

CHAPTER VII. FIRE

- Article 1. Fire Department
- Article 2. Fire Prevention
- Article 3. Fireworks
- Article 4. Above Ground and Underground Storage Tanks
- Article 5. Life Safety Code
- Article 6. Fire Insurance Proceeds Fund
- Article 7. Bonfires and Outdoor Rubbish Fires

ARTICLE 1. FIRE DEPARTMENT

- 7-101. FIRE DEPARTMENT. There is hereby established a fire department in the City of Marysville. The chief and assistant chief shall be appointed by the mayor and confirmed by the city council. Maximum membership of the department shall not exceed 45 members. (Code 1987)
- 7-102. FIRE CHIEF. The chief of the fire department shall be under the supervision of the mayor and shall have superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment. It shall be his or her duty to see that all such apparatus and equipment shall be at all times ready for immediate use. He or she shall submit a written report as to the condition of the fire equipment to the mayor and council at their first meeting in October. (Ord. 948, Sec. 3)
- 7-103. DISCIPLINE POWERS OF CHIEF. The chief of the fire department shall be responsible for the discipline of members and is hereby given the authority to suspend or expel any member for the refusal to obey orders or for misconduct or failure to do his duty at a fire. The chief shall also have the right to summon any and all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof and in guarding the same. (Ord. 948, Sec. 4)
- 7-104. CHIEF; CONTROL OF FIRES. The chief of the fire department shall have full power, control and command over all persons whosoever are present at fires and said fire chief shall direct the use of all fire apparatus and equipment and command all firefighters in the discharge of their duties. Said chief shall take such measures as the chief may deem necessary in the preservation and protection of property and the extinguishing of fires. (Ord. 948, Sec. 5)
- 7-105. CHIEF; RECORD OF FIRES. The chief of the fire department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how extinguished, value of building and contents, insurance on building and contents,

members responding to the alarm and any other information deemed advisable. (Ord. 948, Sec. 6)

- 7-106. INSPECTIONS. It shall be the duty of the chief of the fire department to adopt all prudent measures for the prevention of fires and for this purpose he or she or his or her assistant under his or her direction may, upon request or whenever he or she has reason to believe that the safety of life and property demands it and as often as he or she may deem necessary, enter any building, yard or premises in the city during reasonable hours for the purpose of inspection and where dangerous, unsafe or hazardous conditions are found to exist he or she shall give such directions for the alteration, change or removal or better care or management of the same as he or she may deem proper, and such directions shall be obeyed and complied with by the person directed in that regard and at their expense. (Ord. 948, Sec. 7)
- 7-107. TRAINEES. Volunteer firefighters will serve a one-year probationary period, with compensation, as a trainee. Following the probationary period, approval must be obtained from the fire chief and fire department personnel before acquiring a volunteer firefighter status. (Ord. 1401, Sec. 1; Code 2011)
- 7-108. FIREFIGHTERS. Members of the fire department shall be volunteers. They shall meet at least twice each month for practice and drill. The chief shall keep a record of attendance of such meetings. Any member who shall fail to attend four (4) consecutive practice and drill meetings, without proper excuse, shall be expelled upon review and recommendation of the membership. (Ord. 1401, Sec. 2; Code 2011)
- 7-109. COMPENSATION. Each member of the city volunteer fire department shall receive as compensation \$12.00 for attendance at each meeting and \$12.00 for attendance at each practice called by the chief of the fire department. In addition, each member shall receive compensation for each run to answer a fire call as follows: Trainee, \$15.00; Firefighter, \$17.00; Lieutenant \$19.00; Captain, \$20.00; Assistant Chief, \$25.00; and Chief, \$25.00. The Assistant Chief, in addition to the other fees set forth in this article, shall receive a salary of \$100.00 per month and the Chief a salary of \$125.00 per month. (Ord. 1584, Sec. 1; Code 2011)
- 7-110. ASSISTANT FIRE CHIEF. In the absence of the chief, the assistant chief shall perform all the duties and have all the authority and responsibility of the chief as conferred by this article. (Ord. 948, Sec. 8)
- 7-111. APPARATUS, EQUIPMENT; RIGHT-OF-WAY. All fire apparatus and equipment is hereby given and granted the exclusive right-of-way over and through all streets, avenues, alleys and public thoroughfares in the city while enroute to fires or in response to any alarm of fire and no person or persons shall

in any manner obstruct or hinder the apparatus as aforesaid stated. (Ord. 948, Sec. 9)

