

CITY OF BURLINGTON

ORDINANCE

Sponsor: Councilors Shannon,
Bushor, Mulvaey-Stanak: Ord. Com.

In the Year Two Thousand Nine

Public Hearing Dates

First reading:

Referred to:

Rules suspended and placed in all
stages of passage:

Second reading:

Action:

Date:

Signed by Mayor:

Published:

Effective:

An Ordinance in Relation to

FIRE PROTECTION AND PREVENTION
Chapter 13 Revisions

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Chapter 13, Fire Protection and Prevention, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 13-3, 13-4, 13-6 through 13-9, 13-11, 13-13, 13-14, 13-16 through 13-18, 13-20 through 13-22, 13-31, 13-32, 13-34, 13-35, 13-38 through 13-41, 13-43, 13-44, 13-46 and 13-55 through 13-60 thereof; and by adding new Sections 13-5, 13-21, 13-22, and 13-47 thereto to read as follows:

Sec. 13-1. Fire Code adopted. As written.

Sec. 13-2. Placing rubbish and other waste within inner fire district prohibited. As written.

Sec. 13-3. ~~Outside fires prohibited.~~ Fires prohibited.

(a) ~~No person shall build an outside fire, open or contained in an incinerator, fireplace or other receptacle, or permit the same to remain burning at any time in the city without obtaining a written permit from the chief of the fire department, a deputy chief or one of the fire wardens of the city, nor except upon the terms and conditions of such permit. Provided, that nothing herein contained is meant to conflict in any manner with state statutes governing this subject. Provided further, that this section shall not be applicable to those campfires which are regulated by the park department or to residential outside cooking units. No person shall build or attempt to build any type of fire, to or inside of any building, vehicle or structure, except within an Underwriters Laboratories (UL) listed / Factory Mutual (FM) approved stove, furnace, heating appliance, cooking appliance or such which meets the standards adopted by section 13-1.~~

(b) ~~Each day's violation of these provisions shall constitute a separate offense, and any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not more than twenty five dollars (\$25.00) for the first conviction not more than fifty dollars (\$50.00) for the second conviction, and not more than one hundred dollars (\$100.00) for the~~

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third conviction. No person shall set or attempt to set any type of outside fire, whether open or contained in a non-UL listed / FM approved incinerator, outdoor fireplace or other outdoor receptacle, or permit the same to remain burning at any time in the city without obtaining a written permit from the chief of the fire department, a deputy chief or one of the fire wardens of the city, except upon the terms and conditions of such permit. This section shall not be applicable to those campfires which are regulated by the park department. Notwithstanding any formal definition of "combustible surface," a UL-listed/FM approved cooking device may be used on an open wooden deck except where prohibited by the Vermont Fire and Building Safety Code (VFBSC). No part of the unit may be stored on or inside of an occupied structure if it contains or is connected to fuel or is hot to the touch.

(c) The provisions of this section shall take effect January 1, 1977. No person shall store flammable liquids, charcoal briquettes or propane tanks in excess of two pounds on, inside of, or abutting to any occupied structure, except where said storage is within an approved UL-listed fireproof cabinet.

Sec. 13-4. Carbon monoxide (CO) detectors.

(a) Carbon monoxide detectors which are UL 2034 listed or approved by a nationally recognized independent testing laboratory shall be installed in all existing buildings in which people sleep, including where people rent accommodations whether for overnight or for a longer term, condominiums, multiple unit dwelling, and other occupancies in which there are rooms or spaces in which sleeping is permitted, excluding including single family owner-occupied houses and premises. Such installation shall be in the vicinity of the sleeping areas and on every floor of the dwelling, installed in accordance with the manufacturer's instructions and state law. All newly installed carbon monoxide alarms (detectors) in one and two family, owner – occupied homes, multiple unit dwellings, lodging or rooming houses, hotels and dormitories, or other buildings in which people sleep, shall be directly wired to a non-dedicated electrical branch circuit for the building and by battery. Carbon monoxide detectors currently installed in existing one-two family dwellings shall be permitted to be powered by any approved source until the end of their service life (5 years from date of installation for CO detectors).

(b) As written.

(c) As written.

(d) Where interconnected smoke detectors exist, the CO detection shall be interconnected as well, such that a CO alarm will meet current audibility requirements as adopted in NFPA 72 for smoke alarms.

Sec. 13-5. ~~Reserved~~ Smoke detectors.

(a) Each and every dwelling, rooming house, dwelling unit or rooming unit used for occupancy shall meet the following requirements for smoke detectors/alarms.

(1) Smoke detectors/alarms shall be installed in the following, areas:

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- (A) In every sleeping room or area;
 - (B) Outside every sleeping room or area in the immediate vicinity of the sleeping room or area; and
 - (C) On all levels of the dwelling, dwelling unit, rooming house, or rooming unit, including basements but excluding crawl spaces and unfinished attics.
 - (D) Notwithstanding the above installation locations, detectors/alarms shall not be located within kitchens or garages or in other spaces where temperatures can fall below forty (40) degrees F (four (4) degrees C) or exceed one hundred (100) degrees F (thirty-eight (38) degrees C). Detectors/alarms shall not, unless specifically listed for the application, be located closer than three (3) feet (0.9 m) horizontally from:
 - (i) The door to a kitchen.
 - (ii) The door to a bathroom containing a tub or shower.
 - (iii) The supply registers of a forced air heating or cooling system, and outside of the airflow from those registers.
- (2) Smoke detectors/alarms shall receive their operating power from the building electrical system but shall also receive power from a battery when the building electrical system power is interrupted.
- (3) Smoke detectors/alarms within each dwelling unit or rooming unit shall be interconnected so that the sensing of smoke by one detector sounds the alarms of all detectors within that dwelling unit or rooming unit.
- (4) Smoke detectors/alarms shall be approved or listed by a nationally recognize testing or listing agency for the purposes for which they are intended and conform with the requirements of the Vermont Fire and Building Safety Code.
- (5) Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.
- (b) If a smoke detector is disconnected or disabled, that fact shall create a rebuttable presumption that the adult occupants of the dwelling unit were responsible for the act of disconnecting or disabling the smoke detector.
- (c) Effective Date. The provisions of section 13-5 (a) of this Chapter shall take effect on July 1, 2012.
- (d) No requirement of this section shall preclude the application of other more restrictive smoke detector requirements which may pertain to the property, including but not limited to, time of sale requirements pursuant to state law.

Sec. 13-6. Obedience to orders at fire or other emergency required; only authorized persons to give orders.

- (a) All firemen ~~firefighters~~ and citizens shall be required to obey the orders and directions of the officers in command at a fire or other emergency and to render their services if ordered to do so by him.

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(b) As written.

Sec. 13-7. Disorderly conduct at fires or other emergencies

No person, while present at any fire or other emergency, shall willfully or unnecessarily recklessly inhibit operations, make outcries or other loud noises, or be guilty of disorderly conduct, or promote or encourage disorderly conduct in others.

Sec. 13-8. Equipment not to be taken outside city; exception.

No emergency equipment belonging to the fire department shall be taken from the city at any time, except for the purpose of having the same repaired; provided, however, that in case of a fire or other emergency in a neighboring town or city, the chief engineer or designee with the consent of the mayor, or in case he cannot be found, with the consent of one (1) of the fire commissioners, may order not more than one-half (1/2) of the fire apparatus of the city, accompanied by not more than one-half (1/2) of the members of the fire department on duty, to be taken to the town or city for the purpose assisting in extinguishing a fire or providing aid in an emergency.

Sec. 13-9. Entry in area near fire or other emergency restricted.

No person not a member of the ~~city council~~, fire department or police department shall, without the authority of an officer of one of such departments, enter upon any part of a street, lane or alley roped off, barricaded or plainly designated by the officers of any of such departments in any way for the use of the fire department in extinguishing a fire or abating other emergencies. For the protection of persons attending a fire or other emergency, no person not a member of one of such departments shall enter on foot or with any animal or vehicle upon a street adjacent to a fire or other emergency within the block where and while such fire or other emergency is in progress.

Sec. 13-10. Reward for information resulting in conviction of persons burning property.

As written.

Sec. 13-11. Examination of hydrants, fireplugs; maintenance.

(a) The ~~superintendent of the city water department~~ director of the department of public works shall examine the hydrants and fireplugs belonging to the city ~~from time to time~~ annually and keep them in working order at all times, except when shut off for repairs; and shall cause all defects therein to be repaired without delay.

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(b) The director of the department of public works shall conduct NFPA compliant flow tests on the city hydrant system every three years and provide a written copy of the test results to the fire department.

