

TITLE VI.

FIRE PROTECTION AND PREVENTION

CHAPTERS:

- 6-01. Fire Prevention Code.
- 6-02. Public Conduct in Case of Fire.
- 6-03. Fireworks.

CHAPTER 6-01

FIRE PREVENTION CODE

SECTIONS:

- 6-0101. Adoption of Fire Prevention Code.
- 6-0102. Definitions.
- 6-0103. Modification of International Fire Code.
- 6-0104. Storage of Flammable Liquids.
- 6-0105. Storage of Explosives and Blasting Agents.
- 6-0106. Non-Conforming Uses.
- 6-0107. Modifications by Chief of Volunteer Fire Department.
- 6-0108. Appeals.
- 6-0109. Validity.
- 6-0110. Penalties.

6-0101. **ADOPTION OF FIRE PREVENTION CODE.** There is hereby adopted by reference by the City Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the provisions of the Code known as the Uniform Fire Code, excluding all appendices, being particularly the 1997 edition thereof, as the same are now established in said Code, save and except such portions as are hereinafter deleted, modified, or amended by ordinance, or in accordance with other provisions of this title. A copy of said Code is on file in the office of the Chief of the volunteer fire department of the City of Mapleton, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the 1997 edition of the Uniform Fire Code may be adopted by the City by resolution. The Fire Prevention Code is also adopted as part of the Building Code of the City of Mapleton.

6-0102. **DEFINITIONS.**

1. Whenever the word "municipality" or "City" is used in the Uniform Fire Code, as hereinbefore more specifically identified in Section 6-0101, they shall be held to mean the City of Mapleton.

2. Whenever the word "jurisdiction" is used in the Uniform Fire Code, which code is hereinbefore more specifically identified in Section 6-0101, it shall be held to mean the corporate limits of the City of Mapleton, North Dakota, as well as any area within the extraterritorial zoning jurisdiction of the City.
3. Whenever the term "corporate counsel" is used in the Uniform Fire Code, as hereinbefore more specifically identified in Section 6-0101, it shall be held to mean the City Attorney for the City of Mapleton, North Dakota.
4. Whenever the term "chief" is used in the Uniform Fire Code, as hereinbefore more specifically identified in Section 6-0101, the same shall be construed to mean the chief of the volunteer fire department of the City of Mapleton, North Dakota.

6-0103. **MODIFICATION OF INTERNATIONAL FIRE CODE.** The International Fire Code is hereby changed and amended as follows:

1. Chapter 33. Fireworks - Section 3301.1.3 is amended by deleting subsection 4. No sales of fireworks in the commercial and industrial areas of the City of Mapleton can be located within 200 feet of any residential lot, or in any other location which the Fire Chief determines may create a hazardous condition. Any individual desiring to sell fireworks in the City of Mapleton must first obtain a permit from the City of Mapleton. No such permit will be granted if the building is located within 200 feet of any residential lot or in a location which the Fire Chief determines may cause a hazardous condition.

Source: Ord. 186-06, Sec. 1 (2006); Ord. 195-07, Sec. 1 (2007)

6-0104. **STORAGE OF FLAMMABLE LIQUIDS.** The limits referred to in the Uniform Fire Code, in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited, are hereby established as follows: "The corporate limits of the City of Mapleton, North Dakota, except for property zoned AG-Agricultural and IH-Heavy Industry, or property in the CL-Light Commercial for which a conditional use permit has been granted.

The limits referred to in the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: "The corporate limits of the City of Mapleton, North Dakota."

6-0105. **STORAGE OF EXPLOSIVES AND BLASTING AGENTS.** The limits referred to in the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby

established as follows: "The corporate limits of the City of Mapleton, North Dakota."

6-0106. **NON-CONFORMING USES.** The regulations prescribed in Section 6-0104 shall not be construed to require the removal or any other change or alteration of outside above ground storage tanks in which flammable or combustible liquids are maintained not conforming to said prohibitions as of the effective date hereof, or otherwise interfere with the continuance of any such non-conforming use, nor shall they be construed to prohibit or otherwise preclude the construction of outside above ground tanks for the storage of flammable or combustible liquids on the following-described premises:

that part of the southwest quarter of Section 6 of Township 139 North, Range 50 West described as follows: beginning at a point on the west line of said southwest quarter a distance of 953.84 feet north of the southwest corner of southwest quarter; thence east to the south line of said southwest quarter for 500 feet; thence north parallel to the west line of said southwest quarter for 400 feet; thence west parallel to the south line of said southwest quarter for 500 feet to the west line of said southwest quarter; thence south along said west line of southwest quarter for 400 feet to point of beginning.

provided, however, that any application for a building permit for the construction of outside, above ground tanks for the storage of flammable or combustible liquids on the hereinbefore described premises shall provide for designated, unobstructed access ways and/or fire hydrants sufficient to provide adequate fire protection as determined by the building official. Nothing contained in Section 6-0104 shall require any change in the construction, alteration, or intended use of any such structure if the construction or alteration was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within one year thereof.