7-112. FIRE HYDRANT; OBSTRUCTING OR HITCHING TO. No person shall place or cause to be placed upon or about any fire hydrant, any rubbish, building material, fence, or other obstruction of any character whatsoever, in any manner to obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. Nor shall any person hitch or cause to be hitched to any fire hydrant any animal nor fasten to same any guy rope or brace, nor back or stand any wagon, truck, automobile or other vehicle within 15 feet of any such hydrant. (Ord. 948, Sec. 11)

7-113. FALSE FIRE ALARM. (a) It is hereby deemed unlawful for any person to transmit in any manner to the fire department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.
(b) Any person or persons, upon conviction thereof shall be deemed guilty of a violation of this code and punished by a fine not exceeding \$499.00 or imprisonment not exceeding 179 days or by both such fine and imprisonment. (Ord. 1016, Sec. 1; Code 1987)

7-114. FIRE APPARATUS, EQUIPMENT; UNLAWFUL USE. No person or persons shall use any fire apparatus or equipment for any private purpose nor shall any person willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the fire department. (Ord. 948, Sec. 13)

ARTICLE 2. FIRE PREVENTION

- 7-201. FIRE PROTECTION CODE INCORPORATED. There is hereby adopted by the governing body of the city, for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, including all the Appendix chapters, and amendments hereafter, published by the Western Fire Chiefs Association and the International Conference of Building Officials, except such portions as hereinafter deleted, modified or amended by section 7-203 of this article; three copies which Code and Standards have been and are now filed in the office of the clerk of the City of Marysville, Kansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the city. (Code 2011)
- 7-202. SAME; ENFORCEMENT. The code hereby adopted shall be enforced by the chief of the fire department. (Code 2011)
- 7-203. SAME; AMENDMENTS. (a) Whenever the word municipality is used in the code hereby adopted, it shall be held to mean the City of Marysville.
(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety. (Code 2011)
- 7-204. ACCUMULATION OF RUBBISH AND TRASH. It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels or other combustibles which shall constitute a fire hazard. (Code 2011)
- 7-205. STACKING OF HAY OR STRAW. It shall be unlawful for any person to deposit, stack or store any hay or straw inside the city limits of the city. This section shall not apply to ornamental or seasonal decorations. (Code 2011)
- 7-206. KEEPING OF PACKING MATERIALS. It shall be unlawful to keep excelsior or other packing material in any other than metal or wood metal lined boxes or bins having self-closing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily. (Code 2011)
- 7-207. STORAGE OF ASHES. It shall be unlawful to store ashes inside of any non-fireproof building unless they are stored in a noncombustible container or receptacle and a clearance of at least five feet shall be maintained between such container or receptacle and any combustible materials not placed therein. Ashes shall not be stored outside of any building in wooden, plastic, or paper product receptacles or dumped in contact with or in close proximity to any combustible materials. (Code 2011)