(c) The director of the department of public works shall ensure that all underground water pipes installed after the effective date of this ordinance are sized adequately to support a future fire sprinkler system in the occupancy to which they are attached.

(d) The director of the department of public works shall ensure that all water pipes are installed and maintained properly in accordance with State Law and the adopted codes and standards.

(e) The director of the department of public works shall ensure that all newly installed pipes be flushed and provide the property owner and the fire department with a flush and test report following the installation of municipal water pipes.

Sec. 13-12. Opening hydrant or fireplug.

As written.

Sec. 13-13. Obstructions to fire protection systems, fire department connections, stopcocks or hydrants.

~~No person shall, by means of a tree, lumber, brick or building material of any kind, or other article of hindrance, obstruct the access to any stopcock or hydrant connected with any water pipe within any street, alley or public place.~~

(a) No person shall tamper with or, by means of a vehicle, tree, landscaping, lumber, brick or building material of any kind, or other article of hindrance, obstruct the access to fire protection systems or hydrants connected with any water pipe within any street, alley or public place. Access to fire department connections or hydrants is defined as a six foot circle around the device and a six foot wide continuous path to the center of the public way, with the hydrant or fire protection system being the at center of this six foot path.

(b) No person shall disable any fire protection system, fire department connection or fire hydrant.

Sec. 13-14. False alarms prohibited; penalty.

No person shall give or cause to be given a false alarm of fire or other emergency. Notwithstanding the provisions of Section 13-20 of this Chapter, any person who shall give or cause to be given a false alarm of fire or other emergency shall be guilty of a misdemeanor and upon a first conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a term not to exceed one (1) year. Upon conviction of any succeeding

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violation of this section, such person shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a term not to exceed one (1) year.

Sec. 13-15. Person reporting fire to give name and address.

As written.

Sec. 13-16. Removal of fire/life safety hazard.

(a) The chief engineer or ~~any fire warden~~ designee shall direct the owner or occupant of any building or premises to abate any unsafe condition, move to a place of safety, any unsafe or combustible materials which in his or her opinion shall expose the building or the surrounding or adjacent buildings or property to unnecessary hazard. The chief engineer or designee may also direct an owner or occupant to clear away from his building or premises debris or other materials resulting from fire, windstorm or other catastrophe within a reasonable time after the occurrence of such fire, storm or catastrophe.

(b) The chief engineer or designee may request the immediate assistance of any city inspector, or engineer to aid in the abating or mitigating of any unsafe condition. These officials shall respond in an expeditious manner when called.

Sec. 13-17. Authority to order temporary discontinuance of use of heating device, furnace, oil burner, boiler, flue or chimney; inspections; appeals.

(a) The chief engineer ~~of the fire department~~, or designee may direct the owner or occupant of any building or premises in the city to discontinue, temporarily, the use of a heating device, furnace, oil burner, boiler, flue or chimney which ~~the engineer or fire warden~~ said official shall deem unsafe to be used.

(b) When such order has been given, the building inspector and the inspector of plumbing shall be notified and they shall at once examine the premises in question and order the owner or user of such heating device, furnace, oil burner, boiler, flue or chimney to make such alterations or repairs of the same as the inspectors shall deem necessary for protection against fires, carbon monoxide, and other harmful gases. When the required alteration is made to the acceptance of the building inspector and inspector of plumbing, they shall permit the owner or user of the heating device, furnace, oil burner, boiler, flue or chimney to resume use of the same.

(c) Any person feeling aggrieved by the action of the inspector in determining whether an alteration or repair should be made, may appeal in writing to the board of public works commissioners ~~aldermen~~, who may make such order concerning the premises to the inspectors as the board shall deem wise; but pending such an appeal the owner or user of said heating device, furnace, oil burner, boiler, flue or chimney shall not resume the use of the same.

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Sec. 13-18. Performance of work by official.

If any person shall neglect or refuse to comply with or obey a lawful order of the chief engineer ~~of the fire department or of a fire warden, or designee,~~ such official may, in their discretion, ~~after the expiration of twenty-four (24) hours,~~ do the work required by such order or cause the same to be done. The expense therefore with full costs may be recovered ~~of from~~ the person so neglecting or refusing, in a suit brought in the name of the city against such person for labor performed and materials furnished; . All expenses, fees, costs or charges assessed pursuant to this section shall also be a tax lien upon the real estate pursuant to 32 VSA section 5061 so long as the lien is recorded in the office where the land records are kept but after said chief engineer or fire warden official shall commence the work required by said order, such person shall not be liable to the additional penalty provided in section 13-20.

