

South Carolina Code of Laws Unannotated

Title 5 - Municipal Corporations

CHAPTER 25

Building Codes and Fire Prevention

ARTICLE 1

General Provisions

SECTION 5-25-10. Application of chapter.

None of the provisions of this chapter, except Sections 5-25-20, 5-25-40, and 5-25-160 to 5-25-210, shall apply to towns of less than five thousand inhabitants, and any of the provisions of this chapter, except Sections 5-25-20, 5-25-30, 5-25-40 and 5-25-160 to 5-25-210, apply to municipalities of five thousand or more inhabitants which shall have adopted the Southern Building Code by ordinance.

HISTORY: 1962 Code Section 47-1151; 1952 Code Section 47-1151; 1942 Code Section 7527; 1932 Code Section 7527; Civ. C.'22 Section 4642; 1917 (30) 77; 751; 1963 (53) 18, 38, 52.

Editor's Note

Under the provisions of Chapter 34, Title 1, an agency is required to adopt the latest edition of a nationally recognized code which it is charged by statute or regulation enforcing by giving notice in the State Register.

SECTION 5-25-20. Fire departments in cities and towns of one hundred inhabitants; fire limits and construction therein.

Any city or town council of a city or town of not less than one hundred inhabitants may equip and control a fire department for the protection of such city or town in any way as it deems necessary and by ordinance establish fire limits in such city or town and prescribe and designate the kind and character of material to be used in building and repairing buildings or structures within and upon that portion of such city or town included within such fire limits. All buildings or structures erected within such fire limits contrary to the ordinance of such city or town may be abated and removed by such council as a public nuisance.

HISTORY: 1962 Code Section 47-1154; 1952 Code Section 47-1154; 1942 Code Sections 7424, 7439; 1932 Code Sections 7424, 7439; Civ. C. '22 Sections 4505, 4506; Civ. C. '12 Sections 2915, 2952; Civ. C. '02 Sections 1957, 1986; 1896 (22) 67; 1899 (23) 54; 1901 (23) 649; 1906 (25) 10.

SECTION 5-25-40. Fire alarm boxes in hospitals and public schools.

Each hospital operating over ten beds and all public schools located in a city or town in this State in which there is a general fire alarm station and an electrically operated fire alarm system shall be equipped with a fire alarm box of the type and character used in such city or town, to be located on the premises at such place as the chief of the fire department may direct, and when such box is installed by such hospital or public school, the municipal authorities shall connect such box with the general fire alarm system and shall thereafter maintain such box in good repair, and such municipal authorities or their agents may enter every such hospital or school at any reasonable time for the purpose of inspecting and repairing any such box. The failure so to install and equip any such hospital or public school shall be a misdemeanor and punishable by a fine of not less than fifty dollars and not more than one hundred dollars or by imprisonment for a period of not less than ten days and not more than thirty days at the discretion of the court.

HISTORY: 1962 Code Section 47-1158; 1952 Code Section 47-1158; 1942 Code Section 7386; 1932 Code Section 7310; 1926 (34) 944.

SECTION 5-25-50. Amount of explosives, inflammable liquids and matches that may be kept.

Explosives, inflammable liquids and matches may be kept within the corporate limits only in such quantities and in such manner as shall not cause an increase in the fire insurance rate on any property affected thereby.

HISTORY: 1962 Code Section 47-1159; 1952 Code Section 47-1159; 1942 Code Section 7525; 1932 Code Section 7525; Civ. C. '22 Section 4640; 1917 (30) 77

ARTICLE 3

Chiefs of Fire Departments and Inspectors

SECTION 5-25-110. Chief of fire department.

The city council or governing body of every city and incorporated town shall appoint a chief of the city or town fire department and see that such officer is reasonably remunerated by the city or town for the services required of him by law. When such governing body fails or neglects to perform either of such duties, the State Fire Marshal shall call it to their attention and, if necessary, bring the matter before the proper court. Nothing herein shall prevent any person appointed hereunder from holding any other position in the government of such city or town.

HISTORY: 1962 Code Section 47-1171; 1952 Code Section 47-1171; 1942 Code Section 7475; 1932 Code Section 7475; Civ. C. '22 Section 4590; 1917 (30) 77; 1646.

SECTION 5-25-120. Inspectors of buildings.

The chief of a fire department shall also be the local inspector of buildings for the city or town for which he is appointed and shall perform the duties required hereunder. He shall make all reports required by the State law, by city or town ordinances or by the State Fire Marshal. He shall make all inspections and perform such duties as may be required.

required by the State Fire Marshal. But any city or town may appoint and reasonably remunerate a local inspector of buildings, in which case the chief of the fire department shall be relieved of the duties herein imposed.

HISTORY: 1962 Code Section 47-1172; 1952 Code Section 47-1172; 1942 Code Section 7476; 1932 Code Section 7476; Civ. C. '22 Section 4591; 1917 (30) 77 1646.

SECTION 5-25-130. Deputy building inspector.

All duties imposed by this chapter upon the building inspector may be performed by a deputy, duly appointed and approved by the city council or other governing the town.

HISTORY: 1962 Code Section 47-1173; 1952 Code Section 47-1173; 1942 Code Section 7478; 1932 Code Section 7478; Civ. C. '22 Section 4593; 1917 (30) 77

SECTION 5-25-140. Electrical inspector.

The city council of any incorporated city or town may, in its discretion, appoint an electrical inspector in addition to the building inspector, and when such electrician is so appointed, he shall do and perform all things herein set out for the building inspector to do and perform in regard to electrical wiring and certificates for such and in such cases the building inspector shall be relieved of such duties.

HISTORY: 1962 Code Section 47-1174; 1952 Code Section 47-1174; 1942 Code Section 7477; 1932 Code Section 7477; Civ. C. '22 Section 4592; 1917 (30) 77

SECTION 5-25-150. Review of actions or orders of inspector by city council.

The city council may at any time review, reverse, modify or affirm any action or order given by the inspector.

HISTORY: 1962 Code Section 47-1175; 1952 Code Section 47-1175; 1942 Code Section 7475; 1932 Code Section 7475; Civ. C. '22 Section 4590; 1917 (30) 77

SECTION 5-25-160. Building inspectors' responsibility to hold inquiries into origins of fires; ex officio inspectors.

The inspector of buildings of every incorporated city or town in this State shall hold an inquiry into the origin of every fire occurring within the limits of such city or town. The inspector of buildings may subpoena witnesses as may magistrates of the State. The mayor, chief of the fire department or other municipal officer may be ex officio inspector of buildings.

HISTORY: 1962 Code Section 47-1176; 1952 Code Section 47-1176; 1942 Code Section 7259; 1932 Code Section 7259; Civ. C. '22 Section 4414; 1917 (30) 36 (52) 498.

SECTION 5-25-170. Report to State Fire Marshal.

After making a complete inquiry upon such fire any such inspector of buildings shall make a report in writing to the State Fire Marshal upon blanks to be furnished by the State Fire Marshal, showing how, in his opinion, the fire originated.

