

Chapter 13 FIRE PREVENTION AND PROTECTION

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As to fire prevention and protection at carnivals and circuses, see §§ 8.04.030 to 8.04.050. As to obedience to fire department officials generally, see § 23.08.030. As to powers of officers of fire department at scene of fire relative to motor vehicles, see § 23.12.040. As to following or parking near fire apparatus, see § 23.36.270. As to driving over fire hose, see § 23.36.280. As to parking near fire hydrant, see § 23.76.050. As to injuring of fire alarms, see § 25.12.04.100. As to fire protection system, see §§ 38.08.150 to 38.08.180.

Article 13.04 In General

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- 13.04.00E** Editor's note to Article 13.04
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(Repealed) (Code 1629 § 2.)
- 13.04.080** Storage of liquefied petroleum gases

Section 13.04.00E Editor's note to Article 13.04

For state law as to authority of city to regulate fire hazards, see NDCC, § 40-05-01 (35).

Section 13.04.010 Obstructing or interfering with firemen

Any person found guilty of obstructing or interfering with any firefighter of the fire department while in the discharge of his duties shall be guilty of a misdemeanor. (Code 1958, § 12-26.)

For state law as to interference with firemen, see NDCC, § 18-08-09.

Section 13.04.020 Deleted

(Ord. No. 1411, § 1)

Section 13.04.030 Deleted

(Ord. No. 1411, § 1)

Section 13.04.040 Right of way of fire department's apparatus and vehicles

When going to a fire, any apparatus or vehicle belonging to the fire department shall have the right of way in all streets, alleys and public places over any automobile or other vehicle of any kind whatever. Any person in charge of any automobile or other vehicle must stop such vehicle, etc., whenever necessary to permit any apparatus or vehicle of the fire department to pass without hindrance or delay. (Code 1958, § 12-29, Code 1629, § 1)

Section 13.04.050 Private use of fire-fighting apparatus

No person shall use or cause to be used any firefighting apparatus for any private purpose whatsoever; nor shall any person, without authority from the chief of the fire department, remove the same from the place where kept; nor shall any person having charge of fire-fighting apparatus permit the same to be used for private purposes. (Code 1958, § 12-30; Ord. No. 360, § 1.)

Section 13.04.060 False fire alarms; tampering with or damaging fire safety equipment

Any person who shall knowingly give or cause to be given any false alarm of fire or who shall tamper with, damage or destroy or temporarily place out of order, or remove from its storage place without authority or in the absence of an emergency any fire extinguishers, fire extinguishing tools, equipment, chemicals or devices, sprinkler systems, smoke alarms, early fire warning devices, fire alarm box, wires or other apparatus in connection with a fire alarm system, or any other fire prevention or safety equipment or devices whatsoever, shall be guilty of a class B misdemeanor. The penalty for violation hereof shall be as provided in this Chapter. (Code 1958, § 12-31; Ord. No. 737, § 2.; Ord. No. 1411 §1)

Section 13.04.070 Setting fire to drapes, furniture, etc., in public or semipublic establishments Deleted

(Code 1958, § 12-4; Ord. No. 1411, § 1, Code 1629 § 2)

Section 13.04.080 Deleted

(Ord. No. 1411, § 1)

Article 13.08 International Fire Code

Sections:

- 13.08.010 Adoption of 2015 International Fire Code**
- 13.08.020 Definitions**
- 13.08.030 Appeals**
- 13.08.040 (Deleted)**
- 13.08.050 Penalty**
- 13.08.060 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited**
- 13.08.070 Establishment of limits in which storage of liquefied petroleum (LP) gases is to be restricted**
- 13.08.080 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited**
- 13.08.090 Establishment of International Fire Code**
- 13.08.100 Retail Sales and Storage of Fireworks (Repealed)**

Section 13.08.010 Adoption of 2015 International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, there is hereby adopted by the City of Dickinson the 2015 International Fire Code. Copies of the 2015 International Fire Code have been and are now on file in the office of the fire chief and city administrator.

The provisions of the 2015 International Fire Code shall be controlling within the limits of the City of Dickinson, with the following additions, deletions, and amendments:

- (a) