

TITLE VI.

FIRE PROTECTION AND PREVENTION

CHAPTERS:

- 6-01. International Fire Code. (Ord. 207-11)
- 6-02. Public Conduct in Case of Fire.
- 6-03. Fireworks.

CHAPTER 6-01

INTERNATIONAL FIRE CODE

(Source: Ord. 207-11)

SECTIONS:

- 6-0101. Adoption of International Fire Code.
- 6-0102. Definitions.
- 6-0103. Modifications of International Fire Code.
(Source: Ord. 237-18, Sec. 2)
- 6-0104. Storage of Flammable Liquids.
- 6-0105. Storage of Explosives and Blasting Agents.
- 6-0106. Modifications by Chief of Volunteer Fire Department.
- 6-0107. Appeals.
- 6-0108. Validity.
- 6-0109. Penalties.

6-0101. ADOPTION OF INTERNATIONAL FIRE 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 International Fire Code, being particularly the 2015 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 2015 edition of the International Fire Code may be adopted by the City by resolution. The International Fire Code is also adopted as part of the International Building Code of the City of Mapleton.

Source: Ord. 237-18, Sec. 1

6-0102. DEFINITIONS.

1. Whenever the word "municipality" is used in the International Fire Code, it shall mean the City of Mapleton.
2. Whenever the term "corporation counsel" is used in the International Fire Code, it shall mean the city attorney for the City of Mapleton.

3. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the North Dakota state plumbing code.
4. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the National Electric Code together with the North Dakota State Wiring Standards.
5. Whenever the word "jurisdiction" is used in the International 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.
6. Whenever the term "chief" is used in the International 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. MODIFICATIONS OF INTERNATIONAL FIRE CODE. The International Fire Code is hereby changed and amended as follows:

SECTION 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of ~~[NAME OF JURISDICTION]~~ the City of Mapleton, hereinafter referred to as "this code."

SECTION 102.1 is hereby amended to read as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
- ~~3. Existing structures, facilities and conditions when required in Chapter 46.~~
43. Existing structures, facilities and conditions which, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

SECTION 102.6 is hereby amended to read as follows:

102.6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan ~~as required in Section 1103.1.1.~~

SECTION 105 is hereby deleted in its entirety.

SECTION 108 is hereby deleted in its entirety.

SECTION 109.4 is hereby amended to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be ~~guilty of an [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars, or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment subject to penalties prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

SECTION 111.4 is hereby amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not ~~less than [AMOUNT] dollars or more than [AMOUNT]~~ five hundred dollars.

SECTION 201.3 is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* or *International Plumbing Code*, such terms shall have the meanings ascribed to them as in those codes.

Throughout this code, wherever reference is made to the International Plumbing Code it shall mean the North Dakota State Plumbing Code.

SECTION 202 is hereby amended to read as follows:

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows: ...

Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure . . .

Group E, day care facilities. This group includes buildings or structures, or portions thereof occupied by more than ~~five~~ twelve children older than 2½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

Within places of worship. Rooms and spaces within places of worship providing such daycare during religious functions shall be classified as part of the primary occupancy.

Five Twelve or fewer children. A facility having ~~five~~ twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

Five Twelve or fewer children in a dwelling unit. A facility such as the above within a *dwelling unit* and having ~~five~~ twelve or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

Institutional Group I. Institutional Group I occupancy includes, among others, the use ...

Group I-4, day care facilities. This group shall include buildings and structures occupied . . .

Classification as Group E. A child day care facility that provides care for more than ~~five~~ twelve but no more than 100 children 2½ years or less of age, where the rooms in which the children are

cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

SECTION 308.1.4 is hereby amended to read as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwellings*.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas containers with a water capacity not greater than ~~2½ pounds [nominal 1 pound (0.454 kg)]~~ 47.8 pounds [nominal 20 pounds (9 kg)] LP-gas capacity].

SECTION 308.3 is hereby amended to read as follows:

308.3 Group A occupancies. Open flame devices shall not be used in a Group A occupancy.

Exceptions

1. Open flame devices are allowed ...
 - 1.1 Where necessary for ceremonial ...
 - 1.4 Open flame devices for food warming.
2. Heat-producing equipment...

SECTION 315.3.1 is hereby amended to read as follows:

315.3.1 Ceiling clearance. Storage shall be maintained 2 feet (610 mm) or more below the ceiling in non-sprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

Exception: This requirement does not apply to storage adjacent to and within 30 inches of the wall area.

SECTION 403.10.1.3 is hereby amended to read as follows:

403.10.1.3 Fire safety and evacuation instructions. Information shall be provided in the fire safety and evacuation plan when required by Section 404 to allow guests to decide whether to evacuate to the outside, evacuate to an *area of refuge*, remain in place, or any combination of the three.

SECTIONS 403.10.2.2, 403.10.2.2.1, 403.10.2.2.2, 403.10.2.2.3 and 403.10.2.3 are hereby deleted in their entirety.

SECTION 404.1 is hereby amended to read as follows:

404.1 General. Where required by Section 403, fire safety, evacuation and lockdown plans shall comply with Sections 404.2 through 404.4.1 when required by the code official.