Sec. 13-19. Enforcement of chapter.

As written.

Sec. 13-20. Penalty Penalties.

(a) Civil Offense ~~Any person, firm or corporation violating Any violation of any of the provisions of the Fire Code adopted in section 13-1, or any of the provisions of this chapter not specified in subsections (b) or (c) or failing to comply with any lawful order issued by a fire official shall be guilty of a misdemeanor and fined not less than one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1,000.00) punishable as a civil offense and subject to a civil penalty of \$250.00, with a waiver penalty of \$125.00. Each day that any violation continues shall be deemed a separate offense. In addition to any fine imposed, the court shall order, as part of sentence, abatement of the conditions or infractions giving rise to the violation(s) of the code. The chief engineer, any chief officer, fire marshal, assistant fire marshal, fire inspector, fire warden, or any law enforcement officer may issue a municipal complaint for a violation of this chapter.~~

(b) ~~The sections of this chapter listed below shall be civil offenses subject to a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). Each day's violation shall be deemed a separate offense. The following sections shall be civil violations: Section 13.2, section 13.3, section 13.12 and section 13.46. The fire marshal, assistant fire marshal, public information officer, the fire inspector and any law enforcement officer may issue a municipal complaint for a violation of this chapter.~~

(b) Criminal Offense

The following violations shall be misdemeanors punishable by a fine of \$500:

- (1) Willful and malicious violations of section 13-3(a),
- (2) Failing to correct any violation of the adopted fire code ordered to be corrected,
- (3) Committing the same offense within a 12 month period,

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- (4) Any violation which poses a threat to life safety or prevents access or use of a building or premise. A threat to life safety includes but is not limited to: obstructing or tampering with the fire protection systems or life safety features of any building or outdoor assembly of persons.
- (5) Willfully failing to maintain a fire protection system.
- (6) Harassing, or interfering with any member of the fire department in the performance of their duties.
- (7) Violations of 13-56 and 13-57: the person responsible shall also be liable for the cost of repairs or replacement of damaged property and shall be responsible for the cost to the city from the response to the alarm.

Each day that any violation continues shall be deemed a separate offense. In addition to the fine, the court shall order, as part of sentence, abatement of the conditions or infractions giving rise to the violation(s) of the code.

(c) Serious Criminal Offense

The following violations shall be misdemeanors punishable by a fine of \$500 and imprisonment for up to one year:

- (1) Willful and malicious violations of section 13-3(a) where the building, structure, or vehicle is occupied.
- (2) Any violation of the adopted fire code or ordinances which causes injury to other person(s).
- (3) Willfully or recklessly posing a serious threat to life safety. A serious threat to life safety includes but is not limited to: causing a non-permitted smoke condition or noxious odor in a public building, blocked means of egress, overcrowding, starting a fire in or near an outdoor assembly of persons, illegal use of pyrotechnics or explosives, disabling the fire protection systems or life safety features of any building or outdoor assembly of persons.
- (4) Violations of section 13-6, 13-7, or 13-13(b).
- (5) Physically assaults any fire official.

Each day that any violation continues shall be deemed a separate offense. In addition to the fine, the court shall order, as part of sentence, abatement of the conditions or infractions giving rise to the violation(s) of the code.

(d) . All expenses, fees, costs or charges assessed pursuant to this section shall also be a tax lien upon the real estate pursuant to 32 VSA section 5061 so long as the lien is recorded in the office where the land records are kept.

Sec. 13-21 Reserved. Suspension/revocation of permits and stop work orders

The Fire Marshal's Office may suspend permits, issue a stop work order and/or order a property vacated where a threat to public safety or other exigent circumstance exists. Such permits may be revoked and future permits denied when a person, firm or corporation is convicted of multiple violations of the fire code, ordinances, or otherwise demonstrates a pattern of incompetence. The failure to stop work when so ordered shall be a violation punishable pursuant to 13-20 (c)

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Sec. 13-22. ~~Reserved.~~ Inspections.

(a) General Fire Inspections

General fire inspections of public buildings shall be conducted at regular intervals by any person duly authorized by the chief engineer.

