity to all applicable requirements of code.

Garages shall conform to all applicable requirements of this code as well as to the provisions of this Article.

### § 32-61. Permit required.

A permit shall be required for any person using any building, shed or enclosure as a place of business for the purpose of servicing or repairing any motor vehicle therein.

### § 32-62. Cleaning with flammable liquids.

No Class I liquid shall be used in any garage for washing parts or removing grease or dirt, unless in a special closed machine approved for the purpose, or in a separate well-ventilated room enclosed by walls having a fire-resistance rating of not less than two (2) hours, with openings therein protected by approved fire doors or fire windows and with no opening from such room to any upper or lower story.

**§ 32-63. Handling of gasoline and oils.**

- A. The fuel tanks of motor vehicles shall be filled directly through hose from approved pumps attached to approved portable tanks or drawing from underground storage tanks. Storage and handling of flammable or combustible liquids shall conform to Article VII. The transfer of gasoline in any garage shall not be made in any open container.
- B. Garage floors shall drain to oil separators or traps discharging to sewer. Contents of oil separators or traps of floor drainage systems shall be collected at sufficiently frequent intervals and removed from the premises to prevent oil from being carried into the sewers. Self-closing metal cans shall be used for all oily waste or waste oils.

**ARTICLE X  
Hazardous Chemicals****§ 32-64. Scope of Article.**

This Article shall apply to materials not otherwise covered in this code which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability or liability to explosion render firefighting abnormally dangerous or difficult; also to materials and formulations which are chemically unstable and which may spontaneously form explosive compounds or undergo spontaneous or exothermic reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases, radioactive materials and unstable chemicals, as defined in § 32-65.

**§ 32-65. Definitions.**

**CORROSIVE LIQUID** - Shall mean and include those acids, alkaline caustic liquids and other "corrosive liquids" which, when in contact with living tissue, will cause severe damage of such tissue by chemical action, or, in case of leakage, will materially damage or destroy other containers of other hazardous commodities by chemical action and cause the release of their contents, or are liable to cause fire when in contact with organic matter or with certain chemicals.

**FLAMMABLE SOLID** - Shall mean and include a solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing. Examples are: white phosphorus, nitrocellulose, metallic sodium and potassium, and zirconium powder.

**HIGHLY TOXIC MATERIAL** - Shall mean a material so toxic to man as to afford an unusual hazard to life and health during firefighting operations. Examples are: parathion, TEPP (tetraethyl phosphate), HETP (hexaethyl tetraphosphate) and similar insecticides and pesticides.

**OXIDIZING MATERIAL** - Shall mean and include substances that yield oxygen readily to support combustion. Examples are: chlorates, permanganates, peroxides and nitrates.

**POISONOUS GAS** - Shall mean and include any noxious gas of such nature that a small amount of the gas in air is dangerous to life. Examples are: chlorine, cyanogen, fluorine, hydrogen cyanide, nitric oxide, nitrogen tetraoxide and phosgene.

**RADIOACTIVE MATERIAL** - Shall mean and include any material or combination of material that spontaneously emits ionizing radiation.

**UNSTABLE (REACTIVE) CHEMICAL** - Shall mean any substance, other than one classified as an explosive or blasting agent, which will vigorously and energetically react, is potentially explosive, will polymerize, decompose instantaneously undergo uncontrollable autoreaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are: organic peroxides, nitromethane and ammonium nitrate.

**§ 32-66. Permit required.**

- A. A permit shall be required for the storage or handling of more than fifty-five (55) gallons of corrosive liquids, or more than five hundred (500) pounds of oxidizing materials, or more than ten (10) pounds of organic peroxides, or more than five hundred (500) pounds of nitromethane, or one thousand (1,000) pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures defined in § 32-70D(1), or any amount of highly toxic material or poisonous gas.
- B. A permit shall be required for the storage or handling at any installation of more than one (1) microcurie of radium not contained in a sealed source, or more than one (1) millicurie of radium or other radioactive material in a sealed source or sources, or any amount of

radioactive material for which a specific license from the United States Atomic Energy Commission is required.

- C. Before authorizing the issuance of any permit, the Chief of the Fire Department may require the applicant to submit, in writing, confidential information on a hazardous chemical, evaluating the fire and explosion hazard.

**§ 32-67. General requirements for hazardous chemicals.**

- A. The manufacture, storage, handling and use of hazardous chemicals shall be safeguarded with such protective facilities as public safety requires.
- B. The Chief of the Fire Department may require the separation or isolation of any chemical that, in combination with other substances, may bring about a fire or explosion or may liberate a flammable or poisonous gas. The Chief of the Fire Department may require separation from other storage facilities, dwellings, places of assembly, educational occupancies, railroads and public highways when the quantity stored constitutes a material hazard. Limitations on storable quantities shall be considered with regard to proximity of these exposures and congested commercial and industrial districts.

**§ 32-68. Storage of oxidizing materials.**

Packaged oxidizing materials shall be stored in dry locations and separated from stored organic and other combustible materials. Bulk oxidizing materials shall not be stored on or against wooden surfaces.

**§ 32-69. Radioactive materials.**

- A. Durable, clearly visible signs warning of radiation dangers shall be placed at all entrances to areas or rooms where radioactive materials are used or stored. In addition, each container in which radioactive materials are used, stored or transported shall bear a durable, clearly visible, appropriate warning sign.
- B. When not in use, radioactive materials shall be kept in adequately shielded fire-resistant containers of such design that the gamma radiation will not exceed two hundred (200) milliroentgens per hour or equivalent at any point of readily accessible surface.

**§ 32-70. Unstable (reactive) liquids.**

**A. Unstable (reactive) liquids.**

- (1) Unstable (reactive) chemicals shall not be stored in the same building with, or in close proximity to, explosives and blasting agents, except that ammonium nitrate may be stored with explosives and blasting agents in accordance with Article V.
- (2) Unstable chemicals that are unstable (reactive) liquids, such as organic peroxides and nitromethane, shall, in addition to complying with the applicable provisions of this Article X, comply with the applicable provisions of Article VII.