SECTION 405.1 is hereby amended to read as follows:

405.1 General. Emergency evacuation drills ~~complying shall comply~~ with Sections 405.2 through 405.9 ~~shall be conducted not less than annually where fire safety and evacuation plans are required by Section 403 or where~~ required by the *fire code official*. Drills shall be designed in cooperation with the local authorities.

SECTION 510.1 is hereby amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. When required by the fire code official, all new buildings, existing buildings to which additions or alterations are made, and buildings which occupancy is changed shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building. This section shall . . .

SECTION 806.1.1 is hereby amended to read as follows:

806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or

903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.

2. Trees shall be allowed within dwelling units in Group R-2 occupancies.
3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.

SECTION 903.3.1 is hereby amended to read as follows:

903.3.1 Standards. Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Section 903.3.1.1, unless otherwise permitted by Sections 903.3.1.2 or 903.3.1.3 and other chapters of this code, as applicable.

SECTION 903.3.1.1 is hereby amended to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and 903.3.1.1.2.

Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restrictions.

SECTION 905.1 is hereby amended to add the following:

905.1.1 Stand pipe hose. The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connections shall be provided where required.

SECTION 906.1 is hereby amended to add the following:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exception: in Group R-2 occupancies, portable fire extinguishers shall be required only in common areas and in locations specified in Items 2 through 6 ~~where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B.C.~~

SECTION 907.8.3 is hereby deleted in its entirety.

SECTION 1011.5.2, Exception 3 is hereby amended to and Exception 6 is hereby added to read as follows:

1011.5.2 Riser height and tread depth. Stair riser heights shall ...

Exceptions:

1. *Spiral stairways . . .*
3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be ~~7¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches; ...
6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8-inch riser height and minimum 9-inch tread depth.

CHAPTER 11 is hereby deleted in its entirety.

SECTION 2303.1 is hereby amended to read as follows:

2303.1 Location of dispensing devices. Dispensing devices shall . . .

1. Ten feet (3048 mm) or ...
6. On new installations, dispensing devices used to fill portable containers with home heating fuels shall not be located on the same island where Class I liquids are dispensed.

SECTION 5704.2.9.6.1 is hereby amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings shall be installed only in areas allowed per Section 6-0104 of the City of Mapleton Ordinances ~~is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the International Fire Code on page xxi).~~

SECTION 5074.2.13.1.4 is hereby amended to read as follows:

5704.2.13.1.4 Tanks abandoned in place. Tanks abandoned in place shall be as follows:

1. Flammable and combustible liquids ...
7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

SECTION 5705.3.7.5.1 is hereby to read as follows:

5705.3.7.5.1 Ventilation. Continuous mechanical ventilation shall . . .

Exception:

1. Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.
2. When approved by the chief, continuous ventilation may be provided for one complete air change per hour, if supplemented with mechanical ventilation designed to provide for a complete air change six times per hour. The non-continuous ventilation equipment and any lighting fixtures shall be operated by the same switch located outside of the door.

SECTION 5806.2 is hereby amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings shall be installed only in areas allowed per Section 6-0104 of the City of Mapleton Ordinances ~~is prohibited~~

~~within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the International Fire Code on page xxi).~~

SECTION 6103.2.1.6 is hereby amended to read as follows:

6103.2.1.6 Use with self-contained torch assemblies.
Portable LP-gas containers are allowed to be used to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of ~~2½ pounds (1 kg)~~ 12 pounds.

APPENDIX B "Fire-Flow Requirements for Buildings" is adopted and enacted in its entirety.

APPENDIX C "Fire Hydrant Locations and Distribution" is adopted and enacted in its entirety.

APPENDIX D "Fire Apparatus Access Roads" is adopted and enacted in its entirety.

6-0104. STORAGE OF FLAMMABLE LIQUIDS. The limits referred to in the International 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 A-Agricultural and M-Heavy Industrial, or property in the C-Light Commercial and CM-Heavy Commercial/Light Industrial for which a conditional use permit has been granted.

The limits referred to in the International 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 International 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. 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.

6-0107. APPEALS. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The Mapleton City Council shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The Mapleton City Council shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Council may only reverse or modify a decision of the Code Official by a vote of at least three members of the Council. If not all members of the Council are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The Council shall have no authority to waive requirements of the Code.

6-0108. 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.

6-0109. 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, subject to the following restrictions:
 - i. June 27 through July 5, excluding July 3 and 4, legal time for use is 8:00 a.m. to 10:30 p.m.
 - ii. July 3 and 4 legal time for use is 8:00 a.m. to 12:00 a.m. (midnight).

Fireworks may be used December 31 through January 1 within the city limits, subject to the following restrictions:

- i. December 31 through January 1 legal time for use is 10:00 p.m. to 1:00 a.m.

The individual use, explosion, or possession of fireworks at any other time during the year is prohibited.

Source: Ord. 195-07, Sec. 2 (2007); Ord. 228-16, Sec. 1

- 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.

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. 237-18, Sec. 3

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.