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**CHAPTER FOUR
FIRE PROTECTION AND PREVENTION**

ARTICLE 1 - ORGANIZATION AND REGULATION OF THE FIRE DEPARTMENT

4.0101 Establishment of Fire Department

There is hereby created and established a fire department which is also operational as a fire district according to North Dakota Century Code 18-10-10, and is hereto created, such department is hereby continued, consisting of a chief and such other members of said fire department as may from time to time be provided for by the City Council. Members shall be appointed in the manner provided by law.

4.0102 Supervision by Fire Chief

The fire chief shall have control, subject to the order and direction of the City Council, of the fire department and all fire apparatus belonging to the City. Whenever any fire apparatus needs repairing, the fire chief shall cause the same to be done without delay.

4.0103 Volunteer Fire Department

The fire department of the City shall be composed of volunteer firefighters who shall receive no wages or salaries, therefore. Thos commercial licensed drivers shall file a copy of their biannual physical medical card with the city auditor. Non-commercial licensed volunteers shall have a basic physical every two years paid for by the City.

4.0104 Officers of Fire Department

The officers of the volunteer fire department of the City shall consist of a chief of the fire department and an assistant chief of the fire department, who shall be duly elected from the membership of said department and approved by the City governing board, plus such other officers as the members thereof deem necessary. Said officers are to be elected in June of each year.

4.0105 Chief of Fire Department - Powers of

The chief of the fire department shall be a competent and experienced firefighter who shall have entire charge and control of the department at all fires. He/She shall further have charge, supervision, and control over all property, equipment and supplies of the fire department entrusted to his/her care during his/her tenure of office.

4.0106 Duties of Fire Chief

The fire chief shall have the following duties and powers:

1. To keep records. The chief of the department shall cause to be kept, in books for that purpose, a full and complete record of the organization of the department, its membership, the respective positions held by the firemen in the department, vacancies, appointments and dismissals, and of all notices issued by the department, and of all its transactions, of all fires occurring in the City, and the cause thereof when ascertainable, of the time lost by firemen, and of all property placed in his/her charge, and all expenditures made by his/her order and shall keep such other books and records as shall be required in the department, and such books shall always be open to the inspection of any member of the City Council.
2. To command and control. It shall be the duty of the chief of the department to preserve order and discipline at all times in the department, and to require and force a strict compliance with the ordinances of the City relating to his/her department and the rules and regulations pertaining thereto. At all fires, he/she shall have sole and absolute control and command over all persons connected with the fire department of the City.
3. To make reports. The chief of the fire department shall report annually and when required to do so to the City Council. At the end of each calendar year, he/she shall make an annual report in writing. He/She shall report upon the condition of the fire department, the number of fires that have occurred in the City since his/her last report, and during the year in his/her annual report, and the cause of the same, so far as can be ascertained, the number of buildings destroyed or injured, the names of the owners or occupants of the same as nearly as can be ascertained, and the amount of loss upon the buildings, and other property so destroyed or injured, which report shall be filed in the office of the city auditor. The chief of the fire department shall also file reports on fires to the State Fire Marshal as required by North Dakota Century Code Section 18-01-06.
4. To make an annual inventory. The chief of the fire department shall, during the month of June in each year, make a complete itemized list and report of all property under his/her charge and belonging to the City, stating its condition. He/She shall also report as to such new apparatus or supplies, as in his/her judgment, may be needed to properly maintain his/her department.
5. To keep the property in good condition. To keep the property in good condition to see that all apparatus and property committed to his/her care and the several buildings or portions thereof are kept clean and in good sanitary condition.
6. To control crowds at fires. The chief of the fire department may prescribe limits in the vicinity of any fire within which no persons, except those who reside therein, firemen and policemen, and those admitted by his/her order.
7. To order removal of property, when. To order the removal of property, whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire, or to protect adjoining property.
8. To command assistance. To command assistance from persons in attendance at any fire, not members of the fire department, for the extinguishing of fires.
9. To prescribe badge and uniform. To prescribe the badge and uniform to be worn by the members of the department.

4.0107 Fire Chief to Report New Equipment Needed

Whenever in his/her judgment it is necessary, the fire chief or other representative of the fire department shall meet with and render a report to the City governing board as to the supplies, new apparatus, and equipment that are needed for the efficient operation of this department.

4.0108 Unlawful to Hinder Fire Department

It shall be unlawful for any person to prevent, interfere with or in any manner hinder the fire department, or any member thereof, while engaged in the discharge of duty at a fire, or to disobey any lawful command of the chief or acting chief of the department.

4.0109 Right of Way - Fire Department Vehicles

Any engine, truck or apparatus belonging to the fire department shall, going to or returning from a fire, have the right of way in all streets, alleys and public places over any wagon, street car, automobile or other vehicle of any kind whatsoever, and any person in charge of any such vehicle must stop the same when necessary to permit any engine, truck or apparatus of the fire department to pass without hindrance or delay.