(b) Violation Notices

Upon finding any violation, a written notice will be provided to the property or business owner or their designee, and a reasonable amount of time shall be provided for the violations to be corrected. Nothing in this section shall preclude the authority having jurisdiction from issuing civil municipal complaints, seeking criminal charges, or initiating other legal actions as allowed under other sections of this ordinance.

(c) Reinspection Fees.

There is no charge for the initial inspection or the first re-inspection. If the owner fails to correct the violations in the time allotted in the notice, the owner shall be responsible for a re-inspection fee of seventy dollars (\$75.00) for the second and any subsequent re-inspections, due and payable at the beginning of the second or subsequent re-inspection. Until all fees are paid, the violations shall not be considered abated, and are subject to further penalties or legal action. Failure to pay the re-inspection fees in the time required is a violation punishable under section 13-20 (a).

Secs 13-23 -- 13-30. Reserved.

DIVISION 1. GENERALLY

Sec. 13-31. Powers and duties of chief engineer or designee generally.

The chief engineer, subject to the direction of the fire commissioners, shall:

- (a) Have the supervision, care and control of all equipment belonging to or used for the purposes of the fire department, and, in case of fire, of all hydrants. After the use of a hydrant ~~he~~ the chief engineer or designee shall immediately report such use to the ~~superintendent of the water department~~ director of the department of public works;
- (b) Be responsible for the discipline, good order and proper conduct of the whole department;
- (c) Report to the building inspector and other appropriate officials all violations of any ordinance or fire prevention and building safety code, establishing fire districts, and ~~regulateing~~ the construction of buildings with regard to fire protection systems; and
- (d) Perform such other duties as may be required ~~of him~~.

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Sec. 13-32. Powers of chief engineer or designee during fires.

During the continuance of any fire or other emergency, the chief engineer or designee:

(a) through (g) As written.

(h) Take other such actions necessary to protect life and property.

Sec. 13-33. Appointment of deputy chief engineer.

As written.

Sec. 13-34. Powers and duties of deputies.

The deputy chief engineers shall have and exercise the powers of a fire warden in making the inspections required in this chapter, shall exercise all the powers needed to perform the functions assigned by the chief engineer and shall report their findings to the chief engineer.

Sec. 13-35. Number of deputies.

There shall be only one (1) deputy chief engineer appointed for each ward of the city. The chief engineer shall appoint the number of deputies necessary to perform the functions of this chapter.

Sec. 13-36. Term of deputies.

As written.

Sec. 13-37. Revocation of appointment.

As written.

Sec. 13-38. Fire wardens appointed.

The city council shall annually, on the first Monday in June, appoint one (1) or more fire wardens, ~~not exceeding ten (10) in number~~, who shall be subject to the order and direction of the chief engineer of the fire department. The chief engineer or any member of the paid fire department may be appointed as fire warden. The chief engineer shall appoint a sufficient number of fire wardens necessary to perform the functions of this chapter.

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Sec. 13-39. Wardens to make inspections of buildings.

The ~~fire wardens~~ chief engineer, or designee shall make a careful inspection of all buildings and premises within the city and they shall at once, on the application of any trustworthy person or at the request of the chief engineer or of the mayor, inspect any building or premises situated in either fire districts and complained of as being unsafe or hazardous, or containing unsafe or combustible material.

Sec. 13-40. Wardens to be permitted entry into premises.

For the purposes of inspecting buildings, the chief engineer or any chief officer, fire marshal, assistant fire marshal, fire inspector, fire warden or designee may at all reasonable times have access to and enter into any and all premises and buildings in the city.

Sec. 13-41. Refusal to permit entry.

No person shall refuse to allow the chief engineer ~~his deputy or a fire warden,~~ or designee to enter upon or into his premises or buildings for the purposes provided in this chapter, or attempt to prevent the inspection required by this chapter, or obstruct such official in carrying out the provisions of this chapter. If required, a ~~fire warden or deputy~~ the chief engineer, or designee when making an inspection shall show the owner or person in charge of such buildings or premises his appointment.

Sec. 13-42. Taking property of fire department prohibited.

As written.

Sec. 13-43. Funds for relief of sick or disabled ~~firemen~~ firefighters.

All money received by gift or retained by the city or by a company in the fire department for fines and forfeitures imposed upon members of the department for violation of the regulations, rules and orders of the department shall be appropriated for the relief of sick and disabled members, in good standing, of the fire department; provided such sickness or disability was caused while in the line of duty.

