### TITLE 7

#### FIRE REGULATIONS

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CHAPTER 1

FIRE DEPARTMENT

SECTION:

7-1-1: Department Created
7-1-2: Membership
7-1-3: Fire Chief
7-1-4: Duties Assumed By Others
7-1-5: Failure To Obey Chief

7-1-1: **DEPARTMENT CREATED:** A department of the government of the City is hereby created and established to be known as the Fire Department of the City of Wallace. (1944 Code § 1-701)

7-1-2: **MEMBERSHIP:** The officers and employees of the Department shall consist of one Chief of the Fire Department, one assistant chief, two (2) captains and one relief driver who shall be chosen by the Chief with the approval of the Mayor, and such call men as shall be determined necessary by the Chief. (1944 Code § 1-702)

7-1-3: **FIRE CHIEF:**

A. Appointment: The Chief shall be appointed by the Mayor with the approval of the Council. (1944 Code § 1-702)

B. Qualifications:

1. Experience: A person to be qualified for the position of the Chief of the Fire Department shall have a minimum of five (5) years' full-time experience with an underwriters rated fire department or alternatively shall have served as a chief or assistant chief of a volunteer fire department for a minimum period of five (5) years.
2. Citizenship; Health: He must be a citizen of the United States in good health as evidenced by a physical examination certified by a physician duly licensed to practice medicine within the State, which physical examination shall be taken not more than ninety (90) days prior to his appointment as Fire Chief. (Ord. 405, 11-9-1971)

C. Bond: The Chief shall execute a bond to the City in the sum of one thousand dollars ($1,000.00) with good and sufficient sureties, to be approved by the Mayor, conditioned that he will faithfully perform all the duties of his office and that he will well and truly account for all monies, books or property which shall come into his hands by virtue of his office, and that he will turn all books, papers and property over to his successor, and pay all monies over to the City Treasury. (1944 Code § 1-709)

D. Executive Officer: The Chief shall be the executive officer of the Fire Department.

E. Powers And Duties:

1. Rules And Regulations: The Chief shall have the power to make rules and regulations governing the officers and employees of the Department; such rules and regulations shall be subject to the approval of the Mayor and Council. (1944 Code § 1-702)

2. Assignment Of Duties: It shall be the duty of the Chief to assign the employees of the Fire Department to duty with the various apparatus of the Department.

3. Employee Records: The Chief shall keep a book in which shall be entered the name of each officer and employee, the date and character of his employment, his nationality, his age at the time of his employment, whether he is married or unmarried, and in case of his discharge or discontinuance in service, the date and cause thereof; he shall also keep an entry in said book of the duty to which each employee is assigned. (1944 Code § 1-703)

4. Equipment: The Chief shall be responsible for the efficient working of the Department, and shall have under his charge the fire alarm telegraph and all fire apparatus belonging to the City and the Fire Department, and shall from time to time make such recommendations to the Fire and Water Committee of the Council with reference to the extension, alteration or improvement of the fire alarm system and the purchase, repair and maintenance of the apparatus.
belonging to the City and the Department as he shall deem necessary. (1944 Code § 1-705)

5. Fire Scene:

a. Ex Officio Powers: The Chief shall have control of all persons present at any fire, and to that end shall, ex officio, have and exercise all the powers of the Chief of Police.

b. Immediate Action: When a fire breaks out, he shall take immediate and proper steps for its extinguishment.

c. Summon Assistance:

(1) Power: The Chief shall have the power to summon and require any and all persons present at a fire to aid in extinguishing the same as he shall direct, or in removing personal property from any building on fire or in danger thereof, or in guarding such property.