6-0107. **MODIFICATIONS BY CHIEF OF VOLUNTEER FIRE DEPARTMENT.** The chief of the volunteer fire department of the City of Mapleton, North Dakota, shall have the power to modify any of the provisions of this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are particular difficulties in the way of carrying out the strict letter of the provisions of this chapter, provided that the spirit of this chapter 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 volunteer fire department of the City of Mapleton, North Dakota, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

6-0108. **APPEALS.** Whenever the chief of the volunteer fire department of the City of Mapleton, North Dakota, shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the volunteer fire department of the City of Mapleton, North Dakota, to the City Council of the City of Mapleton, North Dakota. The appeal must be filed in writing with the City Auditor within thirty (30) days from the date of the decision appealed.

6-0109. **VALIDITY.** The City Council of the City of Mapleton, North Dakota, hereby declares that should any section, paragraph, sentence, or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Mapleton, North Dakota, that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

6-0110. **PENALTY.** Any person violating any provision of the fire code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

CHAPTER 6-02

PUBLIC CONDUCT IN CASE OF FIRE

SECTIONS:

- 6-0201. Persons Allowed on Fire Fighting Vehicles.
- 6-0202. Persons Allowed to Proceed to Fire Hall.
- 6-0203. Persons Allowed to Assist in Fire Extinguishment.
- 6-0204. Fire Chief May Command Assistance.

6-0201. **PERSONS ALLOWED ON FIRE FIGHTING VEHICLES.** No person except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall ride on the fire truck or other vehicle containing fire apparatus.

6-0202. **PERSONS ALLOWED TO PROCEED TO FIRE HALL.** In cases when the fire siren on the fire hall has sounded, no persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall proceed to the fire hall.

6-0203. **PERSONS ALLOWED TO ASSIST IN FIRE EXTINGUISHMENT.** No persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall assist in the extinguishment of fires or preservation of property exposed to fire during the time the fire department is engaged in the extinguishment of a fire or preservation of property exposed to a fire, nor shall any person hinder or delay the fire department or any member thereof in performing his duty in the extinguishment of a fire or preservation of property exposed to a fire.

6-0204. **FIRE CHIEF MAY COMMAND ASSISTANCE.** The Fire Chief or Chief in charge shall have the power to command such assistance from persons in attendance at any fire in the extinguishment of fires and for the preservation of property exposed to fire as may, in his judgment, be required.

CHAPTER 6-03

FIREWORKS

(Source: Ord. 187-06, Sec. 1, 2006)

SECTIONS:

- 6-0301. Fireworks Defined.
- 6-0302. Fireworks - Discharging of, Sale of.
- 6-0303. Exceptions to Fireworks Restriction.

6-0301. **FIREWORKS DEFINED.** As used in this chapter, 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.

6-0302. **FIREWORKS - DISCHARGING OF, SALE OF.** Except as otherwise provided in this ordinance, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, use, explode or possess any fireworks within the limits of the City of Mapleton.

6-0303. **EXCEPTIONS TO FIREWORKS RESTRICTION.**

- 1. a. Public Display. This ordinance shall not prohibit supervised public displays of fireworks by any person, organization or association within the City for which a permit shall have been first obtained from the City Council. The application for such permit, in such form as may be required by the City Council, shall be filed with the City Auditor and by him referred to the Chief of the Fire Department for investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Chief of the Fire Department shall report the results of his investigation to the City Council who shall

determine whether such permit shall be issued or the application ejected. Nothing in this ordinance shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges or pyrotechnic special effects for a motion picture, television, show or theater, or sale or possession of powder for reloading cartridges or firearms used for hunting or trap shooting, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

- b. Private Use. Any individual who is at least 12 years of age may use, explode, or possess any fireworks within the limits of the City of Mapleton during the period of June 27 through July 5 of each year. The individual use, explosion, or possession of fireworks at any other time during the year is prohibited.

Source: Ord. 195-07, Sec. 2 (2007)

2. Sales. This ordinance shall not prohibit sales of fireworks in compliance with North Dakota statutes if the person, organization, or association attempting to sell fireworks first obtains a permit from the City Council. The application for such permit, in such form as may be required by the City Council, shall be filed with the City Auditor 60 days before the proposed date of sale and referred by the City Auditor to the Chief of the Fire Department for investigation to determine whether the proposed seller is competent and whether the place of selling and/or storage of fireworks is of such character and is so located so that it will not be hazardous to property or endanger any person. The Chief of the Fire Department shall report the results of the investigation to the City Council, who shall determine whether such permit shall be issued or the application rejected.
3. Permit Requirements: The number of permits that may be issued during a calendar year shall be set by the City Council from time to time by resolution. The City Council, in determining whether to grant a permit for the sale of fireworks, shall base its decision on the following factors:
 - a. whether the seller complies with all relevant laws, restrictions and regulations having to do with the transportation, storage and sales of fireworks;

- b. the recommendation of the Chief of the Fire Department;
- c. the location of the proposed place of selling and its proximity to businesses, residences, and major traffic arteries;
- d. the zoning district classification that the proposed place of selling is located in; and
- e. such other factor as the City Council deems relevant.

In issuing a permit for the display or sales of fireworks, the City assumes no liability for any damage to persons or property resulting from such displays or sales.

- 4. Fee. The fee for the permit shall be in the amount set by the City Council from time to time by resolution.