Sec. 13-44. Authority having jurisdiction defined.

For the purposes of this ordinance, "authority having jurisdiction," as defined in the NFPA 1 Fire Prevention Code shall mean and include the ~~city fire marshal, chief engineer, chief code enforcement officer, fire wardens~~ chief engineer, city fire marshal, assistant fire marshal, fire wardens, fire inspector, chief code enforcement officer or their designees.

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Sec. 13-45. Appeals.

As written.

Sec. 13-46. Occupant load certificate.

(a) *Annual inspection.* On an annual basis, the fire marshal's office shall be required to inspect each place of assembly in the city to determine the maximum number of occupants that should be permitted at each location as determined by the capacity and egress requirements of the city building, fire protection and life safety codes. For purposes of this section, a place of assembly is defined as a room or space, including all connected rooms or space with a common means of egress, accommodating fifty (50) or more individuals for social or amusement purposes or for the consumption of food and drink. Places of assembly which are used exclusively as places of worship or education shall be inspected during the initial occupancy inspection, if there is a change of use, there is a physical change which effects the maximum permissible occupancy, or there is a change in the adopted codes which requires an inspection.

(b) *Posting of certificate.* When all violations have been corrected and all fees paid in full, each place of assembly shall receive a certificate from the fire marshal's office stating the maximum number of occupants permitted at the site by the fire code. The business and/or property owner shall be responsible for installing the certificate in a conspicuous public location at the site and shall be responsible for the proper maintenance of the certificate. The Occupancy Load Certificate shall become effective on the date of issuance and remain in effect until June 30, of the following year.

(c) *Fee.* An biannual fee of two hundred forty dollars (\$240.00) one hundred forty-four \$144.00 shall be charged to each place of assembly by the fire department for the cost of the inspection and certificate program. Occupancy load certificates issued during the billing cycle of July 1 to June 30 shall be pro-rated at a rate of \$12.00 per month. Physical changes within an assembly that change affect the posted occupancy rating shall require a new inspection and if appropriate shall require the issuance of a new certificate. The issuance of a new certificate and shall require a new pro-rated fee to be paid for the months that the new certificate will be in effect. All fees shall be due prior to issuance of each certificate. The fee shall be due on July 1, 2001, and biannual basis annually on the first day of July thereafter. Places of assembly which are used exclusively as places of worship or education shall be exempt from the occupancy load certificate fee.

(d) *Temporary Certificate.* Provided all fees are paid and the place of assembly is making satisfactory progress toward correction of all violations, a temporary conditional certificate of occupancy may be issued for a period of up to ninety days at the discretion of the fire marshal's office. The conditions under which this temporary certificate is valid shall be printed on the certificate and visible to the occupants in a conspicuous public location at the site.

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Sec. 13-47 Reserved. Special events/festivals.

(a) The promoter of any special event or festival shall comply with the adopted fire codes, maintain adequate fire lanes, and have the fire marshal approve the location and size of all fire lanes, booths, stages, and other structures and equipment. The Burlington fire department is charged with sole responsibility of providing fire protection and EMS coverage for such events in the city. The fire department may modify these requirements based on the promoter's history of compliance with the requirements of the adopted fire codes and adherence to the requirements of the codes and the Society of Fire Protection Engineers (SFPE) Fire Protection Handbook.

(b) Any special event or festival with an attendance of 1,000 persons or more shall be required to provide Burlington fire/EMS personnel specially and exclusively assigned to the event. The promoter of the event(s) shall be responsible for the cost of this additional coverage, which shall be at a rate of \$35/hr for each person. A minimum of two firefighter/EMTs shall be hired for a minimum of 3 hours. The number of firefighters/EMTs and the time required for staffing shall be set by the fire department based on an assessment of the event and the location, weather, time, traffic impact, availability of alcohol, history of the event, or other identifiable safety factors, taking into account the requirements of the adopted fire codes and the SFPE Fire Protection Handbook. The promoter shall secure a signed staffing agreement with the fire department special events coordinator not less than seven work days prior to the event.

DIVISION 2. PROTECTION, PREVENTION, ALARM SYSTEMS, AND PERMITS

Sec. 13-51. Compliance with codes required.

As written.

Sec. 13-52. Master fire alarm box.

As written.

Sec. 13-53. Permission required to connect to municipal system.

As written.

Sec. 13-54. Installation and maintenance.

As written.