HISTORY: 1962 Code Section 47-1177; 1952 Code Section 47-1177; 1942 Code Section 7260; 1932 Code Section 7260; Civ. C. '22 Section 4415; 1917 (30) 36 (51) 1646.

SECTION 5-25-180. Fee for inquiry; from whom derived.

An inspector of buildings shall be entitled to a fee of three dollars for making any such inquiry, such fee to be taxed against the person owning the property burned if the fire was caused by faulty construction or negligence of the owner; but in case the inspector shall conclude that the fire was due to lack of proper care on the part of the occupant of the house in which the fire occurred, the fee shall be paid by the occupant, except that, upon affidavit made that the occupant is in indigent circumstances and unable to pay the fee, it shall be paid by the municipality within the limits of which the fire occurred or, if it shall have been without the limits of the municipality, then the fee shall be paid by the State Fire Marshal out of funds available for this purpose. And when the fire originated from accidental causes the fee shall be paid by the State Fire Marshal out of funds available for this purpose.

HISTORY: 1962 Code Section 47-1178; 1952 Code Section 47-1178; 1942 Code Section 7261; 1932 Code Section 7261; Civ. C. '22 Section 4416; 1917 (30) 36 (51) 1646.

SECTION 5-25-190. Procedure and penalty in cases of criminal carelessness.

If the officer shall consider that the fire be due to criminal carelessness, the person responsible for it shall be indicted before a magistrate for a misdemeanor and conviction of the same, may be fined in a sum not exceeding fifty dollars or imprisoned for not more than ten days.

HISTORY: 1962 Code Section 47-1179; 1952 Code Section 47-1179; 1942 Code Section 7262; 1932 Code Section 7262; Civ. C. '22 Section 4417; Cr. C. '22 Section 361; 1917 (30) 361.

SECTION 5-25-200. Procedure when municipality fails to appoint inspector.

If the governing body of any municipality shall fail or refuse to appoint an officer to make the investigation required, the State Fire Marshal shall make such appointment.

HISTORY: 1962 Code Section 47-1180; 1952 Code Section 47-1180; 1942 Code Section 7263; 1932 Code Section 7263; Civ. C. '22 Section 4418; 1917 (30) 36 (51) 1646.

SECTION 5-25-210. Penalties; enforcement.

An officer so appointed who, after accepting such appointment, shall fail to carry out the provisions of Sections 5-25-160 and 5-25-170 shall be liable to a penalty of five dollars, recoverable before a magistrate, and to dismissal from office. The State Fire Marshal shall enforce the provisions of Sections 5-25-160 to 5-25-210.

HISTORY: 1962 Code Section 47-1180.1; 1952 Code Section 47-1180.1; 1942 Code Section 7264; 1932 Code Section 7264; Civ. C. '22 Section 4419; 1917 (30) 36 (51) 1646.

ARTICLE 5

Building Permits and Inspections

SECTION 5-25-310. Building permit.

Before a building is begun the owner of the property shall apply to the inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of this chapter. This requirement shall not prevent cities or towns from requiring submission of plans to a city engineer.

HISTORY: 1962 Code Section 47-1181; 1952 Code Section 47-1181; 1942 Code Section 7479; 1932 Code Section 7479; Civ. C. '22 Section 4594; 1917 (30) 77

SECTION 5-25-320. Inspections and certificate of compliance.

As the construction of any building progresses the inspector shall make as many inspections as may be necessary to satisfy him that the building is being constructed according to the provisions of this chapter. As soon as the building is completed the owner shall notify the inspector, who shall proceed at once to inspect the building to determine whether or not the flues and the building are properly constructed in accordance with the provisions of this chapter. If the building meets the requirements of this chapter, the inspector shall then issue to the owner of the building a certificate which shall state that he has complied with the requirements of this chapter as to that particular building, giving a description and the locality and street number, if numbered.

HISTORY: 1962 Code Section 47-1182; 1952 Code Section 47-1182; 1942 Code Section 7479; 1932 Code Section 7479; Civ. C. '22 Section 4594; 1917 (30) 77

SECTION 5-25-330. Permit for moving building.

No building shall be moved until a permit has been obtained from the inspector, and such official shall not issue such a permit if in his judgment the proposed removal of the building would seriously increase the fire hazard of the surrounding buildings.

HISTORY: 1962 Code Section 47-1183; 1952 Code Section 47-1183; 1942 Code Section 7479; 1932 Code Section 7479; Civ. C. '22 Section 4594; 1917 (30) 77

SECTION 5-25-340. Right to enter premises.

The local inspector shall at all times have the right to enter any dwelling, store or other building and premises to inspect them, without molestation from anyone. If a private dwelling or premise may not be entered without permission, unless there exists probable cause to believe that a violation of provisions respecting fire there exists imminent danger to the occupant thereof.

HISTORY: 1962 Code Section 47-1184; 1952 Code Section 47-1184; 1942 Code Section 7481; 1932 Code Section 7481; Civ. C. '22 Section 4596; 1917 (30) 77 1646; 1975 (59) 613.

SECTION 5-25-350. Reports of noncompliance.

The inspector shall report to the State Fire Marshal every person neglecting to secure such permit and certificate and shall also bring the matter before the mayor or recorder of the municipal court for his attention and action.

HISTORY: 1962 Code Section 47-1185; 1952 Code Section 47-1185; 1942 Code Section 7479; 1932 Code Section 7479; Civ. C. '22 Section 4594; 1917 (30) 77 1646.

SECTION 5-25-360. Quarterly inspections of premises within fire limits; reports.

Once in every three months the inspector or his deputy shall make a personal inspection of every building and premises within the fire limits and shall especially inspect the basement and garret and he shall make such other inspections as may be required by the State Fire Marshal. He shall report to the city council and to the State Fire Marshal the defects found by him in any building and all dangerous conditions on premises upon a blank form furnished by the Marshal. The inspector shall notify the owner or occupant of buildings of any defects and notify them to correct them within a reasonable time.

HISTORY: 1962 Code Section 47-1186; 1952 Code Section 47-1186; 1942 Code Section 7480; 1932 Code Section 7480; Civ. C. '22 Section 4595; 1917 (30) 77 1646.

SECTION 5-25-370. Annual inspections required.

At least once in each and every year the inspector or his deputy shall make a general inspection of all buildings in the corporate limits and ascertain if the provisions of this chapter are being complied with. The local inspector shall notify the occupant and owner of any premises of any defects found in this general inspection and shall require that they are properly corrected and that dangerous inflammable conditions on the premises are removed. Provided, that the inspector may enter a private dwelling or other building only with the permission of the owner or occupant, unless there exists probable cause to believe that there exists a violation of provisions respecting fire laws, or danger to occupants thereof.

HISTORY: 1962 Code Section 47-1187; 1952 Code Section 47-1187; 1942 Code Section 7481; 1932 Code Section 7481; Civ. C. '22 Section 4596; 1917 (30) 77 613.

SECTION 5-25-380. Procedure in case of defective or illegal construction.

Whenever the inspector finds any defects in any new building or finds that such building is not being constructed or has not been constructed in accordance with the provisions of this chapter or that an old building, because of its condition, is dangerous and likely to cause fire, he shall notify the owner of such building of such defects and of such failure to comply with the provisions of this chapter and such owner or builder shall immediately remedy the defect and make the building comply with the provisions of this chapter. The owner or builder may appeal from the decision of the inspector to the city council.