4.0110 Driving Over Fire Hoses

No person shall drive any vehicle of any kind whatsoever, upon or over any hose belonging to the fire department while the same is laid in the streets and alleys of the City.

4.0111 False Alarms of Fire

It shall be unlawful for any person knowingly to give or cause to be given any false alarm of fire, or to give or cause to be given, while a fire is in progress, a second or general alarm for the same fire, or tamper with or set off any fire alarm or signal box with like intent; or tamper, meddle or interfere with any such fire alarm box; or intentionally cut, break, deface or remove any such box, or any of the wires or supports thereof, connected with the fire alarm system or intentionally interfere with or injure any property of any kind belonging to or used by the fire department; or hinder or delay any apparatus or equipment or vehicle belonging to the fire department.

4.0112 Taking Fire Equipment

No person shall take, receive or attempt to receive or take from the possession and control of any member of the fire department, any of the apparatus, tools or property belonging to said department, without the written consent of the chief of the fire department.

4.0113 Entering Fire Department

No person shall occupy any rooms in any building which are used by the Fire Department or enter such rooms or handle any apparatus used by the fire department without permission.

4.0114 Fire Department Service Outside Corporate Limits

Members of the fire department are authorized to go outside the corporate limits of the City for the purpose of rendering aid to other fire departments or of extinguishing fires or rendering aid in the case of accidents upon orders of the chief of the fire department, the assistant chief or presiding officer of the City Council. Where the City has undertaken by contract to render service to property outside the corporate limits, the fire department may leave the corporate limits in the fulfillment of such contract.

ARTICLE 2 - FIRE LIMITS

4.0201 Fire Limits

All territory embraced within the corporate limits of the City of Oakes, North Dakota, as the same is now established or may hereafter be extended, be and the same is hereby defined and shall be known as and constitute the fire limits of the City of Oakes.

4.0202 Fire Limits - Erection of Buildings Within

No buildings or parts of any buildings shall be erected within the fire limits unless the construction meets the provisions of the North Dakota State Building Code, which is the official building code of the City. Outbuildings may be erected of any other material, not necessarily of fireproof qualities, by obtaining a permit from the City Council upon application therefore which may be granted or refused in the City Council's discretion.

4.0203 Alterations and Additions in Fire Limits

Within the fire limits, no buildings or structure of frame construction or of unprotected metal construction shall be hereafter extended on any side unless the construction of such extension conforms to all requirements of this article for new construction. All ordinary construction buildings and all frame buildings hereafter built or altered in which the lower stories or portions thereof are used for business, and the stories above for residence purposes shall have all partitions and ceilings separating the business portions from the residence portions covered with metal lath and plaster or other equivalent fireproofing material.

4.0204 Inspection of Premises, Materials, Discovery, Order

The building official, or chief of fire department, or other designated official, shall as often as practical, inspect all buildings or structures during construction for which a permit has been issued to see that the provisions of law are complied with and that construction is prosecuted safely. All building materials shall be of good quality and shall conform to generally accepted standard specifications. Whenever in his/her opinion, by reason of a defective or illegal work in violation of a provision of this article the continuance of a building operation is contrary to public welfare, he/she may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

4.0205 Repairs to Damaged Buildings

It shall be unlawful to repair any existing frame building within the fire limits after the same has been damaged by any cause to fifty percent (50%) of its value. Any existing frame building damaged by fire otherwise over fifty percent (50%) of its value shall be torn down and removed unless Building Inspector and contractor agree the building can be salvaged for restoration.

ARTICLE 3 - FIRES IN PUBLIC PLACES4.0301 Smoking - Setting Fires

Any person who, by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in any manner, in which lighters or matches are employed who shall in any careless, negligent or reckless manner whatsoever, whether willfully or wantonly or not, set fire to any furniture, curtains, drapes, household fittings or furnishings whatsoever in any hotel, public rooming house, tenement house or any public building, so as to endanger life to property in any way or to any extent shall be guilty of violating this article.

4.0302 Notice - Smoking Ordinance

A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, public rooming houses, lodging houses and other places of public assemblage within the City advising tenants of the provisions of this chapter.

4.0303 Bonfires Prohibited - Exception

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the City except under the written permit of the chief of the fire department under proper safeguards as he/she may direct. Permits may be granted only on condition that such permit carries an obligation on the part of the grantee to keep a sufficient, safe control of said fire and to be responsible for all damages therefrom, and that all resultant embers shall be extinguished, and the hot ashes removed or wet down at the close of said fire. Such burning shall be done in a container approved by the chief of the fire district.

4.0304 Hot Ashes and Other Dangerous Materials - Depositing of

Ashes, smoldering coals or embers, greasy or oily substances and other matter liable to spontaneous ignition shall not be deposited or allowed to remain within ten (10) feet of any combustible materials or construction made up of combustible materials, except in metal or other non-combustible receptacles. Such receptacles shall be placed on non-combustible stands unless resting on a non-combustible floor or on the ground outside the building, and shall be kept at least two (2) feet away from any combustible wall or partition.