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Sec. 13-55. Fire alarm system malfunction.

(a) *Defined.* As written.

(b) *Penalty.* ~~A charge of sixty dollars (\$60.00) shall be imposed for a false alarm due to a system malfunction as a first offense, seventy five dollars (\$75.00) as a second offense and one hundred dollars (\$100.00) as a third offense. Additional offenses shall each increase by a one hundred dollar (\$100.00) penalty.~~ *Response Fee.* A response charge of \$500 shall be imposed for a false alarm due to a system malfunction. Failure to pay the fee shall be a civil offense punishable pursuant to 13-20(a)

Sec. 13-56. Damage to ~~fire alarm boxes~~ fire protection systems, fire department connections, or hydrants.

(a) ~~*Prohibited.* No person shall destroy, deface or in any way damage any fire alarm box or any part thereof so as to prevent or delay its proper or timely use.~~ fire protection systems, fire department connections or hydrants.

(b) ~~*Penalty.* A violation of this section shall be a criminal offense and shall be punishable by a fine of two hundred dollars (\$200.00) and the person responsible shall also be liable for the cost of repairs or replacement of the damaged property.~~

Sec. 13-57. Intentional false alarms.

Any intentional misuse of a fire alarm box that results in a false fire alarm from that property to the city fire alarm system shall be a violation of this division and will result in criminal prosecution of the person(s) committing the offense or aiding or abetting in the offense. In addition, the property owner may be held responsible for the costs to the city from the response to such alarm and/or for a penalty of one hundred dollars (\$100.00). No person shall intentionally cause a false alarm or aid and abet the same. Any intentional misuse of a fire alarm box that results in a false fire alarm from a that property to the city fire alarm system shall be a violation of this division.

Sec. 13-58. Annual fee.

An annual fee shall be charged to the property owner in the amount of four hundred fifty dollars (\$450.00) for each master box connected to the municipal fire alarm system. This charge will be assessed and collected annually, due in pro rata amount upon the effective date of this division and the first day of July thereafter. An administrative charge and/or interest shall be assessed for payments not received within thirty (30) days of the invoice from the department. Service calls by the fire marshal during normal working hours shall be included in this charge. Failure to pay the annual fees in the time required is a violation punishable under section 13-20 (a).

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Sec. 13-59. Plans, permits and fees.

(a) *Submission.* Plans for fire prevention, protection, and alarm systems shall be submitted to the fire marshal for approval prior to any work being done. The fire marshal shall have up to thirty (30) days to review plans, make inspections, and issue a permit for the system, which may upon notification to the applicant be extended. Plans may be approved, rejected or be required to be amended. No plan shall be approved or permit issued unless all fees have been paid and satisfied. Plans shall be submitted in both paper and electronic formats (PDF).

Balance of section as written.

Sec. 13-60. Knox Boxes and standard keys.

(a) As written.

(b) As written.

(c) As written.

(d) As written.

(e) All new fire alarm control panels shall be keyed with a standard Cat 30 key. Where a Cat 30 key is not practical, such as in an annunciator panel, an A135 key shall be used in its place.

(f) Existing fire alarm control panel and remote annunciator access keys shall be converted to this standard within one year of the effective date of this ordinance during the required annual test and inspection by a third party on the owners behest.

Sec 13-61. Reserved Elevators.

The following standards shall be met on all elevators installed or permitted after the effective date of this ordinance:

(1) Dimension: All new elevator installations shall comply with the applicable elevator code adopted by the State of Vermont. Notwithstanding the applicable code adopted by the State, elevators shall have minimum interior finished dimensions of eight feet by four feet and have an unrestricted door opening of not less than four feet.

(2) In existing elevator banks, the stretcher compliant elevator(s) shall be marked by a 3" retro-reflective star of life on the latch side of the elevator lobby door frame.

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(3) Elevator Standards Keys All new and existing elevator firefighter access/override keys shall be to the state standard elevator bypass key. Existing elevators shall be converted to this standard within one year of the effective date of this ordinance.

Sec. 13-62. Tent permits and fees.

As written.

Division III RADIO COVERAGE IN BUILDINGS AND STRUCTURES

Sec. 13-63. ~~Reserved.~~ General.

(a) Except as otherwise provided, no person or organization shall maintain, own, erect or construct any building or structure which is used for commercial, multifamily, or institutional use or any part thereof or cause the same to be done which fails to support adequate radio coverage to the fire department.