HISTORY: 1962 Code Section 47-1188; 1952 Code Section 47-1188; 1942 Code Section 7485; 1932 Code Section 7485; Civ. C. '22 Section 4600; 1917 (30) 77

SECTION 5-25-390. Notice to repair unsafe buildings.

To every building which shall appear to the inspector to be dangerous to life or limb or, because of its liability to fire, bad condition of walls, overloaded floors, defective construction, decay or other cause, shall be held to be unsafe the inspector shall affix a notice of the dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent, fixing a reasonable time under the circumstances for the correction of such conditions.

HISTORY: 1962 Code Section 47-1189; 1952 Code Section 47-1189; 1942 Code Section 7486; 1932 Code Section 7486; Civ. C. '22 Section 4601; 1917 (30) 77

SECTION 5-25-400. Approval required of proposed alterations.

No building shall be altered, repaired or moved until it has been examined and approved by the inspector as being in a good and safe condition to be altered as proposed and the alteration, repair or change so made shall conform to the provisions of this chapter.

HISTORY: 1962 Code Section 47-1190; 1952 Code Section 47-1190; 1942 Code Section 7486; 1932 Code Section 7486; Civ. C. '22 Section 4601; 1917 (30) 77

SECTION 5-25-410. Effect of failure of owner to correct defects in new building.

If the owner or builder erecting any new building, upon notice from the inspector, shall fail or refuse to comply with the terms of the notice by correcting the defect in such notice so as to make such building comply with the law as regards new buildings, he shall be guilty of a misdemeanor and shall be fined not exceeding dollars. Every twenty days during which any defect in the building is wilfully allowed to remain, after notice from the inspector, shall constitute a separate and distinct offense.

HISTORY: 1962 Code Section 47-1191; 1952 Code Section 47-1191; 1942 Code Section 7488; 1932 Code Section 7488; Civ. C. '22 Section 4603; Cr. C. '22 Section 1917 (30) 77.

SECTION 5-25-420. Penalty if owner of unsafe and dangerous building fails to remedy defects.

If the owner of any building which has been condemned as unsafe and dangerous by any local inspector, after being notified by the inspector in writing of the unsafe and dangerous character of such building, shall permit it to stand or continue in that condition, he shall forfeit and pay a fine of not less than five dollars nor more than five dollars for each day such building continues in such condition after such notice.

HISTORY: 1962 Code Section 47-1192; 1952 Code Section 47-1192; 1942 Code Section 7490; 1932 Code Section 7490; Civ. C. '22 Section 4605; Cr. C. '22 Section 1917 (30) 77.

SECTION 5-25-430. Removal of notice is a misdemeanor.

If any person shall remove any notice which has been affixed to any building by the inspector of any city or town stating the dangerous character of the building, guilty of a misdemeanor and be fined not less than ten nor more than fifty dollars for each offense.

HISTORY: 1962 Code Section 47-1193; 1952 Code Section 47-1193; 1942 Code Section 7489; 1932 Code Section 7489; Civ. C. '22 Section 4604; Cr. C. '22 Section 1917 (30) 77.

SECTION 5-25-440. Records kept by inspector.

The inspector shall keep the following records:

(1) A book indexed and kept so that it will show readily by reference all such buildings as are approved, that is, the name and residence of the owner, the location of the building, how it is or is to be occupied, the date of inspection, what defects were found and when remedied and date of the building certificate;

(2) A record which shall show the date of every general inspection, defects discovered and when remedied;

(3) A record which shall show the date, circumstances and origin of every fire that occurs, the name of the owner and occupant of the building in which the fire occurred and the kind and value of property destroyed or damaged; and

(4) A record of inspection of electrical wiring and certificates issued.

HISTORY: 1962 Code Section 47-1194; 1952 Code Section 47-1194; 1942 Code Section 7482; 1932 Code Section 7482; Civ. C. '22 Section 4597; 1917 (30) 77

SECTION 5-25-450. Reports of inspections.

The inspector shall report before the fifteenth day of February of each year the number and dates of his general and quarterly inspections during the year ending on the preceding thirty-first day of December upon blanks furnished by the State Fire Marshal and shall furnish such other information and make such other reports as are called for by the Marshal.

HISTORY: 1962 Code Section 47-1195; 1952 Code Section 47-1195; 1942 Code Section 7483; 1932 Code Section 7483; Civ. C. '22 Section 4598; 1917 (30) 77 1646.

SECTION 5-25-460. Misconduct of inspector.

If the inspector shall (a) fail to perform the duties required of him by law, (b) give a certificate of inspection without first making the inspection required by law or (c) improperly give a certificate of inspection, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or may be discharged from office.

HISTORY: 1962 Code Section 47-1196; 1952 Code Section 47-1196; 1942 Code Section 7487; 1932 Code Section 7487; Civ. C. '22 Section 4602; 1917 (30) 77

SECTION 5-25-470. Fees for inspections; compensation of inspectors.

For every inspection of a new building or of an old building repaired or altered the following fees shall be charged: Two dollars for each mercantile store room, living room or building for manufacturing of one story, and fifty cents per room. But the inspection fee shall in no case exceed five dollars. Before issuing any building permit the fee shall be paid to the city treasurer. The building inspector shall be paid adequate compensation by the city or town for inspections made under the terms of this chapter.

HISTORY: 1962 Code Section 47-1197; 1952 Code Section 47-1197; 1942 Code Section 7484; 1932 Code Section 7484; Civ. C. '22 Section 4599; 1917 (30) 77

SECTION 5-25-480. Inspection fees in cities of 70,000 or more.

Cities having a population of seventy thousand or more, according to the official United States census, may establish a schedule of fees for the inspection of new buildings and the inspection of repairs to or alterations of existing buildings, which shall not exceed two dollars for any construction, repairs or alterations costing less than one thousand dollars, and shall not exceed one dollar for each and every one thousand dollars of cost of construction, repairs or alterations costing in excess of two thousand dollars.

HISTORY: 1962 Code Section 47-1198; 1952 Code Section 47-1198; 1945 (44) 33.

ARTICLE 7

Construction Regulations Generally

SECTION 5-25-610. Height of buildings; floor area between fire walls.

No building hereafter erected or altered shall exceed four stories or fifty-five feet in height, unless it be of fireproof construction, when it shall not exceed fifteen stories or one hundred and ninety feet. Except when built as specified in Section 5-25-920, no building hereafter erected having walls of hollow terra-cotta or concrete block shall exceed three stories or forty feet in height. The floor area between fire walls of nonfireproof buildings shall not exceed the following: When fronting on one street, ten thousand square feet; when fronting on two streets, six thousand square feet; and when fronting on three streets, seven thousand five hundred square feet. These limits may be increased under the following conditions, as indicated: For nonfireproof buildings, fully equipped with approved automatic sprinklers, fifty per cent; for fireproof buildings, not exceeding one hundred and twenty-five feet in height, fifty per cent; for fireproof buildings, not exceeding one hundred and twenty-five feet in height and equipped with approved automatic sprinklers, one hundred per cent.