4.0305 Open Burning Prohibited

No garbage, refuse, or rubbish shall be burned within the city limits. This includes paper products, inert yard waste (leaves, branches, and other wood and organic properties) or an open burning fire of any nature. Burning is allowed only if there is an enclosed, approved UL certified outdoor fireplace or a special burn permit for large outdoor gatherings, such as a pit barbecue. Permits need to be approved by the Fire Chief and City Council. Fires must be attended at all times by a responsible adult until completely extinguished.

If burning is prohibited by state law or proclamation, no person shall kindle, maintain or burn any garbage or other refuse either openly or in containers.

Any person who violates the burning prohibition of Ordinance 4.0305 shall be fined One Hundred Dollars (\$100). Each and every violation of the provisions of Ordinance 4.0305 shall constitute a separate offense.

4.0306 Reports of Hotel or Apartment Fires

Every fire of any kind, and from whatever source, occurring in or about any hotel, rooming house, lodging house or apartment building in the City shall be reported immediately to the fire department.

ARTICLE 4 - FIRE PREVENTION

4.0401 Adoption of Fire Codes

There is hereby adopted by the City of Oakes for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosions, that certain code known as the UFC the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code a copy is on file in the office of the city auditor and the same is hereby adopted and incorporated in full as if set out length herein.

4.0402 Enforcement of Fire Prevention Code

1. The fire prevention code shall be enforced by the fire department of the City under the supervision of the chief of the fire department.
2. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

4.0403 Storage of Flammable Liquids

No new bulk plants or tanks for storage of flammable liquids or gas shall be permitted within the limits of the City unless with the approval of the City Council.

4.0404 Storage of Liquefied Petroleum

The limits or area for storage of liquefied petroleum shall comply with the limits established in Section 4.0403.

4.0405 Modifications of Fire Code

The chief of the fire department shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

4.0406 Appeals from Decisions of Fire Chief

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the City Council within thirty (30) days from the date of the decision of the appeal.

ARTICLE 5 - FIREARMS, FIREWORKS, AND EXPLOSIVES4.0501 Firearms not to be Furnished to Minors

It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of this City.

4.0502 Exploding Firearms or Dangerous Weapons

It shall be unlawful for any person or persons to fire or discharge within the city limits of this City, any cannon, gun, fowling piece, pistol or other firearms or dangerous weapon of any description without the written permission of the City governing board which permit shall limit the time of such firing and be subject to revocation by the City governing board at any time after being granted. Provided, however, that nothing in this section shall be construed to apply to the firing of any gun or other firearms when done in cases of actual necessity or in the performance of lawful duty or by militia companies or veterans' organizations when on parade or ceremony. (Reference North Dakota Century Code 62.1-02-06)

4.0503 Blank Cartridges, Pistols, Etc. - Manufacture, Use and Sale of

No person except a licensed dealer shall manufacture, use, sell or keep for sale within the City any blank cartridges, pistols, blank cartridge revolver or other blank cartridge firearms, blank cartridge caps containing dynamite or firecrackers exceeding three (3) inches in length and exceeding one-half (1/2) inch in diameter.

4.0504 Fireworks Defined

As used in this article, the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation and includes blank cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets, or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, and toy pistol caps which contain less than twenty-five hundredths of a grain or 16.20 mg of explosive composition per cap. (Source: North Dakota Century Code Section 23-15-01)

4.0505 Fireworks - Discharging of, Sale of (Amended 08/11/2016)

The sale, use, firing or discharging of any rocket, firecracker, torpedoes, roman candles or of any such "Fourth of July" explosives whatsoever, or fireworks within the City limits is expressly prohibited at any time whatsoever, except as provided by state statute and as stated in the following:

Allowable hours of discharging fireworks:

- June 27th through July 2nd--8:00 AM to 10:30 PM
- July 3rd through July 4th--8:00 AM to 12:00 AM
- July 5th--8:00 AM to 10:30 PM
- December 31st through January 1st—10:00 PM to 1:00 AM

Those violating the ordinance are subject to a fine of \$25.00 each occurrence.

A permit process and special approval by the City Council is required for the use of fireworks for special events.

4.0506 Exceptions to Fireworks Restriction

Nothing in this article shall be construed to prohibit the sale or use of fireworks to airplanes, railroads, and other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

ARTICLE 6 - ADOPTION OF ELECTRICAL CODE

4.0601 Electrical Code Adopted

There is hereby adopted the laws and regulations and wiring standards of North Dakota adopted by the State Electrical Board and the whole thereof of which not less than one (1) copy shall be on file in the office of the city auditor of the City, and the same is hereby adopted as fully as if it were set out at length herein.

ARTICLE 7 - PENALTY FOR VIOLATION OF THIS CHAPTER

4.0701 Penalty - Violations of Fire Protection and Prevention Chapter

Any person who shall violate any provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be punishable by a fee of \$500. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.