

1 (Published in the Topeka Metro News May 6, 2009)

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4 **ORDINANCE NO. 19249**

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6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning fire  
7 codes, repealing City of Topeka Code §§ 70-101 to 70-106.  
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9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

10 Section 1. That section 70-101, Generally, of The Code of the City of Topeka,  
11 Kansas, is hereby repealed.

12 **~~Generally.~~**

13 ~~Amendments to the Uniform Fire Code adopted by Code section 70-86 shall be as~~  
14 ~~set out in this subdivision. All references to section and chapter numbers in the text of this~~  
15 ~~subdivision shall be construed as if followed by the words "of the fire code" unless clearly~~  
16 ~~indicated to the contrary.~~

17 Section 2. That section 70-102, Section 103.1.4, appeals, of The Code of the City  
18 of Topeka is hereby repealed.

19 **~~Section 103.1.4, appeals.~~**

20 ~~The appeals board under this code shall be the board of building and fire appeals~~  
21 ~~created under section 26-138.~~

22 Section 3. That section 70-103, Section 105.8, permit required, of The Code of  
23 the City of Topeka, Kansas, is hereby repealed.

24 **~~Section 105.8, permit required.~~**

25 ~~A permit shall be obtained from the bureau of fire prevention prior to engaging in the~~  
26 ~~following activities, operations, practices or functions:~~

27 ~~1.——Open burning.~~

28 ~~2. Flammable or combustible liquids and tanks, see article 79.~~

29 ~~A. To store, handle or use class I liquids in excess of five gallons in a~~  
30 ~~building or in excess of ten gallons outside of any building, except that a permit is~~  
31 ~~not required for the following:~~

32 ~~(i) The storage or use of class I liquids in the fuel tank of a motor~~  
33 ~~vehicle, aircraft, motorboat, mobile power plant or mobile heating plant,~~  
34 ~~unless such storage, in the opinion of the chief, would cause an unsafe~~  
35 ~~condition.~~

36 ~~(ii) The storage or use of paints, oils, varnishes or similar~~  
37 ~~flammable mixtures when such liquids are stored for maintenance, painting or~~  
38 ~~similar purposes for a period of not more than 30 days.~~

39 ~~B. To store, handle or use class II or class III-A liquids in excess of 25~~  
40 ~~gallons in a building or in excess of 60 gallons outside a building, except for fuel oil~~  
41 ~~used in connection with oil burning equipment.~~

42 ~~C. To remove class I or class II liquids from an underground storage tank~~  
43 ~~used for fueling motor vehicles by any means other than the approved, stationary~~  
44 ~~onsite pumps normally used for dispensing purposes.~~

45 ~~D. To install, alter, remove, abandon, place temporarily out of service or~~  
46 ~~otherwise dispose of a flammable or combustible liquid tank.~~

47 ~~E. To change the type of contents stored in any flammable or~~  
48 ~~combustible liquid tank to a material other than that for which the tank was designed~~  
49 ~~and constructed.~~

50 ~~3. Explosives or blasting agents. See article 77.~~

4. ~~Pyrotechnical special effects materials, fireworks. See article 78.~~

5. ~~Flammable or combustible liquids, liquified petroleum gasses. See article 82.~~

6. ~~Tents, canopies, and temporarily membrane structures.~~

7. ~~Salvage yards.~~

Section 4. That section 70-103.50, Section 10.302, key boxes, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Section 10.302, key boxes.**~~

~~Section 10.302 is hereby amended to read as follows:~~

~~*Sec. 10.302. Key boxes.*~~

~~When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes or when a structure is equipped with a fire alarm or automatic fire suppression system, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be a type approved by the chief and shall contain keys to gain necessary access as required by the chief.~~

Section 5. That section 70-104, Section 11.203(b) general, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Section 11.203(b), general.**~~

~~Section 11.203(b) is hereby amended to read as follows:~~

~~*General.* No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless the location has been approved by the fire chief or by authorized agents of the fire chief.~~

