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CHAPTER FOUR
FIRE PROTECTION AND PREVENTION

ARTICLE 1 - Organization and Regulation of the Fire Department

4.0101 Rural Fire District

Fire department duties for the City of Ellendale are handled by the Rural Fire District.

4.0102 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 Rural Fire District.

4.0103 Right of Way - Rural Fire District Vehicles

Any engine, truck or apparatus belonging to the Rural Fire District 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 Rural Fire District to pass without hindrance or delay.

4.0104 Driving Over Fire Hoses

No person shall drive any automobile or other vehicle of any kind whatsoever, upon or over any hose belonging to the Rural Fire District while the same is laid in the streets and alleys of the City.

4.0105 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 Rural Fire District; or hinder or delay any apparatus or equipment or vehicle belonging to the Rural Fire District.

4.0106 Taking Fire Equipment

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

ARTICLE 2 - Fires in Public Places

4.0201 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.

4.0202 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.

4.0203 Bonfires Prohibited - Exception

Burning, causing or permitting to be burned in any street, alley or public or private ground any dirt, filth, manure, garbage, sweepings, leaves, ashes, paper, rubbish or material of any kind is prohibited, except that the use of commercial grills, commercial burning pits, man-made burning pits as approved by city council, fireplaces or wood burning stoves shall be permitted subject to the requirements that the fire be properly contained, managed and supervised, that the person assume responsibility for all damages that result therefrom, and that all resultant embers shall be extinguished and the hot ashes removed or wet down at the close of said fire.

Organized groups, clubs, associations and societies' with approval of the City Council shall be able to obtain a permit to have a bonfire at a special event. Said permit shall contain the following:

1. Organization's Name
2. Location of Bonfire
3. Event duration
4. Approval by the chief of the Rural Fire District

Event applicant shall be subject to the requirements that the fire be properly contained, managed and supervised, that the person assume responsibility for all damages that result therefrom, and that all resultant embers shall be extinguished and the hot ashes removed or wet down at the close of said fire.

4.0204 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.

4.0205 Open Burning Prohibited

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

4.0206 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 Rural Fire District.

ARTICLE 3 - Fire Prevention

4.0301 Adoption of Fire Code

There is hereby adopted by the City of Ellendale for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosions, that certain code known as the State Fire Code and 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.

The fee for any permit or license required by the fire prevention code, where no other license or permit fee is fixed elsewhere in the City ordinances, shall be determined from time to time by resolution of the City Council and shall be paid to the City Treasury.

4.0302 Amendments, Additions and Deletions Made in Fire Code

Amendments

Sec. _____ etc. shall be amended to read as follows:

Additions

Sec. _____ etc. is amended by adding thereto the following:

Deletions

Sec. _____ etc. is deleted.

4.0303 Enforcement of Fire Prevention Code

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

4.0304 Storage of Flammable Liquids

No new bulk plants or tanks for storage of flammable liquids shall be permitted within the limits of the City except those in existing areas of the city as of June 1, 2016. A detailed list of such locations is on file with the city auditor.

4.0305 Storage of Liquefied Petroleum

The limits or area for storage of liquefied petroleum shall comply with the limits

established in Section 4.0304.

4.0306 Modifications of Fire Code

The chief of the Rural Fire District 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 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 Rural Fire District thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

4.0307 Appeals from Decisions of Fire Chief

Whenever the chief of the Rural Fire District 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 Rural Fire District to the City Council within thirty (30) days from the date of the decision of the appeal.

ARTICLE 4 - Firearms, Fireworks and Explosives

4.0401 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.

4.0402 Exploding Firearms

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 of any description, including BB guns and pellet guns, without the written permission of the City Council which permit shall limit the time of such firing and be subject to revocation by the City Council 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.

4.0403 Paintball Play in Designated Areas

It shall be unlawful for any person or persons to discharge a paintball gun except in areas designated by the City Council.

4.0404 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.

4.0405 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 explosion 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 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 of explosive composition per cap. (Source: North Dakota Century Code Section 23-15-01)

4.0406 Fireworks – Sale of

The sale of any rocket, firecracker, torpedo, roman candle 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.

4.0407 Fireworks – Discharging Of

Amendment of Article 4.0407

The use, firing or discharging of any rocket, firecracker, torpedo, roman candle or of any such “Fourth of July” explosives whatsoever or fireworks within the City limits is limited to the hours of 8:00 AM to 1:00 AM daily, beginning at 8:00 AM on June 27th until 11:59 PM on July 5th and 10:00 AM to 10:00 PM daily beginning at 10:00 AM on December 26th until 10:00 PM on January 1st except that on December 31st they shall begin at 10:00 AM and be allowed to continue until 1:00 AM January 1st.

Further, it shall be unlawful for any person, firm or corporation to discharge fireworks within three hundred (300) feet any retail gasoline filling station or bulk oil or gasoline station where petroleum products are sold or handled.

4.0408 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 5 - Adoption of Electrical Code

4.0501 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 6 - Penalty for Violation of this Chapter

4.0601 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 fine as set forth in Section 1.0104 herein. 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 (10) days that 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.