

**CODIFIED ORDINANCES OF GLEN DALE**  
**PART FIFTEEN - FIRE PREVENTION CODE**

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**Art. 1501. Bureau of Fire Prevention.**

**Art. 1505. General Regulations.**

**Art. 1509. West Virginia State Fire Code.**



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**PART FIFTEEN - FIRE PREVENTION CODE**

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**ARTICLE 1501**  
**Bureau of Fire Prevention**

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| <p><b>1501.01</b> Established; Chief Inspector.</p> <p><b>1501.02</b> Composition.</p> <p><b>1501.03</b> Additional inspectors.</p> <p><b>1501.04</b> Investigation of certain fires; duties of City Attorney and Chief of Police.</p> <p><b>1501.05</b> Inspections.</p> | <p><b>1501.06</b> Hazardous conditions subject to correction following hearing and entry of order.</p> <p><b>1501.07</b> Order of Chief Inspector.</p> <p><b>1501.08</b> Annual reports and contents thereof.</p> |
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**CROSS REFERENCES**

Municipal inspection - see W. Va. Code 8-12-15  
 Authority of local fire officers - see W. Va. Code Art. 29-3A

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**1501.01 ESTABLISHED; CHIEF INSPECTOR.**

The Bureau of Fire Prevention is hereby established, which shall be headed by and operated under the supervision of the Chief Inspector of the Bureau of Fire Prevention. The Chief of the Fire Department shall be, ex officio, the Chief Inspector of the Bureau of Fire Prevention. (1987 Code §9-4-1.)

**1501.02 COMPOSITION.**

The Bureau of Fire Prevention is hereby established, which shall be headed by and operated under the supervision of the Chief Inspector of the Bureau of Fire Prevention. The Chief of the Fire Department shall be, ex officio, the Chief Inspector of the Bureau of Fire Prevention. (1987 Code §9-4-2.)

**1501.03 ADDITIONAL INSPECTORS.**

(a) Inspectors, in addition to the Chief Inspector, of the Bureau of Fire Prevention shall be appointed to the position of inspector by the Chief of the Fire Department, who shall appoint as many inspectors as he deems necessary.

(b) The Chief of the Fire Department may detail officers and men of the Fire Department to temporary duty as inspectors whenever necessary. (1987 Code §9-4-3.)

**1501.04 INVESTIGATION OF CERTAIN FIRES; DUTIES OF CITY ATTORNEY AND CHIEF OF POLICE.**

The Bureau of Fire Prevention shall investigate the cause, origin and circumstance of every fire occurring in the City which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigation shall be begun immediately upon the occurrence of such a fire by the Chief Inspector, and, if it appears that such fire is of suspicious origin, the Chief Inspector shall be immediately notified of the facts; he shall immediately take charge of the physical evidence, notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence in the prosecution of the case.

The City Attorney and the Chief of Police, at the direction of the Mayor and upon request of the Chief Inspector shall assist in the investigation of any fire, which, in their opinion, is of suspicious origin.

(1987 Code §9-4-4.)

**1501.05 INSPECTIONS.**

(a) Authority For; by Whom Made. The Chief Inspector of the Bureau of Fire Prevention may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this article, he may deem necessary to be made. Any inspector of the Bureau of Fire Prevention may, upon the direction of the Chief Inspector, at all reasonable hours, enter any building or premises within the City for the purpose of making any inspection or investigation, which, under the provisions of this article, he may deem necessary to be made.

(b) Building, Etc., Subject to Inspection; Purposes; Frequency. It shall be the duty of the Chief Inspector of the Bureau of Fire Prevention to inspect, or cause to be inspected by any inspector of the Bureau of Fire Prevention, all buildings and premises, except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this article and to insure compliance in all places of assembly with all laws, regulations and orders relating to overcrowding, use of materials, maintenance of exit ways, and maintenance of fire alarms detecting systems, and fire extinguishing systems and appliances.

(1987 Code §§9-4-5, 9-4-6.)