HISTORY: 1962 Code Section 47-1221; 1952 Code Section 47-1221; 1942 Code Section 7496; 1932 Code Section 7496; Civ. C. '22 Section 4611; 1917 (30) 77 101.

SECTION 5-25-620. Height of frame buildings.

No frame building erected or altered after February 20 1917 shall exceed two stories or thirty feet in height, except that private dwellings may be three stories or high.

HISTORY: 1962 Code Section 47-1224; 1952 Code Section 47-1224; 1942 Code Section 7523; 1932 Code Section 7523; Civ. C. '22 Section 4638; 1917 (30) 77

SECTION 5-25-630. Openings in walls; standard fire doors; windows.

No opening in any interior masonry wall shall exceed eight feet by ten feet. If the opening be in a party or fire wall, it shall have a standard automatic fire door on one side of the wall. If an opening in a fire wall is made to serve as an emergency exit, it shall not exceed forty-eight square feet in area and a self-closing fire door shall be substituted for one of the automatic fire doors. The total openings in a fire wall shall not exceed twenty-five per cent in lineal length of the wall. Every building with openings, except churches, dwellings, tenement houses, dormitories and lodging houses, shall have standard fire doors, shutters or wired glass in incombustible frames on every exterior opening above the first story, except when fronting on a street not less than thirty-five feet wide, or when no other building is within thirty feet of such opening. The wall of a building in the same plane as that in which the opening is situated shall not be considered as coming within the intent of this rule. Openings in the side and rear walls of the first story, except show windows, shall be protected as prescribed in this section when within thirty-five feet of another building. Windows more than seventy-five feet above the curb shall have incombustible frames and sash glazed with wired glass. Occupants of buildings shall close all exterior fire doors, shutters and windows at the close of business of each day.

HISTORY: 1962 Code Section 47-1229; 1952 Code Section 47-1229; 1942 Code Section 7499; 1932 Code Section 7499; Civ. C. '22 Section 4614; 1917 (30) 77

SECTION 5-25-640. Business buildings required to have standpipes; free connections and service with city water mains.

All business buildings erected after February 20 1917 being more than fifty-six feet high and covering an area of more than five thousand superficial feet and also buildings exceeding eighty feet in height shall have a four-inch or larger metallic standpipe within or near the front wall, extending above the roof and arranged so that engine hose can be attached from the street, such riser to have a two-and-one-half-inch hose coupling on each floor. The inspector may, with the approval of the Fire Marshal, allow two or more standpipes of smaller size and proper hose couplings, provided they are of such sizes and number as to be at least equivalent in service to the large standpipe required. All hose couplings shall conform to the size and pattern adopted by the fire department. Free connection and service with the city water mains shall be furnished by the municipal authorities.

HISTORY: 1962 Code Section 47-1230; 1952 Code Section 47-1230; 1942 Code Section 7500; 1932 Code Section 7500; Civ. C. '22 Section 4615; 1917 (30) 77 1646.

SECTION 5-25-650. Structures around chimneys, flues and fireplaces.

No wooden beams or joists shall be placed within two inches of the outside face of a chimney or flue, whether it be for smoke, air or any other purpose. No wood shall be within four inches of the back wall of any fireplace. All spaces between the chimney and the wooden beams shall be solidly filled with mortar, mineral wool or incombustible material. The header beam, carrying the tail beams of a floor and supporting the timber arch in front of a fireplace, shall be not less than twenty inches above the chimney breast. No wooden furring or studding shall be placed against any chimney but the plastering shall be directly on the masonry or on metal lathing. A layer of plaster which is against the masonry of a chimney shall have a layer of asbestos board at least one-eighth inch thick placed between the woodwork and the plaster.

HISTORY: 1962 Code Section 47-1232; 1952 Code Section 47-1232; 1942 Code Section 7502; 1932 Code Section 7502; Civ. C. '22 Section 4617; 1917 (30) 77

SECTION 5-25-660. Construction of fireplaces and chimneys.

All fireplaces and chimneys in stone or brick walls in any building erected after February 20 1917 and any chimneys or flues altered or repaired after said date shall have the joints struck smooth on the inside, and the firebacks of all fireplaces erected after said date shall be not less than eight inches in thickness of solid masonry, and chimney walls to be not less than four inches thick and the top of the chimney to extend not less than five feet above the roof for flat roofs and two feet above the top of any pitched roof. No woodwork or timber shall be placed under any fireplace or under the brickwork of any chimney. All floor beams, joists and headers shall be at least two inches clear of any wall enclosing a fire flue or chimney breast.

HISTORY: 1962 Code Section 47-1233; 1952 Code Section 47-1233; 1942 Code Section 7503; 1932 Code Section 7503; Civ. C. '22 Section 4618; 1917 (30) 77

SECTION 5-25-670. Additional regulations as to chimneys.

No chimney shall be started or built upon a beam, wood or floor, the brickwork in all cases to start from the ground with proper foundation. In no case shall a chimney be corbeled out more than three inches from the wall and in all cases corbeling shall consist of at least five courses of brick, the corbeling to start at least three feet above the bottom of the flue.

HISTORY: 1962 Code Section 47-1234; 1952 Code Section 47-1234; 1942 Code Section 7504; 1932 Code Section 7504; Civ. C. '22 Section 4619; 1917 (30) 77

SECTION 5-25-680. Construction of flues.

All flues shall extend at least three feet above the roof and always above the comb of the roof and shall be coped with well-burnt terra cotta, stone, cast iron or cast steel. In all buildings erected after February 20 1917 the stone or brickwork of all flues and the chimney shafts of all furnaces, boilers, bakers' ovens, large cooking ranges, laundry stoves and all flues used for similar purposes shall be at least eight inches in thickness, with the exception of smoke flues which are lined with fire-clay lining or iron. These may be four inches in thickness, but this shall not apply to metal stacks or boiler houses where properly constructed and arranged at a safe distance from other inflammable material. All buildings erected after said date shall have smoke flues constructed, either in walls of eight inches thickness or with smoke flue with cast-iron or fire-clay lining, the walls of which may be four inches in thickness, the lining to commence at the bottom of the flue or at the throat of the fireplace and carried up continuously the entire height of the flue. All joints shall be closely fitted, and the lining shall be built in as the flue is carried up. All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

HISTORY: 1962 Code Section 47-1235; 1952 Code Section 47-1235; 1942 Code Section 7505; 1932 Code Section 7505; Civ. C. '22 Section 4620; 1917 (30) 77

SECTION 5-25-690. Hanging flues.

Hanging flues (i.e., for the reception of stovepipes built otherwise than from the ground) shall be allowed only when built according to the following specifications. They shall be built four inches thick, of the best hard brick, laid on flat side, never on edge, extending at least three feet above the roof and always above the comb of the roof and lined on the inside with cast-iron or fire-clay flue lining from the bottom of the flue to the extreme height of the flue, the ends of all such lining pipes being made close together and the lining pipe being built in as the flue is carried up. If the flue starts at the ceiling and receives the stovepipe vertically, it shall be hung on iron bent to come flush with the bottom of ceiling joints. All flues shall have a proper and sufficient support at their base and in no case shall they be supported even in contact in passing through partitions, ceilings or roofs. Flues not lined as above shall be built from the ground eight inches thick, of the best hard brick, with the joints smooth on the inside. The flues of every building shall be properly cleaned and all rubbish removed and the flues left smooth on the inside upon the completion of the building.