- 7-208. **FILLING GASOLINE TANKS OF MOTOR VEHICLES.** The engines of motor vehicles shall be stopped when the gasoline tanks of such vehicles are being filled with gasoline at service stations or other places where gasoline is supplied to motor vehicles. The driver or person in control of such vehicle when the gasoline tank of same is being filled who refuses, neglects or fails to stop the engine of such vehicle shall likewise be guilty of a violation of this code. (Code 2011)
- 7-209. **FIRE HAZARDS GENERALLY.** It is unlawful for any person to cause or create anywhere within the city, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire, is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling or use of inflammable oils, explosives, liquefied petroleum gases, or fertilizers and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs or any other obstruction in the aisles, hallways, doorway, or exit of any theater, public hall, auditorium, church or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient accessible and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant or any other condition that might delay the fire department in fighting fire is declared to be unlawful. (Code 2011)
- 7-210. **SAME; INSPECTIONS TO DISCOVER.** It shall be the duty of the fire chief to inspect or cause to be inspected by fire department officers or members, as often as may be necessary all buildings, particularly all mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums and all places of public assemblage, for the purpose of discovering the violation of any fire preventive law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels and rooming houses have sufficient and unobstructed facilities for escape therefrom in case of fire. (Code 2011)
- 7-211. **ABATEMENT OF FIRE HAZARDS; ISSUING ORDER.** Whenever any officer or member of the fire department shall find or discover any fire hazard or shall find in any building or upon any premises combustible or explosive material or dangerous accumulation of rubbish or unnecessary accumulation of paper, boxes, shavings or any other flammable material, so situated as to endanger property by the probability of fire, or shall find or discover any violation of this chapter or any other law hazardous to public safety from fires, the fire chief shall order the fire hazard or danger from the fire forthwith abated and remedied and such order shall be complied with immediately by the owner or occupant of such buildings or premises. If the hazard or condition ordered abated and remedied is a

violation of, or a failure to comply with any law, the fire chief shall report the matter to the city attorney and he or she shall, if he or she deems it advisable, prosecute the offender. (Code 2011)

7-212.

SAME; SERVICE OF ORDER; RECORDS. Any order made under section 7-211 shall be in writing and may be served personally upon the owner or occupant of the premises or by leaving it with any person in charge of the premises or if the premises are unoccupied and the owner is a nonresident of the city, then by mailing a copy to the owner's last known post office address. One notice to either the occupant or owner shall be sufficient. The fire chief shall keep a record of and copies of all such orders and notices and shall follow up such notices at the expiration of the time for compliance therewith and when complied with make proper entry, and if not complied with, file complaint with the municipal court against the property owner and/or occupant. (Code 2011)

ARTICLE 3. FIREWORKS

- 7-301. FIREWORKS; SALE. No fireworks of any kind shall be sold before June 27 or after July 5 of each year, nor shall any fireworks of any kind be sold before 10:00 a.m. or later than 10:00 p.m., except on July 4 of each year, fireworks may be sold until 11:00 p.m. (Ord. 1642, Sec. 1; Code 2011)
- 7-302. SAME; RESIDENCE. No person, not a resident of the City of Marysville, Kansas, or not having a permanent regular business in an established location in the city, shall be licensed to sell fireworks of any kind at retail, within the corporate limits of the city. The word “retail” is defined as meaning the retail sale of fireworks from a place of business or temporary stand which is open or seemingly open to the public at large for the purpose of sale to the public at large. (Ord. 862, Sec. 2; Code 1987)
- 7-303. SAME; CITY PROPERTY, RIGHT-OF-WAY. No person shall construct, place or maintain a stand or structure for the sale of fireworks of any kind on property belonging to the city or on the right-of-way of any street or alley within the city. (Ord. 862, Sec. 3)
- 7-304. PERMIT. Any person, prior to selling fireworks at retail or constructing, placing or maintaining any temporary stand for the retail sale of fireworks of any kind, shall obtain a permit for same from the city clerk. The permit shall show the location, name and address of owner and the manager of the stand or business. The city clerk shall require the applicant to provide sufficient information to show compliance with the terms of this article and shall collect from applicant a fee of \$25.00 for issuance of the permit. (Ord. 1642, Sec. 2; Code 2011)
- 7-305. DISCHARGE PROHIBITED. (a) No fireworks of any kind shall be discharged or ignited on any road, street, highway, alley or other public right-of-way. No fireworks of any kind shall be discharged or ignited within fifty (50) feet of a vehicle, gas station, building or fireworks stand or facility where fireworks or explosives are stored. No fireworks of any kind shall be discharged or ignited within one thousand (1,000) feet of any hospital.
- (b) No fireworks of any kind shall be ignited or discharged within the corporate city limits between the hours of 10:00 p.m. and 10:00 a.m., except on July 4, when fireworks may be ignited or discharged from 10:00 a.m. until 12:00 midnight. No fireworks shall be ignited or discharged within the corporate limits of the city before June 27 or after July 5 of each year.
- (c) No person shall ignite or discharge fireworks of any kind into, under, or on a car or vehicle regardless of whether the car or vehicle is moving or standing still. No person shall throw ignited fireworks of any kind from a car or vehicle regardless of whether the car or vehicle is moving or standing still.
- (d) No fireworks of any kind shall be set off or discharged on Broadway or Center Streets, or on any intersecting street between those streets, or in any area