(2) Compensation: Any person rendering services pursuant to such summons shall receive as compensation therefor out of the City Treasury a sum of one dollar ($1.00) for each hour of service; bills for such services to be audited and paid as other bills against the City. (1944 Code § 1-707)

(3) Refusal To Obey Summons: Any person refusing to obey such summons and order shall be deemed guilty of an offense, and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 1-707; amd. Ord. 350, 9-14-1959; 2000 Code)

F. Turnover Of Books And Property Upon Leaving Office: Whenever the Chief shall go out of office, he shall turn over to his successor in office all the books, papers, and property of the Department under his care, and take a receipt in duplicate therefor, and file one copy thereof in the office of the City Clerk for reference, and said receipt shall discharge the liability of the outgoing Chief for all books and papers enumerated therein, and charge the same to his successor. (1944 Code § 1-706)

7-1-4: DUTIES ASSUMED BY OTHERS: In case of absence from duty of the Chief of the Fire Department or his inability to act, the assistant chief shall be ex officio Chief of the Fire Department, and in
case of the absence of both the Chief and assistant chief or their inability to act the oldest captain from point of service shall be ex officio Chief of the Fire Department. (1944 Code § 1-708)

7-1-5: **FAILURE TO OBEY CHIEF:** Any fireman who shall refuse or wilfully neglect to obey any lawful order of the Chief of the Fire Department or the officer in charge thereof, when at or going to a fire, shall be deemed guilty of an offense and upon conviction shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 1-707; amd. Ord. 350, 9-14-1959; 2000 Code)
CHAPTER 2
WATER FOR FIRE PROTECTION

SECTION:

7-2-1: Financing
7-2-2: Fire Hydrants
7-2-3: Quarterly Assessment
7-2-4: Fees
7-2-5: Billings

7-2-1: FINANCING:

A. Definition: "Improved real property" within the meaning of this Chapter, shall include real estate which:

1. Has City water service; or

2. Is paved; or

3. Landscaped; or

4. Has erected thereon any construction for which a building permit would be required.

B. Cost: The cost of all water for fire protection within the City shall be financed by fees assessed to the owners and occupants of improved real property. The fees assessed shall be included in the general utility billing as a separate item and as hereinafter set forth.

C. Assessment: Fees for water for fire protection hereinafter provided are hereby assessed to the owners and occupants of improved real property. (Ord. 92-4, 1-10-1992)
7-2-2: FIRE HYDRANTS:

A. Number Required: The number of fire hydrants shall be the minimum necessary to provide sufficient service and to promote public safety; and the particular location within the City to provide sufficient service and to promote public safety and the protection of improved real property within the City shall be determined within the sound discretion of the City Council.

B. Below Minimum Standards: In areas where the fire hydrants do not meet the minimum standards as herein provided, hydrants shall be installed to meet such standards as soon as practicable. (Ord. 92-4, 1-10-1992)

7-2-3: QUARTERLY ASSESSMENT: The owners and occupants of all improved real property parcels within the City are hereby assessed fees for providing water for fire protection and for all other related necessities for fire protection in an amount per quarter of two dollars fifty cents ($2.50). (Ord. 92-4, 1-10-1992)

7-2-4: FEES:

A. Annual Assessment: Such fees are assessed effective October 1 of each year.

B. Fire Hydrant Operation Fund: All billings for fees levied and assessed under this Chapter shall be made by the City Clerk and all monies received under this Chapter shall be delivered by the City Clerk to the City Treasurer, who shall deposit the same to a special account to be known as Fire Hydrant Operation Fund.

C. Payment:

1. Due: Such fees shall be due and payable to City Clerk within fifteen (15) days after mailing of said billings.

2. Delinquencies; Late Charge: In the event any such fee billed is not paid when due, after thirty (30) days, the same shall be deemed to be delinquent and a late penalty charge of ten percent (10%) of the amount of such fee shall be added thereto. If the fees shall remain delinquent and unpaid for a period of ninety (90) days, the City Clerk shall certify the delinquency to the Tax Collector of City of Wallace
Shoshone County, and the delinquency and penalty shall be placed by the Tax Collector upon the tax roll and collected in the same manner and subject to the same penalties as other City taxes.

D. Liability For Payment; Lien: The owners and occupants of improved real property shall be jointly and severally liable for such fees and the fees shall become a lien upon and against the property against which the charge is levied to the extent permitted by the laws of the State and the ordinances of the City and may be collected in any manner permitted or hereafter permitted by such laws and ordinances.

E. Determination Of Fees:

1. Amount: The foregoing fees are fixed and determined in amounts determined sufficient to pay the costs of providing water for fire protection and other related services within the City.

2. Change Or Amendment: Such fees shall be changed or amended by the City Council from time to time, as determined necessary to finance such costs. Any changes or amendments to such service fees may be made and fixed by the City Council by resolution.

3. Copies On File: Three (3) copies of such resolution, duly certified by the City Clerk, shall be kept on file in the office of the City Clerk for the use of and examination by the public.

F. Penalty: In addition, the City may elect to enforce this Chapter in accordance with Idaho Code section 50-302. In that event, the maximum punishment for any offense shall be as provided in Section 1-4-1 of this Code. (Ord. 92-4, 1-10-1992; amd. 2000 Code)

7-2-5: BILLINGS: Billings for fees levied and assessed under the provisions of this Chapter shall be made quarterly or at such other intervals as may be determined by resolution of the Mayor and Council, and shall be fixed at such intervals as will correspond to billing of the same improved real property for sewer services. Such billing shall be billed on the same statement; provided, however, that the billings for such services shall be segregated. (Ord. 92-4, 1-10-1992)
CHAPTER 3

UNIFORM FIRE CODE

SECTION:

7-3-1: Adoption
7-3-2: Copies On File

7-3-1: ADOPTION: There is hereby adopted for the purpose of prescribing regulations consistent with nationally recognized good practice for the safeguarding 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 within the City, the Uniform Fire Code, including only the following listed appendices: appendix I-A (6); appendix II-A (1), (3), (4), (9), (10), (13), (16), (18), (19), (23), prepared by the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., most current edition, and the same is hereby adopted and incorporated as an ordinance of the City as fully as though set forth at length herein. (Ord. 511, 5-8-1990; amd. 2000 Code)

7-3-2: COPIES ON FILE: Three (3) copies of the Uniform Fire Code, most current edition, and as the same may hereafter be amended, duly certified by the City Clerk shall be kept on file in the office of the City Clerk for use and examination of and by the public. (Ord. 511, 5-8-1990; amd. 2000 Code)

City of Wallace
CHAPTER 4

STORAGE OF INFLAMMABLES

SECTION:

7-4-1: Standards Adopted
7-4-2: Penalty

7-4-1: **STANDARDS ADOPTED:** Those standards as set forth by the Idaho State Department of Environmental Quality and the Environmental Protection Agency shall be and the same are adopted by reference as if they were an ordinance of the City. (Ord. 98-06, 11-10-1998)

7-4-2: **PENALTY:** A violation thereof shall be a misdemeanor and subject to those penalties as set forth in Section 1-4-1 of this Code. (Ord. 98-06, 11-10-1998)
CHAPTER 5
TANK VEHICLES DISTRIBUTING FLAMMABLE LIQUIDS

SECTION:
7-5-1: Definitions
7-5-2: Certification Of Tank Vehicles
7-5-3: Attendance Of Vehicle
7-5-4: Required Equipment
7-5-5: Rear Bumpers
7-5-6: Required Marking Or Placard
7-5-7: Static Electricity Charges
7-5-8: Penalty

7-5-1: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

CLASS I FLAMMABLE LIQUIDS: Liquids having a flash point below twenty five degrees Fahrenheit (25°F) closed-cup tester, as example, ether, gasoline and benzol.

CLASS II FLAMMABLE LIQUIDS: Liquids having a flash point above that of Class I and seventy degrees Fahrenheit (70°F) or below closed-cup tester, as example, alcohol and amyl acetate.

TANK VEHICLE: Any truck, trailer or semi-trailer that is used for the transportation of flammable liquids in bulk quantity. (Ord. 465, 3-11-1980; amd. 2000 Code)

7-5-2: CERTIFICATION OF TANK VEHICLES: All tank vehicles used for the transportation of Class I or II flammable liquids in bulk quantity exceeding one hundred (100) gallons shall be inspected by the Chief of Shoshone County Fire District I, and unless certified by the
Chief as to their compliance with this Chapter, they shall not be operated within the City; provided, that this certification shall not be required for such vehicles bearing the license or approval of the Interstate Commerce Commission. (Ord. 465, 3-11-1980; amd. 2000 Code)

7-5-3: ATTENDANCE OF VEHICLE: No tank vehicle transporting flammable liquids in bulk of Class I or II shall be left unattended on any street, alley, driveway or parkway of the City; provided, this shall not be construed to prevent a driver from momentary absence from his vehicle in connection with the delivery of his load except during the time of actual discharge of liquid, at which time some responsible person must at all times be present at such vehicle and providing further that the Fire Chief may, upon request, grant permission for the parking or storage of such vehicles in areas or places designated by him and for such periods of time as he may set. (Ord. 465, 3-11-1980; amd. 2000 Code)

7-5-4: REQUIRED EQUIPMENT:

A. Fire Extinguishers: Every tank vehicle used in the distribution of flammable liquids within the City limits shall be equipped with at least one approved hand fire extinguisher of a type suitable for extinguishing flammable liquid fires. (Ord. 465, 3-11-1980)

B. Emergency Electric Lanterns Or Reflectors: No person shall operate at any time within the City limits any motor vehicle used in the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using a compressed gas as a fuel unless there shall be carried in the vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of Idaho Code subsection 49-942(1), and there shall not be carried in any compressed gas propelled vehicle any flares, fuses, or signal produced by flame.

C. Disabled Vehicles; Warning Devices: Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway at any time or place within the City limits, the driver of the vehicle shall immediately display one red electric lantern or portable red emergency reflector placed on the highway at the traffic side of the vehicle, and two (2) red electric lanterns or portable red reflectors, one placed approximately two
hundred feet (200') to the rear of the disabled vehicle in the center of the traffic lane occupied by the vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection. (2000 Code)

7-5-5: **REAR BUMPERS:** Every tank vehicle used in the distribution of flammable liquids and operated upon the streets or alleys of the City shall be provided with properly attached rear steel bumpers of a type and so arranged as to adequately protect the draw-off valves or faucets of such vehicles in the event of a collision. (Ord. 465, 3-11-1980)

7-5-6: **REQUIRED MARKING OR PLACARD:** The vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight inches (8") high, and there shall be displayed on the rear of the vehicle a red flag not less than twenty four inches (24") square, marked with the word "danger" in white letters six inches (6") high. (2000 Code)

7-5-7: **STATIC ELECTRICITY CHARGES:** All tank vehicles used in the distribution of flammable liquids and operated upon the streets or alleys of the City shall have the tank, chassis, axles and springs adequately bonded to prevent the accumulation of static electric charges. (Ord. 465, 3-11-1980)

7-5-8: **PENALTY:** Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 465, 3-11-1980; amd. 2000 Code)

City of Wallace
CHAPTER 6

SELF-SERVICE GASOLINE OR FUEL DISPENSING SYSTEMS

SECTION:

7-6-1: Attendant Required
7-6-2: Penalty

7-6-1: ATTENDANT REQUIRED:

A. It shall be unlawful to install and/or maintain any and all types of self-service gasoline or other volatile liquid or fuel dispensing device within the official City limits unless such dispensing device is located upon business premises where an owner, officer, principal, agent, or employee of such business is in attendance upon such business premises at any and all times when such self-service gasoline, volatile liquid, or fuel dispensing device is being operated and/or are available for operation for the dispensing of gasoline, volatile liquid, and/or fuel within the City.