HISTORY: 1962 Code Section 47-1236; 1952 Code Section 47-1236; 1942 Code Section 7506; 1932 Code Section 7506; Civ. C. '22 Section 4621; 1917 (30) 77

SECTION 5-25-700. Stovepipe construction.

No stovepipe shall pass through any roof window or weatherboarding and no stovepipe in any building with wood or combustible floors, ceilings or partitions shall be a flue unless such pipe shall be at least twelve inches from such floors, ceilings or partitions, or unless it is properly protected by a metal shield, in which case the distance shall not be less than six inches. When stovepipes pass through wooden partitions of any kind or other woodwork, they shall be guarded by either a double collar with at least three inches air space and holes for ventilation, or by a soapstone or burnt-clay ring not less than one inch in thickness extending through the partition and the woodwork.

HISTORY: 1962 Code Section 47-1237; 1952 Code Section 47-1237; 1942 Code Section 7507; 1932 Code Section 7507; Civ. C. '22 Section 4622; 1917 (30) 77

SECTION 5-25-710. Correction of dangerous chimneys, flues or heating apparatus.

If any chimney, flue or heating apparatus on any premises shall, in the opinion of the inspector, endanger the premises, the inspector shall at once notify in writing the owner or agent of such premises. If such owner or agent fails for a period of five days after the service of such notice upon him to make such chimney, flue or heating apparatus safe, he shall be liable to a fine of not less than ten dollars nor more than fifty dollars for each day that the condition remains uncorrected.

HISTORY: 1962 Code Section 47-1238; 1952 Code Section 47-1238; 1942 Code Section 7507; 1932 Code Section 7507; Civ. C. '22 Section 4622; 1917 (30) 77

SECTION 5-25-720. Foundry chimneys.

Iron cupola or other chimneys of foundries shall extend at least ten feet above the highest point of any roof within a radius of fifty feet of such cupola or chimney.

HISTORY: 1962 Code Section 47-1239; 1952 Code Section 47-1239; 1942 Code Section 7508; 1932 Code Section 7508; Civ. C. '22 Section 4623; 1917 (30) 77

SECTION 5-25-730. Steam pipes.

No steam pipes shall be placed within two inches of any timber or woodwork unless the timber or woodwork is protected by a metal shield and then the distance shall be less than one inch. All steam pipes passing through floors and ceilings or laths and plastered partitions shall be protected by a metal tube one inch larger in diameter than the pipe, and the space shall be filled in with mineral wool, asbestos or other incombustible material.

HISTORY: 1962 Code Section 47-1240; 1952 Code Section 47-1240; 1942 Code Section 7509; 1932 Code Section 7509; Civ. C. '22 Section 4624; 1917 (30) 77

SECTION 5-25-740. Heater pipes.

All heater pipes from hot-air furnaces, where passing through combustible partitions or floors, must be doubled in tin pipes with at least one inch air space between them. Horizontal hot-air pipes leading from the furnace shall not be less than six inches from any woodwork, unless the woodwork be covered with loose fitting tin or they be covered with at least half an inch of corrugated asbestos, in which latter cases the distance from the woodwork may be reduced to not less than three inches. No heater pipe shall be placed in a wooden stud partition or any wooden enclosure unless it be at least eight feet horizontal distance from the furnace. Hot-air pipes containing combustible gas shall be placed inside another pipe arranged to maintain half an inch of air space between the two on all sides or be securely covered with one inch of corrugated asbestos. Neither the outer pipe nor the covering shall be within one inch of wooden studding, and no wooden lath shall be used to cover the partition in which the hot-air pipe is located. Hot-air pipes in closets shall be double, with a space of at least one inch between them on all sides.

HISTORY: 1962 Code Section 47-1241; 1952 Code Section 47-1241; 1942 Code Section 7510; 1932 Code Section 7510; Civ. C. '22 Section 4625; 1917 (30) 77

SECTION 5-25-750. Registers, register boxes and cold-air ducts for hot-air furnaces.

Every hot-air furnace shall have at least one register without valve or louvres. A register box placed in the floor over a portable furnace shall have an open space of not less than four inches on all sides and be supported by an incombustible border. Hot-air registers placed in any woodwork or combustible floors shall be supported with borders of incombustible material, not less than two inches wide, securely set in place. The register boxes shall be of metal and be double and the distance between the two shall be not less than one inch, or they may be single, if covered with asbestos, not less than one-eighth inch in thickness and if all woodwork within two feet shall be covered with tin. Cold-air ducts for hot-air furnaces shall be made of incombustible material.

HISTORY: 1962 Code Section 47-1242; 1952 Code Section 47-1242; 1942 Code Section 7510; 1932 Code Section 7510; Civ. C. '22 Section 4625; 1917 (30) 77

SECTION 5-25-760. Ranges and stoves.

No kitchen range or stove in any building shall be placed less than three feet from any woodwork or wooden lath and plaster partition, unless the woodwork or partition be properly protected by metal shields, in which case the distance shall be not less than eighteen inches. Metal shields shall be loosely attached, thus preserving air behind them. Hotel and restaurant ranges shall be provided with a metal hood, placed at least nine inches below any wooden lath and plaster or wooden ceiling, and an individual pipe outlet connected with a good thick flue. The pipe shall be protected by at least one inch of asbestos covering or its equivalent.

HISTORY: 1962 Code Section 47-1243; 1952 Code Section 47-1243; 1942 Code Section 7511; 1932 Code Section 7511; Civ. C. '22 Section 4626; 1917 (30) 77

SECTION 5-25-770. Combustible floors under coal ranges.

Combustible floors under coal ranges and similar appliances without legs such as are mentioned in Section 5-25-780, in which hot fires are maintained, shall be protected by a sheet of metal or a one-eighth inch layer of asbestos building lumber, which shall be covered with not less than four inches of masonry set in cement mortar. The masonry shall consist of one course of four-inch hollow terra cotta, at least one of which shall be hollowed and be laid to preserve a free circulation of air through

whole course. Concrete may be substituted for a course of solid brick if desired. The masonry work shall be covered by sheet metal of not less than No. 26 gauge arranged as not to obstruct the ventilating passages beneath. Such hearths shall extend at least twenty-four inches in front and twelve inches on the sides and b range or similar heating appliance. All coal stoves or ranges, with legs, shall be set on incombustible material, which shall extend at least twelve inches in front.

HISTORY: 1962 Code Section 47-1244; 1952 Code Section 47-1244; 1942 Code Section 7511; 1932 Code Section 7511; Civ. C. '22 Section 4626; 1917 (30) 77

SECTION 5-25-780. Protection of woodwork near boilers, furnaces and similar appliances.