(b) For purposes of this section, adequate radio coverage shall include all of the following: A. A minimum signal strength of -101 dBm available in ninety-five percent of the area of each floor of the building when transmitted from the public safety radio communications system; and B. A minimum signal strength of -101 dBm received at the public safety radio communications system when transmitted from ninety-five percent of the area of each floor of the building, via portable radio with public safety microphone.

(c). *Channel Performance Criterion (CPC)*. CPC is the minimum performance level in a faded channel, per TSB-88, clause 4.2. TSB-88 is a "Telecommunications Systems Bulletin" published by the TIA, Telecommunications Industry Association. The performance level is rated using "Delivered Audio Quality." Industry standard DAQ definitions are shown in Table 1. 2. DAQ level of 3 is the minimum performance level which shall be attainable by public safety radio systems in ninety-five percent of the area of each floor of a building subject to this chapter.

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Table 1 - DELIVERED AUDIO QUALITY DEFINITIONS

<u>DAQ Delivered Audio Quality</u>	<u>Subjective Performance Description</u>
<u>1</u>	<u>Unusable, speech present but unreadable.</u>
<u>2</u>	<u>Understandable with considerable effort. Frequent repetition due to noise/distortion.</u>
<u>3</u>	<u>Speech understandable with slight effort. Occasional repetition required due to noise/distortion.</u>
<u>3.5</u>	<u>Speech understandable with repetition only rarely required. Some noise/distortion.</u>
<u>4</u>	<u>Speech easily understood. Occasional noise/distortion.</u>
<u>4.5</u>	<u>Speech easily understood. Infrequent noise/distortion</u>
<u>5</u>	<u>Speech clearly understood</u>

(d) The frequency range which must be supported shall be 460.62 MHz from the trunked system communications base stations, and the public safety radio communications base stations.

(e) The fire department may alter necessary frequencies or signal strengths due to changes in technical specification for public safety radio requirements. In such event, any frequency changes shall be reported to the city council and approved as amendments to this chapter as soon as is practicable.

Sec.13- 64. ~~Reserved.~~ Testing.

(a) Initial Tests. Officials of the fire department or their designees shall perform initial tests. A certificate of occupancy shall not be issued to any new structure if the building fails to comply with this section.

(b). Annual Tests. Fire department personnel or their designees shall thereafter conduct annual tests.

Sec.13-65. ~~Reserved.~~ Amplification systems allowed.

(a) Buildings and structures which cannot independently support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type-accepted signal booster amplifiers as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve hours without external power input. Any battery system employed shall automatically recharge in the presence of an external power input.

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(b) The installation of equipment as indicated above cannot be detrimental to the operation of the public safety radio system.

(c) In the event that a signal booster is employed it shall be fully encased within a dust and water resistant case.

Sec.13-66. ~~Reserved.~~ Field testing.

The fire department, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

Sec.13-67. ~~Reserved.~~ Exemptions.

(a) *Single-family and two-family dwellings.* This division shall not apply to single-family and two-family dwellings not put to commercial or institutional use. For purposes of this chapter, basements, parking structures and stairwells are included in the definition of "all parts of a building" but elevators may be excluded.

(b) *Hardship.* The owner of any building in existence prior to the effective date of the ordinance codified in this chapter, if confronted with a financial hardship which makes it impractical or impossible to bring the facility into compliance, may apply to the fire commission for an exemption to this chapter. Such application shall be in writing and shall be accompanied by whatever documentary evidence is necessary to prove the hardship. Any financial information regarding operation of the facility which is submitted in support of such hardship exemption shall be maintained as confidential upon submission to the city, to the fullest extent allowed by law.

Sec. 13-68. ~~Reserved.~~ Enforcement.

(a) Violation of this chapter shall be subject to the general penalty provisions of this code.

(b) In addition to penalties, the city attorney shall be authorized to seek injunctive relief as appropriate to bring buildings into compliance with this provision.

(c) Owners of record of buildings in existence on or before the effective date of the ordinance, and/or owners of record of structures for which building permits have been issued at such time, shall be notified of any deficiency found through testing conducted pursuant to this division and ordered to correct the deficiency. Such notice shall be made in writing and be personally served or delivered via certified mail. The order shall allow no longer than three years from the notification date to install an approved system which meets the requirements of this division.

* Material stricken out deleted.

** Material underlined added.