**B. Organic peroxides.**

- (1) Organic peroxides of fifty (50) pounds or more shall be stored in a detached, well-isolated, ventilated and unheated storage building constructed of materials having a fire-resistance rating of not less than two (2) hours, with a noncombustible floor and a lightweight insulated roof. If not adequately protected by a fast-acting deluge-type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable liquid storage, combustible materials in the open and from any other building or highway:

Weight of Organic Peroxide (pounds)			Distance (feet)
50	to	100	75
100	to	500	100
500	to	1,000	125
1,000	to	3,000	200
3,000	to	5,000	300

- (2) stock supplies stored inside production buildings shall be limited to fifty (50) pounds at any one (1) time.

**C. Nitromethane.**

- (1) Nitromethane storage shall be in a suitable, isolated outdoor area, with no hazardous processing in the vicinity of the storage area.
- (2) Nitromethane shall be stored in the drums in which it is received, or in an underground tank with suitable corrosion protection and a minimum of two (2) feet of earth over the tank, or in barricaded tanks above ground. If the drum storage is not adequately protected by a fast-acting deluge-type automatic sprinkler system, the storage of two thousand (2,000) pounds or more shall be located the following minimum distances from inhabited buildings.

<b>Pounds Over</b>	<b>Weight</b>	<b>Pounds not over</b>	<b>Number of Drums</b>	<b>Distance (feet)</b>
Beginning at		2,000	4	100
2,000 to	10,000		20	200
10,000 to	20,000		40	300
20,000 to	40,000		80	400
40,000 to	80,000		160	500

**D. Ammonium nitrate.**

- (1) Ammonium nitrate in the form crystals, flakes, grains or prills shall include technical grade, fertilizer grade, nitrous oxide grade, dynamite grade and other mixtures containing sixty percent (60%) or more ammonium nitrate; but shall not include blasting agents.
- (2) Ammonium nitrate storage areas shall be separated by a space of thirty (30) feet, with sills or curbs, or by approved-type walls of not less than one-hour fireresistance rating, from stocks of organic chemicals, corrosive liquids, flammable compressed gases, flammable and combustible materials, such as coal, sawdust, charcoal or flour, where storage of

such materials is permitted with ammonium nitrate. Walls referred to in this subsection need extend only to the underside of the roof. All flooring in storage and handling area shall be of noncombustible material and shall be without drains, traps, pits or pockets into which any molten ammonium nitrate could flow and be confined in event of fire.

- (3) Ammonium nitrate shall not be accepted for storage where the temperature of the product exceeds one hundred thirty degrees Fahrenheit (130° F.)
- (4) Bagged ammonium nitrate exceeding sixty (60) tons total weight shall be stored in a well-ventilated building of fire-resistive or noncombustible construction, or in buildings of other types of construction equipped with an approved automatic sprinkler system.
- (5) Bagged ammonium nitrate of two thousand five hundred (2,500) tons or more shall be stored in a well-ventilated building of fire-resistive or noncombustible construction, or in buildings of other types of construction equipped with an approved automatic sprinkler system.
- (6) Sprinkler protection shall be required for the storage of less than two thousand five hundred (2,500) tons of bagged ammonium nitrate where the location of the storage building or industrial occupancy, or the presence of other stored materials, may present a special hazard.
- (7) Bulk storage of ammonium nitrate shall be permitted only after due consideration has been given to location in regard to heavily populated and built-up centers, including marine terminals and other waterfront facilities, and after specific approval by the Chief of the Fire Department.
- (8) Bulk storage of ammonium nitrate shall be in an isolated location; when outdoors, in covered open piles; or in bins in warehouses, away from incompatible materials; or in silo-type or other detached outdoor enclosed structures. Explosives and blasting agents shall not be used to break up or loosen caked ammonium nitrate.
- (9) Height or depth of pile, when stored in bulk, shall be limited by the pressure-setting tendency of the product.

- (10) All electrical wiring and equipment shall be approved for the purpose and, where necessary designed to minimize damage from corrosion by any means, including ammonium nitrate dust.
- (11) Exposed ignition sources, such as open lights, flames and smoking, shall be prohibited at all storage and bulk handling facilities.
- (12) All points of entry to commercial warehouses storing ammonium nitrate shall be identified with a prominently displayed, durable sign worded "Ammonium Nitrate," with letters at least two (2) inches high in colors contrasting with the background, with a caution notice about open lights, flames and smoking near such storage areas.

**§ 32-71. Highly toxic materials.**

- A. Highly toxic materials shall be separated from other chemicals and combustible and flammable substances by stowage in a room or compartment separated from other areas by walls and floor and ceiling assemblies having a fire-resistance rating of not less than one (1) hour. The storage room shall be provided with adequate drainage facilities and natural or mechanical ventilation to the outside atmosphere.
- B. Legible warning signs and placards stating the nature and location of the highly toxic materials shall be posted at all entrances to areas where such materials are stored or used.

**§ 32-72. Poisonous gases.**

- A. Storage of poisonous gases shall be in rooms of at least one hour fire-resistant construction and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person.
- B. Legible warning signs stating the nature of hazard shall be placed at all entrances to locations where poisonous gases are stored or used.

**32-73. Corrosive liquids.**

Satisfactory provisions shall be made for containing and neutralizing or safely flushing away leakage of corrosive liquids which may occur during storage or handling.

**ARTICLE XI**  
**Liquefied Petroleum Gases**

**§ 32-74. Scope of Article.**

This Article shall apply to all storage and handling of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses.

**§ 32-75. Definition.**

As used in this Article, the following terms shall have the meanings indicated:

**LIQUEFIED PETROLEUM GAS** - Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutane) and butylenes.

**§ 32-76. Installation permits required; reports of installations.**

- A. A permit shall be obtained for each installation of liquefied petroleum gas employing a container or an aggregate of interconnected containers of over two hundred (200) pounds' capacity and for each permanent installation, irrespective of size of containers, made at buildings in which people congregate for civic, political, educational, religious, social or recreational purposes. Such buildings shall include schools, churches, hospitals, institutions, hotels and restaurants, each having a capacity of twenty (20) or more persons. **[Amended 1-17-1984]**
- B. Where the nature of adjoining occupancy, proximity of adjacent buildings or unusual conditions indicate the need, the Chief of the Fire Department may require the submittal of plans prior to making the installation, and if compliance with the requirements of this code is shown by said plans, a permit shall be issued.
- C. Installers shall maintain a record of all installations for which a permit is not required by Subsection A (but not including installation of gas-burning appliances and replacing of portable cylinders), and have it available for inspection by the Chief of the Fire Department.

**§ 32-77. Inspection of installations authorized.**

It shall be the duty of the Chief of the Fire Department to inspect a reasonable number of liquefied petroleum gas installations to determine if the provisions of this Article are being complied with.

**§ 32-78. Maximum installations at one location. [Amended 1-17-1984]**

Within the limits established by law restricting the bulk storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one (1) installation shall not exceed two

hundred (200) pounds capacity, except that in particular installations this capacity limit may be altered at the discretion of the Chief of the Fire Department, after consideration of special features, such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department.

**§ 32-79. Pressures inside buildings.**

- A. Gas for fuel purposes in either the liquid or vapor phase shall not be piped into any building at pressures in excess of a gauge of twenty (20) pounds per square inch, except as follows:
- (1) Buildings used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing or distribution.
  - (2) Buildings or portions of buildings separated from other portions by walls, partitions and floor and ceiling assemblies of noncombustible material having a fire-resistance rating of not less than two (2) hours, used exclusively to house internal-combustion engines or industrial processes.
  - (3) Buildings or portions of buildings separated from other portions by walls, partitions and floor and ceiling assemblies of noncombustible material having a fire-resistance rating of not less than two (2) hours, used exclusively for research and experimental laboratories.
  - (4) Buildings, structures or equipment under construction or repair.
- B. Portable containers shall not be taken into buildings except as provided in § 32-80.

**§ 32-80. Containers inside buildings.**

Containers and first-stage regulating equipment shall be located outside of buildings other than buildings especially provided for this purpose, except containers and regulating equipment may be used indoors under the following conditions:

- A. If temporarily used for demonstration purposes and the container has a maximum water capacity of twelve (12) pounds.

- B. If used with a completely self-contained gas hand torch or similar equipment and the container has a maximum water capacity of two and one-half (2 1/2) pounds.
- C. In industrial applications where oxygen is not required.
- D. In use as a motor fuel.
- E. In storage awaiting use or resale.

**§ 32-81. Marking of cargo vehicles.**

Every tank vehicle used for the transportation of liquefied petroleum gas shall be marked on each side and rear thereof, on a sharply contrasting background, with "FLAMMABLE COMPRESSED GAS" or "FLAMMABLE GAS" in block letters at least three (3) inches high, and, in block letters at least two (2) inches high, "LIQUEFIED PETROLEUM GAS" or "BUTANE" or "PROPANE" as appropriate.

**§ 32-82. Parking and garaging of tank vehicles.**

The parking and garaging of tank vehicles used for the transportation of liquefied petroleum gases shall be in accordance with § 32-59.

**ARTICLE XII  
Lumberyards and Woodworking Plants**

**§ 32-83. Permit required.**

No person shall store in excess of one hundred thousand (100,000) board feet of lumber without a permit.

**§ 32-84. Open yard storage.**

- A. Lumber shall be piled with due regard to stability of piles, and in no case higher than twenty (20) feet.
- B. Driveways between and around lumber piles shall be at least fifteen (15) feet wide and maintained free from accumulation of rubbish,

equipment or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of fifty by one hundred fifty (50 x 150) feet is produced.

- C. Permanent lumber storage, operating under a permit, shall be surrounded with a suitable fence at least six (6) feet high, unless storage is within a building.

**§ 32-85. Operational fire hazards in lumberyards.**

- A. The burning of shavings, sawdust and refuse materials shall be permitted only under boilers, in furnaces or in incinerators or refuse burners safely constructed and located. Stacks shall be provided with approved spark arresters having openings not greater than three-fourths-inch, or other effective means provided which will eliminate the danger from sparks, such as an expansion chamber, baffle walls or other effective arrangement. At boiler or other points where sawdust or shavings are used as fuel, a storage bin of noncombustible construction with raised sill shall be provided.
- B. Smoking shall be prohibited except in specified safe locations in buildings. Large "No Smoking" signs shall be painted on exterior building walls and on signs erected at driveways' edges. "No Smoking" signs shall be posted throughout all buildings, except in specific locations designated as safe for smoking purposes.

**§ 32-86. Woodworking plants.**

- A. Sawmills, planing mills and other woodworking plants shall be equipped with refuse removal systems which will collect and remove sawdust and shavings as produced; or suitable metal or metal-lined bins, provided with normally closed covers or automatically closing covers, shall be installed at or near such machines, and shavings and sawdust shall be swept up and deposited in such bins at sufficiently frequent intervals as to keep the premises clean.
- B. Firefighting equipment, either portable fire appliances or small hose supplied from a suitable water system, shall be provided near any machine producing shavings or sawdust.

**ARTICLE XIII**  
**Oil-Burning Equipment**

**§ 32-87. Scope of Article.**

This Article applies to oil-burning equipment, except combustion engines, oil lamps and portable devices such as blowtorches, melting pots and weed burners.

**§ 32-88. Definitions.**

**FUEL OIL** - Shall mean kerosene or any hydrocarbon oil specified in accordance with ASTM D-396, Specifications for Fuel Oils, 1963 Edition, and having a flash point not less than one hundred degrees Fahrenheit (100° F.).

**OIL-BURNING EQUIPMENT** - shall mean an oil burner of any type, together with its tanks, piping, wiring, controls and related devices, and shall include all oil burners, oil-fired units and heating and cooking appliances, but exclude those exempted by § 32-87.

**§ 32-89. Permit required.**

A single permit shall be required for the initial installation of an oil burner and a fuel oil tank used in connection therewith that is in excess of twenty-five (25) gallons in a building or in excess of sixty (60) gallons outside of a building. A separate permit shall be required for the replacement of either the oil burner or a fuel oil tank connected to an oil burner.

**§ 32-90. Installation and use of equipment.**

- A. Approved oil-burning equipment shall be used.
- B. The installation shall be such as to provide reasonable accessibility for cleaning heating surfaces, removing burners, replacing motors, controls, air filters, draft regulators and other working parts, and for adjusting, cleaning and lubricating parts requiring such attention.
- C. After installation of the oil-burning equipment, operation tests shall be conducted to make certain that the burner is operating in a safe and acceptable manner and that all safety devices function properly.
- D. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the manufacturer. Crankcase oil or any oil containing gasoline shall not be used.

**§ 32-91. Installation of fuel oil tanks.**

- A. An unenclosed, inside fuel oil supply tank shall have a capacity of not more than five hundred fifty (550) gallons. Not more than one (1) five-hundred-fifty-gallon tank or two (2) tanks of aggregate capacity of five hundred fifty (550) gallons or less shall be connected to one (1) oil-burning appliance, and the aggregate capacity of such tanks installed in the lowest story, cellar or basement of a building shall not exceed one thousand one hundred (1,100) gallons unless separation is provided for each five hundred fifty (550) gallons of tank capacity. Such separation shall consist of an unpierced masonry wall or partition extending from the lowest floor to the ceiling above the tank or tanks, and shall have a fire-resistance rating of not less than two (2) hours.
- B. A supply tank larger than five hundred fifty (550) gallons capacity shall be enclosed when installed inside of a building as follows:
  - (1) The walls of tank enclosures shall be constructed of solid masonry units or poured concrete construction having a fire-resistance rating of not less than three (3) hours and bonded to the floor. The floor shall be of concrete or other fire-resistive

construction. The top shall be of reinforced concrete at least five (5) inches thick, or equivalent fire-resistive construction, except that where the floor or roof construction above the enclosure is concrete or other fire-resistant construction, the walls may be extended to and bonded to the underside of the construction above in lieu of a separate top. At least fifteen (15) inches clearance shall be left around the tank for the purpose of inspection and repair.

- (2) Each tank enclosure shall be provided with an approved self-closing fire door and a noncombustible liquidtight sill or ramp at least six (6) inches high. If the sill or ramp is more than six (6) inches high, the walls to a height corresponding to the level of oil that will be retained shall be built to withstand the lateral pressure due to the liquid head.
- C. Stoves which are designed for barometric feed shall not be connected to separate oil supply tanks.
- D. Non-flue-connected stoves shall be equipped with integral tanks of capacity not more than two (2) gallons.
- E. Gravity oil supply tanks installed in conversion range oil burners shall not exceed one (1) six-gallon metal tank or two (2) three-gallon glass bottles.
- F. Supply or storage tanks inside of buildings located above the lowest story, cellar or basement shall not exceed sixty (60) gallons capacity and the total capacity of tanks so located shall not exceed sixty (60) gallons, except as provided in Subsections A and B.
- G. Oil supply tanks other than those furnished as an integral part of the stove or range shall not be located within five (5) feet, horizontally, of any fire or flame; except that tanks not over six (6) gallons capacity may be within this distance, but not within two (2) feet of the stove or range in which the burner is installed, provided the temperature rise of the oil supply at this distance is not excessive when the burner is operated at full capacity.

**§ 32-92. Piping materials and design.**

- A. All piping shall be wrought-iron, steel or brass pipe, or brass or copper tubing. Aluminum tubing shall not be used between the fuel oil tank and the burner unit. Approved flexible metal hose may be used to reduce the effect of jarring and vibration or where rigid

connections are impracticable, and shall be installed in full compliance with its approval.

- B. Piping used in the installation of oil burners and appliances other than conversion range oil burners shall be not smaller than three-eighths-inch iron pipe size or three-eighths-inch OD tubing. Copper or brass tubing shall have thirty-five thousandths (0.035) inch nominal and thirty-two thousandths (0.032) inch minimum wall thickness.
- C. Piping between conversion range oil burners and tanks shall be standard steel, wrought-iron or brass pipe not smaller than one-fourth (1/4) inch in size or brass or copper tubing not less than five-sixteenths (5/16) inch OD, with a wall thickness not less than forty-nine thousandths (0.049) inch.
- D. Pipe shall be connected with standard fittings and tubing with fittings of approved type. Connectors shall not be used inside of buildings or above ground outside of buildings. If used below ground outside of buildings, connectors shall be of approved type and installed in accordance with their approval. All threaded joints and connections shall be made tight with suitable lubricant or pipe compound. Unions requiring gaskets or packing, right and left couplings, and sweat fittings employing solder having a melting point of less than one thousand degrees Fahrenheit (1,000° F.) shall not be used in oil lines. Cast-iron fittings shall not be used.

**§ 32-93. Piping installation.**

**A. Fill and return piping.**

- (1) A fill pipe on a tank larger than sixty (60) gallons shall terminate outside of a building at least two (2) feet from any building opening. Every fill terminal shall be equipped with a tight metal cover.
- (2) A return line from a burner or pump to a supply tank shall enter the top of the tank.
- (3) An auxiliary tank installed in the supply piping between a burner and its main fuel supply tank shall be filled by pumping from storage tanks.