Any woodwork, wooden lath and plaster partition or ceiling within four feet of the sides or back or six feet from the front of any heating boiler, furnace, bakery oven roaster, fire-heated candy kettle, laundry stove or other similar appliance shall be covered with metal to a height of at least four feet above the floor. This covering extend the full length of the boiler, furnace or heating appliance and to at least five feet in front of it. Metal shields shall be loosely attached, thus preserving an air behind them. In no case shall such combustible construction be permitted within two feet of the sides or back of the heating appliance or five feet in front of it. No boiler, range or other heating appliance shall be placed against a wall furred with wood. Heating boilers shall be encased on sides and top by an incombustible partition covering not less than one and one-half inches thick.

HISTORY: 1962 Code Section 47-1245; 1952 Code Section 47-1245; 1942 Code Section 7512; 1932 Code Section 7512; Civ. C. '22 Section 4627; 1917 (30) 77

SECTION 5-25-790. Gas, gasoline, oil or charcoal stoves or heating devices.

All gas, gasoline, oil or charcoal-burning stoves or heating devices shall be placed on iron stands at least six inches above combustible supports, unless the burner is at least five inches above the base, with metal guard placed four inches below the burners. No open-flame heating or lighting device shall be used in any room where gasoline or other volatile inflammable fluids are stored or handled.

HISTORY: 1962 Code Section 47-1246; 1952 Code Section 47-1246; 1942 Code Section 7513; 1932 Code Section 7513; Civ. C. '22 Section 4628; 1917 (30) 77

SECTION 5-25-800. Gas connections.

Gas connections to stoves and similar heating devices and lighting devices shall be made by rigid metal pipes. For small portable gas heating devices, flexible rubber tubing may be used when there is no valve or other shut-off on the device.

HISTORY: 1962 Code Section 47-1247; 1952 Code Section 47-1247; 1942 Code Section 7514; 1932 Code Section 7514; Civ. C. '22 Section 4629; 1917 (30) 77

SECTION 5-25-810. Electric wiring.

The electrical wiring of houses or buildings for lighting or other purposes shall conform to the regulations prescribed by the National Board of Fire Underwriters.

HISTORY: 1962 Code Section 47-1248; 1952 Code Section 47-1248; 1942 Code Section 7515; 1932 Code Section 7515; Civ. C. '22 Section 4630; 1917 (30) 77

SECTION 5-25-820. Inspections of new electrical wiring; alterations.

It shall be unlawful for any person controlling such wiring to allow any electrical current for lighting or other purposes to be turned on in any building without first having an inspection of the wiring made and a certificate of such inspection issued by the inspector. Such inspection shall be made by the city electrician, who shall certify the inspector in writing, who may, thereupon, issue the certificate. No alterations shall be made in the wiring of any building unless a certificate shall be obtained from the inspector approving them.

HISTORY: 1962 Code Section 47-1249; 1952 Code Section 47-1249; 1942 Code Section 7515; 1932 Code Section 7515; Civ. C. '22 Section 4630; 1917 (30) 77

SECTION 5-25-830. Stair and elevator shafts; partitions.

In all buildings erected after February 20 1917, except private dwellings, which are used above the first floor for business purposes or public assemblages, or for any purpose whatever if over three stories high, the stair shafts shall be separately and continuously enclosed by incombustible partitions, unless such buildings are provided with outside fire escapes. Elevator shafts in all buildings erected after said date shall be enclosed in the same manner. The partitions shall be constructed of brick or fire-resistive material, approved by the inspector or other designated official, and all mortar used in the construction shall be cement mortar. No such hollow partition shall be less than six inches thick. No brick partition shall be less than eight inches thick and no other solid partition less than four inches thick. Except as herein stated, elevator or hoistway shafts in all buildings over two stories high in existence on February 20 1917 of the class described in this section shall be separately enclosed by incombustible partitions as above specified or the shafts may be enclosed (a) by approved hollow or solid partition blocks not less than three inches thick, set in cement mortar, (b) by four-inch stud partitions covered on each side with not less than three-quarter inch of portland cement plaster on metal lath or (c) by two-inch metal lath and portland cement plaster partitions. The metal framework of such partitions shall be securely fastened to both floor and ceiling. All lath used for such partitions shall be of galvanized steel, weighing not less than fifty-four ounces per square yard. Wire lath shall not be less than No. 20 gauge and sheet metal lath not less than No. 24 gauge. All such partitions erected in buildings in existence on February 20 1917 shall be firestopped with incombustible material the full depth of the floor between the floor level. The enclosure walls for all elevator shafts shall extend at least three feet above the roof and at least three fourths of the area shall be covered with a ceiling constructed as specified in Section 5-25-850.

HISTORY: 1962 Code Section 47-1250; 1952 Code Section 47-1250; 1942 Code Section 7516; 1932 Code Section 7516; Civ. C. '22 Section 4631; 1917 (30) 77

SECTION 5-25-840. Door openings in stair and elevator enclosures.

All door openings in stair and elevator enclosures shall be protected by fire doors mounted with wrought iron or steel hardware and shall be securely attached to the partition or to substantial incombustible frames anchored thereto. If glass panels be used in such doors, they shall be of wired glass not exceeding seven hundred twenty square inches in area. Interior shaft windows shall not be permitted. Doors opening into stairway shafts shall swing in the direction of exit travel, shall be self-closing and shall be at least thirty-six inches wide.

If in the opinion of the inspector or other designated official it is necessary to preserve an open elevator or hoistway in a building in existence on February 20 1917 through which it passes shall be equipped with automatically closing trap doors not less than one and one-half inches thick, made of two thicknesses of boards, covered on the under side with tin. Such trap doors, when closed, shall extend beyond the openings on all sides. Such trap doors shall be protected by a substantial guard or gate, which shall be kept closed at all times except when in actual use.

HISTORY: 1962 Code Section 47-1251; 1952 Code Section 47-1251; 1942 Code Section 7516; 1932 Code Section 7516; Civ. C. '22 Section 4631; 1917 (30) 77

SECTION 5-25-850. Skylights covering stairway, elevator or dumbwaiter shaft.

Where a stairway, elevator or dumbwaiter shaft extends through the roof and is covered with a skylight, the skylight shall be constructed with incombustible frame and sash, glazed with ordinary thin glass, and shall be protected by a galvanized steel wire screen with a mesh not exceeding one inch and the wire not smaller than No. 20 gauge. The screen shall have metal supports and shall be placed not less than six inches above the skylight. Instead of a skylight, a window may be placed in the

the shaft above the roof which is furthest removed from a property line. The window shall have incombustible frame and sash and be glazed with thin glass.

HISTORY: 1962 Code Section 47-1252; 1952 Code Section 47-1252; 1942 Code Section 7517; 1932 Code Section 7517; Civ. C. '22 Section 4632; 1917 (30) 77

SECTION 5-25-860. Interior light or vent shafts; dumbwaiter shafts.