**1501.06 HAZARDOUS CONDITIONS SUBJECT TO CORRECTION FOLLOWING HEARING AND ENTRY OF ORDER.**

(a) Whenever any of the officers, members or inspectors of the Bureau of Fire Prevention find, upon investigation, that the owner of any property or occupant of any structure or building has not complied with any statute or provision of law as provided in this article relating to fire prevention, or whenever any of the officers, members or inspectors of the Bureau of Fire Prevention shall find in any building or upon any premises, dangerous or hazardous conditions as follows:

- (1) Dangerous or unlawful amounts of combustible or explosive matter;
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter;
- (3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly inflammable materials;

- (4) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts;
- (5) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupancy in case of fire; or
- (6) 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 conditions, or from any other cause, creates a fire hazard, the Chief Inspector shall, with the approval of one other member of the Bureau of Fire Prevention, order, after due notice and hearing, that improvement or changes be made and that such equipment be provided as will comply with all regulations or provisions of law relating to fire prevention.

(b) The Chief Inspector shall fix the date upon which such hearing shall be held in the City Building and shall specify in the notice, by registered mail, the alleged violations of the regulations or provisions of this article relating to fire prevention. Within a reasonable time after such hearing, the Chief Inspector shall enter his order in the premises and shall furnish each owner or occupant with certified copies of his order stating therein when his orders shall take effect or be complied with.

(1987 Code §9-4-7.)

#### **1501.07 ORDER OF CHIEF INSPECTOR.**

(a) To Whom Applicable. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this article shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(b) Service of Order. The service of such orders as mentioned Section 1501.06 may be made on the owner, occupant or other persons responsible for the conditions there existing either by delivering a copy of the order personally or by delivering it 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 front door to the entrance to the premises. Whenever it may be necessary to serve such an order upon the owner of the premises such order may be served either by delivering to and leaving with him a copy of the order, or, if such owner cannot be found within the City, then by mailing such copy to the owner's last known post office address, return receipt requested.

(c) Judicial Review. The action of the Chief Inspector of the Bureau of Fire Prevention, as set forth in his order referred to in subsection (a) hereof shall be subject to review by the Circuit Court of the County. Petition for such review shall be filed by any person aggrieved by such order within a period of thirty days after the effective date of such order. The Chief Inspector shall forthwith file a copy of all records pertaining to such matter with the Circuit Court.

(d) Enforcement in Circuit Court. When the Chief Inspector of the Bureau of Fire Prevention has issued an order in the manner provided in subsection (a), and such order has not been complied within the time specified therein, he shall have authority to proceed by proper petition in the Circuit Court of the County for the purpose of compelling compliance with his order for the closing of the property in question.  
(1987 Code §§9-4-8, 9-4-9, 9-4-10, 9-4-11.)

**1501.08 ANNUAL REPORTS AND CONTENTS THEREOF.**

A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. This report shall contain all proceedings held under the authority of this article, with such statistics as the Chief Inspector may deem wise to include therein; and he shall also recommend any amendments of this article which, in his judgement, shall be desirable.  
(1987 Code §9-4-12.)

**ARTICLE 1505**  
**General Regulations**

1505.01	Keeping ashes or cinders in building, etc.	1505.04	Accumulation of combustible material on premises.
1505.02	Burning rubbish, etc., in streets or lots; permission of Fire Chief, etc.	1505.05	Burning chimneys or flues.
1505.03	Accumulation of paper, straw, etc., in streets or alleys.	1505.06	When and where fire drills required; conduct of fire drills; reports.
		1505.07	Fire lanes on private property.
		1505.08	Propane tanks.
		1505.99	Penalty.

**1505.01 KEEPING ASHES OR CINDERS IN BUILDING, ETC.**

It shall be unlawful for any person to place or keep, or cause to be placed or kept, in any building, or within ten feet of the walls thereof, or of any wooden fence or lumber pile, any ashes, cinders or coals, unless secured in an iron or other incombustible vessel.  
(1987 Code §9-1-1.)

**1505.02 BURNING RUBBISH, ETC., IN STREETS OR LOTS; PERMISSION OF FIRE CHIEF, ETC.**

It shall be unlawful for any person to burn or cause to be burned any papers, leaves, shavings, rubbish, or other combustible matter on any street, alley, lot or piece of land in the City, without notice to and permission from the Chief of the Fire Department. In no event shall such burning be done or permitted within twenty feet of any wooden building, fence or structure, or without the superintendence of a person over eighteen years of age.  
(1987 Code §9-1-2.)

**1505.03 ACCUMULATION OF PAPER, STRAW, ETC., IN STREETS OR ALLEYS.**

It shall be unlawful for any person to allow the accumulation of any paper, straw, feathers, shavings, excelsior, rags, sawdust, barrels, boxes or any other flammable matter or filth of any kind in any of the streets or alleys adjoining any property occupied by such person, within the limits of the City.  
(1987 Code §9-1-3.)

**1505.04 ACCUMULATION OF COMBUSTIBLE MATERIAL ON PREMISES.**

It shall be unlawful for any person to permit the accumulation of any combustible matter upon any property under lease or controlled by him within the City, whether private or business property, or in any cellar, warehouse, garret or other place under lease or controlled by him. (1987 Code §9-1-4.)

**1505.05 BURNING CHIMNEYS OR FLUES.**

It shall be unlawful for any person to burn out any chimney or flue unless in the daytime or when it is raining, or when there is a covering of snow upon the roof and premises near and about such chimney or flue. (1987 Code §9-1-5.)

**1505.06 WHEN AND WHERE FIRE DRILLS REQUIRED; CONDUCT OF FIRE DRILLS; REPORTS.**

(a) Fire drills shall be held at least twice a month in public, private and parochial schools and other educational institutions, and at least once every two months in public and private institutions, sanitoriums, asylums and hospitals; provided that during severe weather, drills may be postponed to avoid endangering the health of people and inmates. A record of all fire drills shall be kept and persons in charge of such institutions shall file written reports at least quarterly with the Recorder giving the time and date of each drill held.

(b) In schools and educational institutions, and in other institutions where the type of occupancy makes it practicable, fire drills shall include complete evacuations of all persons from the building. In sanitoriums and hospitals, drills shall be conducted to familiarize all hospital personnel with their assigned posts of emergency duty. (1987 Code §9-1-6.)

**1505.07 FIRE LANES ON PRIVATE PROPERTY.**

(a) Fire lanes shall be established on private property where the parking of motor vehicles or other obstructions may interfere with the movement of Fire Department vehicles. Such lanes shall have a minimum width of eighteen (18) feet, and any curves or turns shall be of sufficient radius to permit the passage of all fire apparatus.

(b) Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times, and members of the Police and Fire Department shall have the authority to remove, or cause to be removed, any obstruction to said lanes. Any person obstructing, or causing to be obstructed, a fire lane shall be guilty of an offense. (1987 Code §9-1-7.)

**1505.08 PROPANE TANKS.**

(a) It shall be unlawful to use or permanently place within the City any propane tank having a capacity of more than 500 gallons.

(b) The owner of any property located within the City shall not allow to accumulate upon said property any number of propane tanks, the total capacity of which would be more than 500 gallons. (Ord. 4-26-99.)

**1505.99 PENALTY.**

(EDITOR'S NOTE: See Section 1509.99 for general Code penalty.)

**ARTICLE 1509**  
**West Virginia State Fire Code**

<b>1509.01</b>	<b>Adoption of Code.</b>	<b>1509.04</b>	<b>New materials, processes or occupancies which may require permits.</b>
<b>1509.02</b>	<b>Modifications.</b>	<b>1509.99</b>	<b>Penalty.</b>
<b>1509.03</b>	<b>Appeals from actions of Chief of Fire Department.</b>		

**CROSS REFERENCES**

Adoption by reference - see W. Va. Code 8-11-4

Promulgation of State Fire Code - see W. Va. Code 29-3-5

**1509.01 ADOPTION OF CODE.**

There is hereby adopted and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosions, that certain code known as the West Virginia State Fire Code.

The Fire Marshal and other sworn officers of the Fire Department, as appointed by the Fire Chief, are hereby empowered to enforce the Fire Code and to issue summonses to violators of its provisions.

**1509.02 MODIFICATIONS.**

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code adopted by this article upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of such Code; provided, that the spirit of such code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the Fire Department, and a signed copy shall be furnished the applicant.

**1509.03 APPEALS FROM ACTIONS OF CHIEF OF FIRE DEPARTMENT.**

Whenever the Chief of the Fire Department disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code adopted by this article do not apply or that the true intent and meaning of the Fire Prevention Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to Council within thirty days from the date of the decision appealed.

**1509.04 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.**

The Mayor, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Fire Prevention Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

**1509.99 PENALTY.**

Whoever violates any provision of this Part Fifteen - Fire Prevention Code, for which no other penalty is provided or fails to comply therewith; or violates or fails to comply with any order made thereunder; or builds 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 fails to comply with such an order as affirmed or modified by Council or by a court of competent jurisdiction within the time fixed herein, shall severally for each such violation and noncompliance respectively, be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty pursuant to this section shall not be held to prevent the enforced removal of prohibited conditions.