**B. Supply connections.**

- (1) All piping, except the burner supply line from a tank having a capacity not over five hundred fifty (550) gallons and the

cross-connection between two (2) such tanks having an aggregate capacity of five hundred fifty (550) gallons or less, shall be connected into the top of the supply tank.

- (2) The burner supply connection to tank or tanks having a capacity of more than five hundred fifty (550) gallons shall be connected to the top of the tank, except in commercial and industrial installations the burner supply connection may be below the liquid level, but each such connection shall be provided with an internal or external shutoff valve located as close as practicable to the shell of the tank. External valves and their connections to the tank shall be of steel.
  - (3) A transfer pump may be used to deliver oil from a supply tank to a burner or to an auxiliary tank. Except in commercial, industrial or centralized oil distribution installations, such a pump shall be connected to tankage having a capacity of not more than five hundred fifty (550) gallons, or to two (2) tanks having an aggregate capacity of not over five hundred fifty (550) gallons.
  - (4) The pressure at the oil supply inlet to an appliance shall not be greater than three (3) pounds per square inch.
  - (5) Where supply tanks are set below the level of the burner, the oil piping shall be so laid as to pitch toward the supply tank without traps.
  - (6) Pressurized tank feed shall not be used.
  - (7) All tanks in which a constant oil level is not maintained by an automatic pump shall be equipped with an approved method of determining the oil level.
- C. **Vent piping.** Vent pipes shall terminate outside of buildings not less than two (2) feet measured vertically or horizontally from any window or other building opening. Vent terminals shall terminate in a weatherproof vent cap which shall have a minimum free open area equal to the cross-sectional area of the vent pipe. If the static head of the vent pipe filled with oil exceeds ten (10) pounds per square inch, the tank shall be designed for the maximum static head which will be imposed.

**§ 32-94. Oil pumps.**

- A. An oil pump not a part of an approved burner shall be a positive-displacement type which automatically shuts off the oil supply when stopped.
- B. An automatic pump not an integral part of a burner shall be an approved type installed in full compliance with its approval.

**§ 32-95. Valves.**

- A. Readily accessible manual shutoff valves shall be installed at each point where required to properly control the flow of fuel in normal operation and where required to avoid oil spillage during servicing. The valve shall be installed to close against the supply.
- B. Where a shutoff is installed in the discharge line of an oil pump not an integral part of a burner, a pressure-relief valve shall be connected into the discharge line between the pump and the shutoff valve and arranged to return surplus oil to the supply tank or to bypass it around the pump, unless the pump includes an internal bypass.
- C. Where oil is supplied to a burner requiring uniform flow by gravity feed and a constant-level valve is not incorporated in the burner assembly, or the oil is not supplied by an automatic pump, a constant-level valve shall be installed in the supply line at the gravity tank or as close thereto as practicable, to insure uniform delivery of oil to the burner. The vent opening of such constant-level valve shall be connected by piping or tubing to the outside of the building, unless the constant-level valve is provided with an anti-flooding device. Vent piping or tubing of constant-level valves shall not be connected to tanks or tank vents.

**§ 32-96. Means for manually stopping required.**

Oil burners, other than oil stoves with integral tanks, shall be provided with some means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a convenient location at a safe distance from the burner.

**ARTICLE XIV  
Manufacture of Organic Coatings**

**§ 32-97. Scope of Article.**

- A. This Article shall apply to processes manufacturing protective and decorative finishes or coatings, (paints) for industrial, automotive, marine, transportation, institutional, household or other purposes, and the handling of flammable and combustible liquids, certain combustible solids and potential dust explosion conditions.
- B. This Article shall not apply to processes manufacturing nonflammable or water thinned coatings, or operations applying coating materials.

**§ 32-98. Definition.**

**ORGANIC COATING** - Shall mean a liquid mixture of binders, such as alkyd, nitrocellulose, acrylic or oil, and flammable and combustible solvents, such as hydrocarbon, ester, ketone or alcohol, which, when spread in a thin film, convert to a durable protective and decorative finish.

**§ 32-99. Permit required.**

A permit shall be required for any organic coating manufacturing operation making more than one (1) gallon of an organic coating on any working day.

**§ 32-100. Location restrictions.**

- A. Each organic coating manufacturing operation within fifty (50) feet of the line of adjoining property that may be built upon or public thoroughfare shall have the exposing wall constructed as indicated in the schedule below:

<b>Distance in Feet from Line of Adjoining Property That May Be Built Upon or <u>Public Thoroughfare</u></b>	<b>Fire-Resistance Rating of Exposing Wall</b>
Less than 10	At least 4 hours
10 to 30	At least 3 hours
Over 30 but less than 50	At least 2 hours

When approved automatic sprinkler systems are installed, a fifty-percent reduction in the distances to property lines and the fire-resistance ratings of the exposing walls may be made.

- B. An organic coating manufacturing operation shall not be located in the same building with other occupancies. Operations incidental to or in connection with organic coating manufacturing shall not be classed as "other occupancies" for the purpose of this provision.
- C. An organic coating manufacturing operation shall be accessible from at least one (1) side for the purpose of fire control.