within the city bounded on the north by the alley north of Center Street and on the south by the alley south of Broadway. (Ord. 1642, Sec. 4; Code 2011)

7-306. WAIVER. Any person may seek waiver of the discharge prohibition set forth above by filing an application with the city council. The city council may waive the discharge prohibitions contained within this article for special occasions or events where the applicant can show that reasonable safety precautions are in place to protect the public and that such discharge will not substantially interfere or adversely affect the privacy or rights of others. (Ord. 1642, Sec.5; Code 2011)

7-307. STORAGE, SALE OR DISCHARGE NEAR GASOLINE OR OTHER STATIONS SELLING FLAMMABLE LIQUIDS. Fireworks shall not be stored, kept, sold, or discharged within fifty (50) feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. (Ord. 1642, Sec. 6; Code 2011)

7-308. PENALTIES. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$500.00. (Ord. 1642, Sec. 7; Code 2011)

7-309. DEFINITIONS. (a) The term “fireworks” shall mean and include any combustible or deflagrating composition, article, or device suitable for the use of the public for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and previously approved for transportation by the chemical laboratory of the United States Department of Transportation.
(b) Nothing in this article shall be construed as applying to toy smoke devices defined as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of colored smoke (white and black smokes are considered colored); or to toy paper caps containing not more than twenty-five hundredths of a gram of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, not applying to the military or naval forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events, nor as prohibiting the firing of sky rockets or missiles when produced by a science class of any school and when under supervision of the science instructor and when the place and time of firing the sky rockets or missiles has been approved by the fire chief. (Ord. 1642, Sec. 8; Code 2011)

ARTICLE 4. ABOVEGROUND AND UNDERGROUND STORAGE TANKS

- 7-401. STORAGE OR PETROLEUM PRODUCTS. Any person who owns an aboveground or underground storage tank used for the storage, use or dispensing of petroleum products shall notify the city clerk of its existence. (Code 1987)
- 7-402. SAME; REGULATIONS. The provisions of K.A.R. 28-44-1 shall govern installation, operation, leak detection monitoring, and abandonment of petroleum products storage tanks. (Code 1987)
- 7-403. PROHIBITIONS. It shall be unlawful for any person or other agent, either as owner, lessee, tenant or occupant of any filling station, service station or motor fuel storage tank to allow motor fuel to be transferred from the tanks or into the tanks unless the transfer is personally attended by the owner, operator, agent or employee. (Code 1987)
- 7-404. PROPANE TANK PROHIBITION. Except as provided in section 4-405 of this code, all propane tanks and the use thereof are prohibited within the city. (Code 1987)
- 7-405. SAME; EXCEPTIONS. (a) This shall not apply to uses such as grills or recreational vehicles whose tank capacity does not exceed 100 pounds.
(b) This shall not apply to commercial or governmental units.
(c) This shall not prohibit the use of standard size heating tanks for use by construction companies and contractors for temporary installation on a home building site. This temporary installation shall in no case exceed 45 days. (Ord. 1547, Sec. 1; Code 2011)