B. It shall be unlawful and contrary to the safety and well-being of the citizens and residents of the City to maintain and/or operate any and all types of self-service gasoline or other volatile liquid or fuel dispensing device upon any business premises within the limits of the City without the principal, owner, officer, agent, or employee being physically present and in attendance upon such business premises when such gasoline, volatile liquid, or fuel is available for dispensing or are being dispensed from a self-service gasoline or other volatile liquid or fuel dispensing device. (Ord. 440, 6-21-1977)

7-6-2: PENALTY: Any person who shall violate any provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 440, 6-21-1977; amd. 2000 Code)
CHAPTER 7

EXPLOSIVES

SECTION:

7-7-1: Storage Of Explosives Restricted
7-7-2: Permit Required
7-7-3: Inspections
7-7-4: Restrictions On Transit
7-7-5: Inflammable Liquids
7-7-6: Penalty

7-7-1: STORAGE OF EXPLOSIVES RESTRICTED: It shall be unlawful for any person to have in their possession, or to keep or store, either for themselves or for others, anywhere within the limits of the City any powder, dynamite, nitroglycerine or any other high explosive, except as hereinafter provided. (1944 Code § 7-303)

7-7-2: PERMIT REQUIRED:

A. Power To Grant: The Chief of Shoshone County Fire District I may, in the Chief’s discretion, upon written application made to him/her, grant permits for the keeping or storing of not to exceed one hundred (100) pounds of powder, dynamite or nitroglycerine, or other high explosive.

B. Application: The application shall state the exact location within the limits of the City where it is intended that such high explosives shall be kept or stored.

C. Rules And Regulations: The Chief of Fire District I, in granting permits provided for in this Chapter, may make such reasonable rules and regulations as to the storing of the said explosives as will ensure the safe handling and storing of the same. (1944 Code § 7-304; amd. 2000 Code)
7-7-3: **INSPECTIONS:** The Chief of Fire District I, or any person designated by the Chief, shall have the right and authority at any and all reasonable times to inspect any buildings, premises or property within the limits of the City where he has good reason to believe high explosives are stored without having first secured the permission provided for in this Chapter. (1944 Code § 7-304; amd. 2000 Code)

7-7-4: **RESTRICTIONS ON TRANSIT:** It is further provided that the explosives covered by this Chapter while in transit either by vehicle or over the lines of any railroad may be taken by the person having the same in charge through the limits of the City; provided, that the vehicle, car or cars in which the same are contained shall not be set out or left standing within the limits of the City for more than thirty (30) minutes; provided, however, that railroads may set out such car or cars containing such explosives and allow the same to stand in that portion of their yards situated west of the center line of Third Street in the said City extended northerly in its own direction, not to exceed twenty four (24) hours. (1944 Code § 7-305)

7-7-5: **INFLAMMABLE LIQUIDS:** Nothing in this Chapter contained shall be so construed as to apply to the keeping or storing of coal oil, gasoline, naphtha or benzine. (1944 Code § 7-306)

7-7-6: **PENALTY:** Any person violating any of the provisions of this Chapter, or any officer of any firm or corporation who violates or permits to be violated any of the provisions of this Chapter, shall be deemed guilty of an offense and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 7-307; amd. 2000 Code)

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1. See Chapter 5 of this Title for regulations for vehicles transporting or distributing flammable liquids.
CHAPTER 8

FIREWORKS

SECTION:

7-8-1: Statute Adopted

7-8-1: STATUTE ADOPTED: Idaho Code title 39, chapter 26, and any amendments which may from time to time be made, is hereby adopted and incorporated as if it were an ordinance of the City and shall be known as the CITY OF WALLACE FIREWORKS ORDINANCE. (Ord. 99-03, 5-11-1999)
CHAPTER 9
BONFIRES

SECTION:

7-9-1: Restrictions On Fires
7-9-2: Penalty

7-9-1: **RESTRICTIONS ON FIRES:** It shall be unlawful for any person to burn trash, lumber, leaves, straw or any other combustible material in any street, alley or vacant lot, except by special written permission of the Chief of Fire District I, when such burning shall be done in screened metallic receptacles approved by him and under such proper safeguards as he may direct as to time and weather; provided, that the Chief of Fire District I may issue a general permit, by publication, during certain seasons of the year, for the burning of leaves or other like material where conducted during daylight and with an adult on constant attendance. (1944 Code § 7-601; amd. 2000 Code)

7-9-2: **PENALTY:** Any person found guilty of violation of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 7-602; amd. 2000 Code)