**§ 32-101. Storage of raw materials and finished products.**

- A. The storage, handling and use of flammable and combustible liquids shall be permitted in accordance with Article VII.
- B. Tank storage for flammable and combustible liquids inside of buildings shall be permitted only in storage areas at or above grade which are detached from the processing area or cut off from the processing area by noncombustible material having a fire-resistance rating of not less than two (2) hours, and openings shall be equipped with approved fire doors.
- C. Tank car and tank vehicle loading and unloading stations for Class I liquids shall be separated from the processing area, other plant buildings, nearest line of adjoining property that may be built upon or public thoroughfare by a clear distance of not less than twenty-five (25) feet.
- D. Finished products that are flammable or combustible liquids shall be stored outside of buildings, in a separate building or in a separate room cut off from the processing area by a noncombustible wall or partition having a fire-resistance rating of not less than two (2) hours, and openings shall be equipped with approved fire doors.
- E. The nitrocellulose storage shall be in a separate building or in a room cut off by noncombustible material having a fire-resistance rating of not less than two (2) hours, and openings shall be equipped with approved fire doors. The nitrocellulose storage shall be used for no other purpose. Approved electrical wiring and equipment shall be installed in such rooms or buildings.
- F. Nitrocellulose shall be stored only in closed containers. Barrels shall be stored on end and, if tiered, not more than two (2) high. Barrels or other containers of nitrocellulose shall not be opened in the main

storage building but at the point of use or other location set aside for the purpose.

**§ 32-102. Process buildings.**

- A. Buildings shall be of fire-resistive or noncombustible material, without load-bearing walls and without basements or pits. The first floor shall be at or above grade.
- B. Raw-material and finished stock storage buildings shall be limited to one (1) story in height and either detached or cut off from manufacturing building by noncombustible material having a fire-resistance rating of not less than two (2) hours, and openings shall be equipped with approved fire doors.
- C. Stairway enclosures and structures housing elevators shall be enclosed by noncombustible walls having a fire-resistance rating of not less than two (2) hours, and be equipped with approved fire doors.
- D. Structures in which Class I liquids or finely divided flammable solids are processed shall be provided with explosion venting.
- E. Enclosed buildings in which Class I liquids are processed or handled shall be ventilated at a rate of not less than one-half (1/2) cubic foot per minute per square foot of solid floor area.
- F. Heating in hazardous areas, if required, shall be provided by indirect means. Ignition sources shall not be used within the building.

**§ 32-103. Process piping and pumps.**

- A. All piping, valves and fittings shall be designed for the working pressures and structural stresses to which they may be subjected. They shall be of steel or other material approved for the service intended.
- B. The transfer of large quantities of flammable and combustible liquids shall be through piping by means of pumps. The use of compressed air as a transfer medium shall be prohibited.
- C. Before being placed in service, all piping shall be free of leaks when tested to not less than one and one-half (1 1/2) times the working pressure or a minimum of not less than five (5) pounds per square inch gauge at the highest point in the system. Tests shall continue for a minimum of thirty (30) minutes.

**§ 32-104. Raw materials in process areas.**

- A. The amount of nitrocellulose brought into the operating area shall not exceed that required for a shift.
- B. Organic peroxides brought into the operating area shall be in the original shipping container and shall not exceed the quantity required for a shift. When in the operating area, the peroxide shall not be placed in locations exposed to ignition sources, heat or mechanical shocks.

**§ 32-105. Electrical equipment and static and lightning protection.**

- A. Approved electrical wiring and equipment within storage or processing areas shall be used.
- B. All equipment such as tanks, machinery and piping, where an ignitable mixture may be present, shall be bonded and connected to a ground.

**§ 32-106. Fire control and detection.**

- A. Important manufacturing and storage buildings shall be protected by an approved sprinkler system or an approved water spray system.
- B. An adequate supply of portable fire extinguishers suitable for flammable liquid fires shall be provided.
- D. Standpipe and hose shall be provided in important operating buildings.
- E. A suitable fire alarm system shall be provided.

**ARTICLE XV  
Places of assembly**

**§ 32-107. Definitions.**

**DECORATIVE MATERIAL** - Shall include all such materials as curtains, draperies, streamers, surface coverings applied over the building interior finish for decorative, acoustical or other effect, and also cloth, cotton batting, straw, vines, leaves, trees and moss used for decorative effect, but it shall not include floor coverings, ordinary window shades, nor materials one-fortieth (1/40)\* of an inch or less in thickness applied directly to and adhering tightly to a noncombustible base.

**PLACE OF ASSEMBLY** - Shall mean a room or space used for assembly or educational occupancy for one hundred (100) or more occupants, or which has a floor area of one thousand five hundred (1,500) square feet or more used for such purposes. Such room or space shall include any similar occupied connecting room or space in the same story, or in a story or stories above or below, where entrance is common to the rooms or spaces.

**§ 32-108. Permit required.**

No place of assembly as defined in § 32-107 shall be maintained, operated or used as such without a permit, except that no permit shall be required for any place of assembly used solely as a place of religious worship.

**§ 32-109. Standards for decorative material.**

- A. No decorative material shall be used which as applied will ignite and allow flame to spread over the surface, or allows burning particles to drop when exposed to a match flame test applied to a piece removed from the material and tested in a safe place. The piece shall be held in a vertical position and the bottom edge exposed to a flame from a common match held in a horizontal position one-half (1/2) inch underneath the piece and at a constant location for a minimum of fifteen (15) seconds.

**\*NOTE:** May be measured by folding a piece to five (5) thicknesses and measuring to see if the thickness of five (5) layers exceeds one-eighth (1/8) inch.

- B. Treatments used to accomplish this flameproofing shall be renewed as often as may be necessary to maintain the flameproof effect.
- C. Pyroxylin-coated fabric used as a decorative material in accordance with Subsections A and B, or as a surface covering on fixed furnishings, shall be limited as follows: Such fabrics containing one and four-tenths (1.4) ounces or more of cellulose nitrate per square yard shall not be used in excess of a total amount equivalent to one (1) square foot of fabric surface to fifteen (15) cubic feet of room volume. Each square foot of such fabric which contains one and seven-tenths (1.7) ounces or more of cellulose nitrate per square yard shall be counted as two (2) square feet in making this computation.

**§ 32-110. Motion picture screens.**

In places of assembly, no motion picture screen or screen masking shall be used which will ignite and allow flame to spread over the surface when exposed to the match flame test described in § 32-109A.

**§ 32-111. Exit doors.**

During the period of occupancy, no exit door shall be locked, bolted or otherwise fastened or obstructed by any means so that the door cannot be opened from the inside by the use of the ordinary door latch or knob or by pressure on the door or on a panic-release device.

**§ 32-112. Aisles.**

In each room where chairs, or tables and chairs, are used, the arrangement shall be such as will provided for ready access by aisles to each exit doorway. Aisles leading directly to exit doorways shall have not less than thirty-six (36) inches clear width which shall not be obstructed by chairs, tables or other objects.

**§ 32-113. Plan of exitways and aisles required.**

A plan showing the capacity and location of exitways and of aisles leading thereto shall be submitted for approval to the Chief of the Fire Department, and an approved copy shall be kept on display in the premises.

**§ 32-114. Use, marking and lighting of exitways.**

- A. No part of a stairway, whether interior or exterior, nor of a hallway, corridor, vestibule, balcony or bridge leading to an exitway, shall be used for any purpose which will interfere with its value as an exitway.
- B. In rooms accommodating more than one hundred (100) persons, required exit doorways, other than those normally used for entrance, shall be plainly marked by approved exit signs sufficiently illuminated when the floor area is occupied, to be readily distinguished.
- C. Where the exit doorways are not visible from all locations in public corridors, directional signs, as required by the Chief of the Fire Department, shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways.
- D. Required stairways, hallways and other means of egress, including exterior open spaces to or through which exitways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.

**§ 32-115. Number of occupants permitted.**

Each place of assembly shall be posted with a legible sign in contrasting colors, conspicuously located, stating the maximum number of occupants permitted. The number shall be determined by the capacity of exitways provided.

**§ 32-116. Fire control.**

All fire protection equipment required under Article VI shall be kept in working condition. Extinguishers and hose and similar appliances shall be visible and convenient at all times. It shall be the duty of the owner and the tenant of each building or part of a building occupied as a place of assembly to properly train sufficient regular employees in the use of fire appliances so that such appliances can be quickly put in operation.

**ARTICLE XVI  
General Precautions Against Fire**

**§ 32-117. Outdoor fires prohibited; food preparation excepted.**

- A. Except as otherwise provided in this section, no person shall kindle, start or maintain any outdoor fire in the City of Dunkirk without written authorization of the Chief of the Fire Department. **[Amended 7-21-1970; 10-20-1970]**
- B. Notwithstanding the foregoing subsection, the cooking or preparation of food by outdoor fire is permitted. **[Amended 7-21-1970; effective 8-1-1970]**

**§ 32-118. Smoking of food products restricted. [Added 7-1-1969]**

- A. Permit required. No person shall smoke food products without first having obtained a permit from the Chief of the Fire Department approving the location and equipment to be used in the smoking process.
- B. Hours restricted. The smoking of food products shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m.

- C. Location restricted. The smoking of food products shall not be permitted within twenty (20) feet of any frame building.

**§ 32-119. Smoking prohibited under certain conditions.**

- A. Smoking shall mean and include the carrying of lighted pipe, cigar, cigarette or tobacco in any form.
- B. Where conditions are such as to make smoking a hazard in any areas of piers, wharves, warehouses, stores, industrial plants, institutions, places of assembly and in open spaces where combustible materials are stored or handled, the Chief of the Fire Department is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Chief of the Fire Department shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.
- C. "No Smoking" signs of approved-sized lettering and location, required in accordance with Subsection B, shall read "By Order of the Fire Chief."
- D. It shall be unlawful for any person to remove any legally required "No Smoking" sign or to smoke in any place where such signs are posted.

**§ 32-120. Use of torches for removing paint.**

Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one (1) approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device has been used.

**§ 32-121. Deposit of hot ashes and other dangerous materials.**

No person shall deposit hot ashes or cinders or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within ten (10) feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two (2) feet away from any combustible wall or partition or exterior window opening.

**§ 32-122. Accumulations of waste materials.**

Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of wastepaper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

**§ 32-123. Handling of readily combustible materials.**

No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal-lined, covered receptacles or bins. The Chief of the Fire Department shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

**§ 32-124. Storage of readily combustible materials.**

- A. Permit required. No person shall store in any building or upon any premises in excess of two thousand five hundred (2,500) cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material, without a permit.
- B. Storage requirements. Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not be so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.

**§ 32-125. Flammable decorative materials in mercantile and institutional occupancies prohibited.**

Highly flammable materials, such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials, shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless flameproofed. Electric light bulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

**§ 32-126. Open flames, lights and equipment capable of igniting flammable materials restricted.**

- A. No person shall take an open flame or light into any building, barn, vessel, boat, or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.
- B. No heating or lighting apparatus or equipment capable of igniting flammable materials of the types stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.
- C. No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

**§ 32-127. Maintenance of chimneys, heating appliances and incinerators.**

- A. All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air, and the stoves, furnaces, restaurant-type cooking equipment, incinerators, fireboxes or boilers to which they are connected, shall be constructed and maintained in such manner as not to create a hazardous condition.
- B. Commercial- and industrial-type incinerators used for burning of rubbish or other readily combustible solid waste material and flue-fed incinerators shall be provided with approved spark arresters or other effective means for arresting sparks and fly particles.

**ARTICLE XVII**  
**Welding or Cutting**

**§ 32-128. Scope of Article.**

This Article shall apply to:

- A. Installation and operation of oxygen-fuel gas, gaseous fuels generated from flammable liquids under pressure, or electric-arc welding or cutting, or any combination thereof.
- B. Storage of calcium carbide and gases used in welding, cutting or heat treating.

**§ 32-129. Definition.**

**FUEL GAS** - Shall mean acetylene, hydrogen, liquefied petroleum gas and other liquefied and nonliquefied flammable gases.