Section 6. That section 70-105, Section 79.501, restricted locations and fire protection, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Section 79.501, restricted locations and fire protection.~~**

~~Section 79.501 is hereby amended to read as follows:~~

~~Sec. 79.501. Restricted locations and fire protection.~~

~~Storage of flammable liquids in aboveground tanks is prohibited within the city limits, unless such tanks are properly safeguarded and do not involve a hazard to life and property, and have been approved by the fire chief or by authorized agents of the fire chief. Existing tanks that are properly safeguarded and do not involve a hazard to life or property may also be approved.~~

Section 7. That section 70-106, Section 79.903, dispensing services, of The Code of the City of Topeka, Kansas, is hereby repealed.

**~~Section 79.903, dispensing services.~~**

~~Section 79.903 is hereby amended to read as follows:~~

~~Sec. 79.903. Dispensing services.~~

~~(a) Design and construction. Class I and class II 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. 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. Dispensing devices for class I, II or III-A liquids shall be of approved type. See section 2.303(b). Class I, II or III-A liquids shall be dispensed by approved pumps taking suction through the top of the container. Class I, II or III-A liquids shall not be dispensed by a device that operates through pressure~~

~~within a storage tank or container unless the tank or container has been approved as a pressure vessel for the use to which it is subjected. In no case shall air or oxygen pressure be used for dispensing flammable class I, II or III-A liquids. This section does not prohibit use permitted by section 79.904.~~

~~A listed automatic-closing-type hose nozzle valve with or without a latch-open device shall be provided on island-type dispensers used for dispensing class I, II or III-A liquids.~~

~~Overhead-type dispensing units shall be provided with a listed automatic-closing-type hose nozzle valve without a latch-open device. A listed automatic-closing-type hose nozzle valve with latch-open device may be used if the design of the system is such that the hose nozzle valve will close automatically in the event the valve is released from a fill opening or upon impact with a driveway.~~

~~Where dispensing of class I, II or III-A liquids is performed by someone other than a qualified attendant, a listed automatic-closing-type hose nozzle valve shall be used incorporating the following features:~~

~~1. The hose nozzle valve shall be equipped with an integral latch-open device.~~

~~2. When the flow of product is normally controlled by devices or equipment other than the hose nozzle valve, the hose nozzle valve shall not be capable of being opened unless the delivery hose is pressurized. If pressure to the hose is lost, the nozzle shall close automatically.~~

~~Exception: Vapor-recovery nozzles incorporating insertion interlock devices designed to achieve shutoff upon disconnect with vehicle fill pipe.~~

~~3. The hose nozzle shall be designed in such a way that the nozzle is retained in the fill pipe during the filling operation.~~

~~(b) *Supervision.* The dispensing of class I and class II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant.~~

~~Exceptions: Supervision by a qualified attendant is not required at locations, provided:~~

~~1. The owner or operator provides and is accountable for:~~

~~a. At least daily site visits.~~

~~b. Regular equipment inspection and maintenance.~~

c. ~~Conspicuously posting instructions for safe operation of dispensing equipment.~~

d. ~~Posting the phone number of the owner or operator.~~

~~e. Means shall be available for calling the fire department. Such means may consist of a proprietary alarm system, a fire department alarm box or telephone not requiring a coin to operate; whichever it is, it must be within 100 feet of, but not nearer than 50 feet of, the dispensing area.~~

~~2. A sign, in addition to that required in section 79.902(h), is posted in a conspicuous location stating:~~

~~IN CASE OF FIRE OR SPILL~~

~~(1) Use emergency pump shutoff!~~

~~(2) Report the accident.~~

Fire Department No. \_\_\_\_\_

Facility address \_\_\_\_\_

~~3. Dispensing equipment complies with the following:~~

141           a. ~~(1) The amount of fuel being dispensed is limited in quantity by a~~  
142 ~~preprogrammed card; or~~

143                 ~~(2) Dispensing devices shall be programmed or set to limit uninterrupted~~  
144 ~~fuel delivery to 25 gallons and shall require a manual action to resume continued~~  
145 ~~delivery; and~~