In every building erected or altered after February 20 1917, except frame buildings, all walls or partitions forming interior light or vent shafts shall be built in accordance with the requirements for stair and elevator shafts in new buildings as specified in Section 5-25-830. The walls of the dumbwaiter shafts, except those in dwellings with only one story above the basement or cellar, shall be of fire-resistive construction and shall be not less than three inches thick, if constructed of brick, hollow or solid or of steel studding and metal lath with three-quarter inch of portland cement plaster on each side or a two-inch solid metal lath and portland cement plaster wall permitted, if securely anchored at each floor. The material and method of construction shall be as specified for stair and elevator shafts in existing buildings in Section 5-25-830. In frame buildings, outside the fire limits, the enclosure partitions of all such shafts may be constructed as provided in Section 5-25-830 for stair and elevator buildings existing on February 20 1917. Where a dumb-waiter shaft does not extend through the roof, the top of the shaft shall be of fire-resistive construction of thickness as the walls of the shaft. All openings in dumb-waiter shafts shall be protected by fire doors mounted in incombustible frames securely anchored to the walls of all light and vent shafts erected after February 20 1917 shall extend not less than three feet above the roof level, except that when a shaft is covered by an incombustible ventilating skylight, the walls need not extend more than two feet above the roof. Masonry walls shall be properly coped. When metal louvers are used for ventilating purposes, the louvers or slats shall be riveted to the metal frame.

HISTORY: 1962 Code Section 47-1253; 1952 Code Section 47-1253; 1942 Code Section 7518; 1932 Code Section 7518; Civ. C. '22 Section 4633; 1917 (30) 77

SECTION 5-25-870. Restrictions as to openings in a roof for admission of light or air.

All openings in roofs for the admission of light or air, other than those provided for in Sections 5-25-660 and 5-25-680, shall have incombustible frames and sash with wired glass, but ordinary glass may be used if protected above and below by galvanized steel wire screens with a mesh not exceeding one inch and the wire smaller than No. 12 gauge. The top screen shall be installed as specified in Section 5-25-850.

HISTORY: 1962 Code Section 47-1254; 1952 Code Section 47-1254; 1942 Code Section 7519; 1932 Code Section 7519; Civ. C. '22 Section 4634; 1917 (30) 77

SECTION 5-25-880. Required means of egress.

In every building erected after February 20 1917, except in private dwellings, each floor area above the first shall be provided with at least two means of egress, from each other, one of which shall be an enclosed stairway as provided by Sections 5-25-830 and 5-25-840, an outside iron fire escape, a doorway in a fire wall or another floor area separately provided with adequate stairs or other independent means of exit. Such doorway serving as an emergency exit in a fire wall shall be protected by an automatic and self-closing fire door. No portion of any floor area shall be more than one hundred feet from a place of egress. Elevators shall not be considered as means of egress as specified in this section.

The term "floor area" as used in this section, shall mean the entire floor space between exterior walls and fire walls.

HISTORY: 1962 Code Section 47-1255; 1952 Code Section 47-1255; 1942 Code Section 7520; 1932 Code Section 7520; Civ. C. '22 Section 4635; 1917 (30) 77

SECTION 5-25-890. Stairways; exit doors.

Except in dwellings, no required stairway shall be less than forty-four inches wide and the total width of exit doorways leading therefrom shall at least be equal to the width of the stairways which they serve. The total width of stairway, interior and exterior, provided for the occupancy of each floor and those above, shall be not less than forty-four inches for the first fifty persons and twelve inches for each additional fifty persons to be accommodated thereby. The stair treads shall be not less than one-half inches wide and the risers not more than seven and three-fourths inches high. Windows in any such required stairway are prohibited. Every hospital and building over one story high shall have at least two stairways constructed entirely of incombustible material, located remote from each other and continuous from grade to the topmost story or outside iron fire escapes of approved design. All exit doors in hospitals, theaters and other places of public assemblage shall open outwards.

HISTORY: 1962 Code Section 47-1256; 1952 Code Section 47-1256; 1942 Code Section 7520; 1932 Code Section 7520; Civ. C. '22 Section 4635; 1917 (30) 77

SECTION 5-25-900. Firestopping construction on floor levels.

At each floor level, in all buildings erected after February 20 1917 all stud walls, partitions, furrings and spaces between joists, where they rest on division walls or partitions, shall be firestopped with incombustible material in a manner to cut off completely communication by fire through concealed spaces. Such firestopping shall extend the full depth of the joists and at least four inches above each floor level. Stair carriages shall be firestopped at least once in the middle portion of each run.

HISTORY: 1962 Code Section 47-1257; 1952 Code Section 47-1257; 1942 Code Section 7521; 1932 Code Section 7521; Civ. C. '22 Section 4636; 1917 (30) 77

SECTION 5-25-910. Construction of areaways.

All areaways shall be guarded with suitable railings or be protected by incombustible covers or gratings. If gratings be used, they shall have a wire screen of not less than one-half-inch mesh securely attached to the underside.

HISTORY: 1962 Code Section 47-1258; 1952 Code Section 47-1258; 1942 Code Section 7522; 1932 Code Section 7522; Civ. C. '22 Section 4637; 1917 (30) 77

SECTION 5-25-920. Rows of frame houses.

In rows of frame houses, the dividing walls or partitions between houses shall be built of brick, terra cotta, concrete or other incombustible material or they may be built of four-inch studs, filled solidly with brickwork laid in mortar or with other incombustible material. If lath be used on such partitions, it shall be metal lath. Such dividing partitions shall rest on masonry walls and shall extend to the underside of roof boards. A flush mortar joint shall be made between the roof boards and the wall or partition. In rows of more than three houses, every alternate division wall or partition shall be constructed of solid brickwork not less than eight inches in thickness. Buildings of wooden framework, clad with sheet metal or veneered with brick, shall be classed as frame buildings.

HISTORY: 1962 Code Section 47-1259; 1952 Code Section 47-1259; 1942 Code Section 7523; 1923 Code Section 7523; Civ. C. '22 Section 4638; 1917 (30) 77

SECTION 5-25-930. Buildings outside of fire limits of incombustible material.

Outside the fire limits, when any building is to be erected of brick, stone, hollow block or concrete that could under this chapter be constructed of wood, the inspector or other designated official shall allow reasonable modifications of this chapter relating to brick buildings, in consideration of the use of incombustible material instead of wood. Such modifications, however, shall not permit variations from the requirements of Sections 5-25-650, 5-25-830, 5-25-840, 5-25-880, and 5-25-890.

HISTORY: 1962 Code Section 47-1260; 1952 Code Section 47-1260; 1942 Code Section 7523; 1932 Code Section 7523; Civ. C. '22 Section 4638; 1917 (30) 77

SECTION 5-25-940. Construction not provided for in this chapter.

The construction of any or all buildings not provided for in this chapter shall be in accord with the construction required by some recognized authority approved by Fire Marshal.

HISTORY: 1962 Code Section 47-1261; 1952 Code Section 47-1261; 1942 Code Section 7526; 1932 Code Section 7526; Civ. C. '22 Section 4641; 1917 (30) 77 1646.

ARTICLE 9

Creation of and Construction Within Fire Limits

SECTION 5-25-1110. Municipalities shall pass fire limit ordinances.

The city council or governing body of every incorporated city or town shall pass an ordinance establishing and defining fire limits, which shall include the principle portion of the city or town.

HISTORY: 1962 Code Section 47-1211; 1952 Code Section 47-1211; 1942 Code Section 7491; 1932 Code Section 7491; Civ C '22 Section 4606; 1917 (30) 77.

SECTION 5-25-1120. Manner in which buildings in fire limits shall be constructed.

Every building hereafter erected or enlarged within the fire limits shall be enclosed on all sides with walls constructed wholly of stone, well-burned brick, terra cotta concrete or other equivalent incombustible materials and shall have the roof and the roof top and sides of all roof structures, including dormer windows, covered incombustible material. All cornices shall be of incombustible material.

HISTORY: 1962 Code Section 47-1212; 1952 Code Section 47-1212; 1942 Code Section 7492; 1932 Code Section 7492; Civ C '22 Section 4607; 1917 (30) 77.

SECTION 5-25-1130. No frame structures shall be built or moved within fire limits; exceptions.

No frame or wood structure shall be built within such fire limits except the following, and all roofs placed upon such buildings or structures shall have an incombustible covering, (a) temporary one-story frame buildings for the use of builders and (b) wooden fences not over eight feet high. No frame building shall be moved from within the fire limits.

HISTORY: 1962 Code Section 47-1213; 1952 Code Section 47-1213; 1942 Code Section 7493; 1932 Code Section 7493; Civ C '22 Section 4608; 1917 (30) 77.

SECTION 5-25-1140. Construction of certain buildings in fire limits.

No building shall hereafter be built for a public garage, coffee roaster, bakery, dry cleaning establishment or steam laundry within the fire limits, unless it be of slo construction with exterior walls and roof of incombustible material.

HISTORY: 1962 Code Section 47-1214; 1952 Code Section 47-1214; 1942 Code Section 7495; 1932 Code Section 7495; Civ C '22 Section 4610; 1917 (30) 77.

SECTION 5-25-1150. Repairs to roofs within fire limits.

All repairs to roofs within the fire limits shall be by the use of incombustible materials.

HISTORY: 1962 Code Section 47-1215; 1952 Code Section 47-1215; 1942 Code Section 7494; 1932 Code Section 7494; Civ C '22 Section 4609; 1917 (30) 77.

SECTION 5-25-1160. Removal of damaged frame buildings.

An existing frame building within the fire limits which may hereafter be damaged by fire, decay or otherwise to an amount greater than one half of its value on February 1917, exclusive of the foundation, shall not be repaired or rebuilt but shall be removed.

HISTORY: 1962 Code Section 47-1216; 1952 Code Section 47-1216; 1942 Code Section 7494; 1932 Code Section 7494; Civ C '22 Section 4609; 1917 (30) 77.

ARTICLE 11

Smoke Detectors

SECTION 5-25-1310. Smoke detectors required for one-family and two-family dwellings, including manufactured housing.

(A) One-family and two-family dwellings, including manufactured housing, must be equipped with approved and properly functioning smoke detectors installed in accordance with National Fire Protection Association (NFPA) Standard 72E, 1990 Edition, and with NFPA Standard 74, 1989 Edition; provided, however, that the requirements of this article apply only to dwellings and housing which are rental dwellings and housing.

(B) A newly constructed dwelling or a dwelling remodeled in excess of fifty percent of its assessed value after December 31, 1994, must be equipped with electric powered smoke detectors. Electrical power to the smoke detectors must be a dependable, commercial electrical source. Detectors must be installed according to manufacturer's instructions.

HISTORY: 1994 Act No. 524, Section 1.

SECTION 5-25-1320. Battery-operated detectors permitted in certain existing dwellings.

A battery-operated detector meeting the requirements of NFPA 74, 1989 Edition, is permitted in an existing dwelling that has not undergone remodeling exceeding ten percent of its assessed value. Detectors must be installed according to manufacturer's instructions.

HISTORY: 1994 Act No. 524, Section 1.

SECTION 5-25-1330. Responsibility of owner of dwelling to supply and install smoke detectors in rental dwellings and housing; instructions for operation of detectors; notice of deficiencies in detectors; repair or replacement of detector.

(A) The owner of a dwelling is responsible for supplying and installing the smoke detectors in rental dwellings and housing and shall provide the tenant at the time the tenant takes possession of the dwelling written or verbal instructions, or both, for testing the detectors and replacing batteries in battery-powered detectors.

(B) The tenant of a rental dwelling shall notify the owner in writing of any deficiencies in the performance of the smoke detectors. The owner must be considered upon delivery of the written notice at the place of business of the owner through which the rental agreement was made or at any place held out by him as the place of business for the receipt for the payment of rent or other communications.

(C) Upon written notification by the tenant that a smoke detector is deficient, the owner shall repair or replace the detector within fifteen days. No obligation is created hereby for the owner to replace or repair a detector that he determines upon visual inspection or testing has been deliberately tampered with, damaged, or destroyed by the tenant or any person authorized to reside in the residence by the tenant and notifies the tenant in writing of these findings. The owner may repair or replace a detector that he determines has been deliberately tampered with, damaged, or destroyed by the tenant or any person authorized by the tenant to reside in the residence and assess against the tenant the actual cost of the repair or replacement of the detector.

(D) No obligation is created hereby for the owner to provide batteries for battery-powered detectors allowed under Section 5-25-1320.

HISTORY: 1994 Act No. 524, Section 1.

SECTION 5-25-1340. Conveyance or transfer of real estate prohibited unless smoke detectors have been installed and are functioning.

No person may convey a title to real estate which includes a dwelling to which this article applies pursuant to Section 5-25-1310(A) or transfer possession of a building to which this article applies pursuant to Section 5-25-1310(A) unless smoke detectors have been installed and are functioning in accordance with this article. The purchaser may inspect the detectors at any reasonable time prior to closing to verify that they have been properly installed and are functioning in accordance with this article. The seller shall provide to the purchaser at closing an affidavit stating that the smoke detectors have been installed and are functioning in accordance with this article. Compliance with this section relieves the seller of any further liability after closing with respect to the performance of the smoke detectors. Violation of the provisions of this section does not affect the validity of the conveyance.

HISTORY: 1994 Act No. 524, Section 1.

SECTION 5-25-1360. Enforcement of article by State Fire Marshal or local fire official.

Upon entry into a dwelling on official business by invitation of the owner or occupant or in response to an emergency, the State Fire Marshal or a local fire official shall enforce this article.

HISTORY: 1994 Act No. 524, Section 1.

SECTION 5-25-1370. Penalties for violations of article.

A person who violates this article on first offense has fifteen days to install a smoke detector or to repair or replace the detector. On second offense, a person who violates this article is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1994 Act No. 524, Section 1.

SECTION 5-25-1380. Failure to comply with article does not create cause of action or basis for insurance company to deny coverage.

Failure to comply with the provisions of this article does not create a cause of action for a per se statutory violation for liability, or for negligence-based liability, for injury, or damages. Nor shall failure to comply with the provisions of this article be used by any insurance company to deny coverage, void a policy, or deny a claim.

HISTORY: 1994 Act No. 524, Section 1.