**§ 32-130. Permit required for welding or cutting; exceptions.**

- A. A permit shall be required of each company, corporation, copartnership or owner-operator performing welding or cutting operations, except as provided in Subsection B. This permit shall not be required for each welding or cutting job location. The company, corporation, co-partnership or owner-operator shall notify the Chief of the Fire Department in advance where such work is taking place, except where such work is done in response to an emergency call that does not allow time for the Chief of the Fire Department to be notified in advance of the work.
- B. A permit shall not be required of any company, corporation, copartnership or owner-operator:
  - (1) Where the welding or cutting is performed in areas approved for the purpose, or
  - (2) Having an approved permit system established for control of the fire hazards involved.

- C. Application for a permit required by this Article shall be made by the company, corporation, co-partnership or owner-operator performing the welding or cutting operation, or by his duly authorized agent.
- D. A permit for welding or cutting operations shall not be issued unless the individuals in charge of performing such operations are capable of doing such work in a safe manner. Demonstration of a working knowledge of the provisions of this Article shall constitute acceptable evidence of compliance with this requirement.
- E. Companies, corporations, copartnerships and owner-operators required to have a permit shall maintain a record of all locations where welding or cutting operations are performed, and have it available for inspection by the Chief of the Fire Department.

**§ 32-131. Welding and cutting equipment.**

- A. Approved equipment shall be used in welding and cutting.
- B. The use of liquid acetylene or liquid acetylenic compounds is prohibited unless properly stabilized.

**§ 38-132. Fire control.**

- A. Before welding or cutting operations are begun in areas not designed or approved for the purpose, specific authorization shall be obtained from the owner of the premises or his duly authorized agent.
- B. When welding or cutting operations are performed above, or within thirty-five (35) feet of combustible construction or material exposed to the operation, or within thirty-five (35) feet of floor, ceiling or wall openings so exposed:
  - (1) Such combustible construction or material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide.
  - (2) Such floor, ceiling or wall openings shall be protected by noncombustible shields or covers.
  - (3) A fire watcher shall be provided to watch for fires, make use of portable fire extinguishers or fire hose and perform similar fire prevention and protection duties. The fire watcher shall remain on the job at least thirty (30) minutes after the welding or cutting operations have been completed, to insure that no fire exists. A signed inspection report attesting to that fact

shall be filed and available for inspection by the Chief of the Fire Department.

- C. One (1) or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.
- D. Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust or loose combustible stocks are present when sparks or hot metal from the welding or cutting operations may cause ignition or explosion of such materials.
- E. Except as provided in Subsection F, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or inerted or purged.
- F. "Hot tapping" may be permitted on tanks and pipelines, provided such operations are performed by companies, corporations, copartnerships or owner-operators not required to have a permit under § 32-130B.
- G. Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is done close to automatic sprinkler heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

**ARTICLE XVIII**  
**Enforcement, Appeals and Penalties**

**§ 32-133. Enforcing official; rules and regulations authorized.**

The code hereby adopted shall be enforced by the Chief of the Fire Department, who is hereby authorized to make and adopt such written rules and regulations, not in derogation or contravention of the provisions of this code, as may be necessary for the enforcement thereof.

**§ 32-134. Appeals from orders.**

Any party affected by any order, except an order declared to require immediate remedy, which has been issued pursuant to this code, may request and shall be granted a hearing before the Fire Prevention Code Appeals Board upon the filing of a petition setting forth the grounds why such notice or order should be modified or vacated. No such hearing shall be granted unless the petition therefor shall have filed with the City Clerk within ten (10) days after the order was issued. Each petition shall be accompanied by a fee of five dollars (\$5.). Upon receipt of such petition, a time and place shall be fixed for such hearing, and the petitioner shall be given at least three (3) days' notice thereof. Request for hearing properly filed shall stay the enforcement of any order which has been issued. Upon hearing, the Board may, by two-thirds (2/3) vote of the entire Board, modify or vacate the order complained of by the petitioner; otherwise the order shall stand and the appeal deemed denied.

**§ 32-135. Fire Prevention Code Appeals Board.**

There shall be established in the City of Dunkirk, New York, an appeal body designated as the Fire Prevention Code Appeals Board, consisting of three (3) members appointed by the Mayor, subject to the approval of the Common Council, whose duty it shall be to conduct hearings properly brought before it. Of the members first appointed upon the establishment of the Fire Prevention Code Appeals Board, the term of one (1) shall expire on May 31, 1968, the term of one (1) shall expire on May 31, 1970, and the term of one (1) shall expire on May 31, 1972. Upon the expiration of each such terms, the term of office of each member thereafter appointed shall be for a period of six (6) years. If the office of any member shall become vacant by death, resignation or otherwise, his successor shall be appointed as herein provided for the unexpired term.

**§ 32-136. Meetings and compensation. [Amended 3-4-1969]**

All meetings of the Fire Prevention Code Appeals Board shall be public, and two (2) members shall constitute a quorum. Minutes of all meetings shall constitute public records available for examination by interested parties. The Fire Prevention Code Appeals Board shall meet at least once in each calendar month. The members shall be compensated at a monthly basis established by the Common Council.

**§ 38-137. Penalties for offenses.**

- 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 Fire Prevention Code Appeals Board or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every violation and noncompliance respectively, be guilty of an offense punishable by a fine of not more than one hundred fifty dollars (\$150.) or by imprisonment for not more than thirty (30) days, 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 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.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**§ 32-138. Conflicting ordinances repealed.**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter or of the code hereby adopted are hereby repealed.

**§ 32-139. Severability.**

If a term, part, provision, section, subdivision or paragraph of this chapter shall be held unconstitutional, invalid or ineffective in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

**§ 32-140. Effective date.**

This chapter shall take effect and be in force from and after the first day of March, 1967.