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## CHAPTER FOUR

### FIRE PROTECTION AND PREVENTION

#### ARTICLE 1 – Fires Within City Limits **(amended 06/08/2016 ord. 104)**

##### 4.0100 Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise. For a full list of definition please refer to the International Fire Code as adopted in 4.0201 of this Chapter.

1. Open Burning – the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open
2. Bonfire – an outdoor fire utilized for ceremonial purposes
3. Recreational Fire – an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

##### 4.0101 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.

##### 4.0102 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.

##### 4.0103 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 the chief 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.

##### 4.0104 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.

##### 4.0105 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.

4.0106 Fire Prohibited – County Burn Ban

No person shall violate any such fire emergency declaration or burn ban as put into effect by McKenzie County or the State of North Dakota.

4.0107 Recreational Fire

A recreational fire shall not have a fuel area larger than three (3) feet in diameter and two (2) feet in height. Violation of this section is subject to penalties as stated in section 4.0108 of this Article.

4.0108 Penalty – Recreational Fire

An individual who violates any of the sections of Chapter 4, Article 1 is guilty of a B misdemeanor punishable by

1. A \$250.00 fine, up to ten (10) days imprisonment, or both, for a first offense;
2. A \$500.00 fine, up to fifteen (15) days imprisonment, or both, for a second violation that occurs within 12 months from the date of the first offense; and
3. A fine not to exceed \$1,500.00, up to thirty (30) days imprisonment, or both, for a third and any subsequent offense that occurs within 12 months from the date of the first offense.

ARTICLE 2 – Fire Prevention

4.0201 Adoption of Fire Codes

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

4.0202 Storage of Flammable Liquids

No new bulk plants or tanks for storage of flammable liquids shall be permitted within the limits of the City.

4.0203 Storage of Liquefied Petroleum

The limits or area for storage of liquefied petroleum shall comply with the limits established in Section 4.0202.

4.0204 Parking of LP-Gas Tank Vehicle (Amendment #117, 12/2/2020)

It shall be unlawful for any person, firm, or corporation to park a LP-Gas tank vehicle or LP Gas tank trailer for more than one hour on residential streets or within four hundred (400) feet of a residence, apartment, restaurant, hotel, park, educational facility, hospital, or care facility. An LP-Gas tank vehicle shall be defined as any vehicle with a cargo tank mounted thereon or built as an integral part thereof, used for the transportation of flammable or combustible liquids (other than diesel, gasoline, or crude oil), Liquefied petroleum (LP) gas, or hazardous chemicals. An LP-Gas tank trailer shall be defined as any trailer that is used primarily for the transportation of flammable or combustible liquids (other than diesel, gasoline, or crude oil), Liquefied petroleum (LP) gas, or hazardous chemicals.

For purposes of enforcing this section, the following vehicles are not LP-Gas tank vehicles: recreational vehicles (travel trailers and motorhomes), light commercial vehicles used in conjunction with trades contracting to include, but not limited to, welders, plumbers, HVAC technicians, and electricians and any personal vehicle that is powered by any LP gas.

## ARTICLE 3 – Firearms, Fireworks and Explosives

### 4.0301 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.

### 4.0302 Firearms and 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, firearms of any description or dangerous weapon, in accordance with NDCC Title 62.1-01, 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, weapon 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.

### 4.0303 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.

### 4.0304 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” does 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)

### 4.0305 Municipal Property Defined

As used in this article, the term “municipal property” means any streets, alley ways, public ways, public parks, recreational area or real estate belonging to the City of Alexander.

### 4.0306 Fireworks – Discharging of, Sale of (Amended 12/01/24; 2021-10)

The provisions of Chapter 23-15 of the North Dakota Century Code shall apply to the sale and/or use of fireworks, as defined in said Chapter 23-15, within the City limits of the city of Alexander, North Dakota, subject however to the following additions, deletions, or exception:

1. In the City limits of Alexander the discharge of toy pistols, toy guns, and firecrackers is prohibited unless otherwise allowed by this Section.
2. Fireworks shall not be sold or discharged within city limits except from June 27th until July 7th and from December 31st until January 1st. During the time from June 27th until July 7th, fireworks may not be discharged between 12:00 AM and 8:00 AM. During the time from December 31st until January 1st, fireworks may not be discharged before 5:00 pm on December 31st and after 1:00 am on January 1st.
3. No person shall discharge fireworks in or from a moving vehicle.
4. The Mayor shall have the authority to prohibit the discharge of fireworks within City limits due to dry conditions which cause fire concern. If the Mayor prohibits the discharging of fireworks under this Section, public notice shall be given by posting the notice at places within the City where fireworks are sold and by publication in the official city newspaper.
5. The City Council may give special allowance to any person, business or organization who makes request to discharge fireworks at a time or date not already allowed in this section. The City Council shall set the date, location and time frame during which the fireworks may be discharged. The requesting party must notify the fire department of the date, location and time during which the fireworks may be discharged. The May may

withdraw the special allowance at any time for purposes of weather, including dry conditions and high winds. Any violation of the any special conditions made the City Council, including date, time and location, shall subject the violating party to penalty as set out in this ordinance.

6. No fireworks shall be fired or discharged on any municipal property as defined in Section 4.0305.
7. General Penalty - Any person violating the provisions of this chapter shall be guilty of a **Class B Misdemeanor** except for a violation of paragraph 2 of this ordinance herein any person violating said provision shall be guilty of an infraction and shall be subject to a fine of not more than \$500 per occurrence.

4.0307 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 4 – Adoption of Electrical Code

4.0401 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 5 – Penalty for Violation of this Chapter **(amended 06/08/2016 ord. 104)**

4.0501 Penalty – Violations of Fire Protection and Prevention

Except as otherwise provided for in this 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 governing body 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 of not more than one thousand five hundred dollars (\$1,500.00) or by imprisonment for not to exceed thirty (30) days or by both such fine and imprisonment. 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.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.