ARTICLE 5. LIFE SAFETY CODE

- 7-501. **LIFE SAFETY CODE INCORPORATED.** The Life Safety code, 2006 edition, published by the National Fire Protection Association is hereby adopted by reference and made a part of this chapter and code as if set out fully herein, save and except Chapter 22 which is hereinafter deleted, modified or amended by this article. No fewer than three copies of the code shall be kept on file in the office of the city clerk for inspection and use of the public at all reasonable hours. The file copies shall be marked “Official Copy as Incorporated by the Code of the City of Marysville, Kansas”. All sections or portions of the filed copies shall be clearly marked to show deletions, modifications or amendments thereto. (Code 2011)
- 7-502. **SAME; PENALTY.** Any person who shall violate any of the provisions of the code adopted by reference by section 7-501 or fail to comply therewith, or who shall violate or fail to comply with any other order made thereunder, or who shall be in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a violation of this code, punishable by a fine of not less than \$10.00 nor more than \$499.00 or by imprisonment of not less than five days nor more than 30 days, or by both such fine and imprisonment. All persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each 10 days that such prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 1243, Sec. 4)

ARTICLE 6. FIRE INSURANCE PROCEEDS FUND

- 7-601. SCOPE AND APPLICATION. The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire or explosion, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article. (Ord. 1499, Sec. 1; Code 2011)
- 7-602. LIEN CREATED. The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire explosion, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained un-discharged for at least one year prior to the filing of a proof of loss. (Ord. 1499, Sec. 2; Code 2011)
- 7-603. SAME; ENCUMBRANCES. Prior to final settlement on any claim covered by section 7-602, the insurer or insurers shall contact the county treasurer, Marshall County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Marshall County, Kansas. (Code 1987)
- 7-604. SAME; PRO RATA BASIS. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure. (Code 1987)
- 7-605. PROCEDURE. (a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of 16 percent of the covered claim payment unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged

building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector shall contact the named insured or insureds by registered mail, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article. (Ord. 1499, Sec. 3; Code 2011)

7-606. **FUND CREATED; DEPOSIT OF MONEYS.** The city treasurer is hereby authorized and shall create a fund to be known as the "Fire Insurance Proceeds Fund". All moneys received by the city treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account. (Code 1987)

7-607. **BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.** (a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.

(b) Within 20 days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 20 days established by subsection (b) of this section, the chief building inspector shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 30 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies. (Code 1987)

7-608. **REMOVAL OF STRUCTURE; EXCESS MONEYS.** If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply

with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured. (Code 1987)

7-609. SAME; DISPOSITION OF FUNDS. If the chief building inspector, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of Section 7-605(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the chief building inspector shall immediately affect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under Section 7-605(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred. (Ord. 1499, Sec. 4; Code 2011)

7-610. EFFECT UPON INSURANCE POLICIES. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Code 1987)

7-611. INSURERS; LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article. (Code 1987)

ARTICLE 7. BONFIRES AND OUTDOOR RUBBISH FIRES

- 7-701. LOCATION RESTRICTION. (a) It shall be unlawful for any person to kindle or burn any trash, rubbish, garbage, refuse or other like materials.
(b) Dead grass, garden or yard waste and small tree limbs may be burned, with the following provisions:
(1) Burning must be accomplished between the hours of sunrise and sunset;
(2) Materials will not be burned within 50 feet of any structure unless adequate provisions are made to prevent the fire from spreading to within 50 feet of any structure;
(3) Materials will not be burned within 20 feet of any structure unless the fire is contained in an approved waste burner with a wire covering of not larger than one inch. (Ord. 1573; Code 2011)
- 7-702. OTHER BURNINGS. Burnings, other than those contained in Section 7-701 above may be considered and must be approved by the Fire Chief. (Ord. 1573; Code 2011)
- 7-703. ATTENDANCE AT OPEN FIRES. All open fires shall be constantly attended by a competent person 16 years of age or older until such fire is extinguished. A garden hose connected to the water supply, or other fire extinguishing equipment shall be readily available for use by the attendee. (Ord. 1573; Code 2011)
- 7-704. PROHIBITION. The Marysville Fire Chief is permitted to prohibit any or all outdoor open fires when atmospheric conditions or local circumstances make such fires hazardous. (Ord. 1573; Code 2011)