146           b. ~~Product delivery hoses are equipped with a listed emergency breakaway~~  
147 ~~device designed to retain liquid on both sides of the breakaway point. Such devices shall be~~  
148 ~~installed and maintained in accordance with manufacturer's instructions.~~

149 ~~The attendant's primary function shall be to supervise, observe and control the dispensing~~  
150 ~~of class I and class II liquids while such liquids are being dispensed. It shall be the~~  
151 ~~responsibility of the attendant to prevent the dispensing of class I and class II liquids into~~  
152 ~~portable containers not in compliance with section 79.104(a), control sources of ignition,~~  
153 ~~and to give immediate attention to accidental spills and fire extinguishers, if needed.~~

154           (c) ~~Location.~~ ~~Dispensing devices at automotive service stations shall be~~  
155 ~~located a minimum distance of ten feet from a property line and so located that all parts of a~~  
156 ~~vehicle being serviced will be on the premises of the service station. In addition, the~~  
157 ~~location of dispensing devices shall be in accordance with the following:~~

158                 1. ~~Dispensing devices at automotive service stations shall be located not less~~  
159 ~~than ten feet from any building which is less than one-hour fire-resistive construction. Such~~  
160 ~~dispensing devices shall also be located so that the nozzle, when hose is fully extended,~~  
161 ~~shall not reach within five feet of any building opening.~~

162                 2. ~~Dispensing units shall be at least 20 feet from all fixed sources of ignition.~~

3. ~~All dispensing devices shall be protected against physical damage from vehicles by mounting on a concrete island a minimum of six inches in height. Alternate methods of providing equivalent protection may be permitted when approved by the chief.~~

4. ~~Apparatus dispensing class I and class II liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.~~

5. ~~Dispensing devices shall be secured to the island in an approved manner other than piping and conduit.~~

(d) ~~Inside garages~~ ~~Where an outside location is impractical, dispensing devices approved for inside use may be installed inside a garage or similar establishment, storing, parking, servicing or repairing automotive equipment upon the approval of the location and safeguards by the chief. A dispensing device shall be protected against physical damage by vehicles 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 out of control descending a ramp or other slope. A remote emergency shutoff for electric power to the dispensing unit and the pump supplying it shall be provided at an accessible location and shall be clearly labeled as to its intended purpose. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. 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. Ventilating systems shall be electrically interlocked with class I dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.~~



~~(e) — *Electrical controls.* — A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned, either to their brackets or to the normal nondispensing position. In addition, electrical conditions shall comply with the following:~~

~~1. — A clearly labeled manually operated pump master switch shall be provided in an approved location, within 75 feet of, but not nearer than 15 feet to, any dispenser. Where such master switch is not visible from all dispensers, the location thereof shall be indicated by approved signs.~~

~~2. — Signs identifying the pump master switch shall be labeled "EMERGENCY PUMP SHUTOFF."~~

~~3. — The master switch on all individual pump circuit switches shall be set in the "off" position before closing the service station for business at any time.~~

~~(f) — *Special-type dispensers.* — Approved special dispensing systems such as, but not limited to, coin-operated and remote preset types are permitted at service stations, provided there is at least one qualified attendant on duty while the station is open to the public.~~

~~1. — The attendant or supervisor on duty shall be capable of performing the functions and assuming the responsibilities covered in section 79.903(b).~~

~~2. — Emergency controls shall be installed at a location acceptable to the chief, but controls shall be not more than 100 feet from dispensers.~~

~~3. — Instructions for the operation of dispensers shall be conspicuously posted.~~

~~4. Remote preset type devices are to be in the "off" position while not in use so that the dispenser cannot be activated without the knowledge of the attendant.~~

~~5. The dispensing device shall be in clear view of the attendant at all times and the obstacle shall not be placed between the dispensing devices and the attendant.~~

6. ~~The attendant shall at all times be able to communicate with persons in the dispensing area.~~

Section 8. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council April 28, 2009.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk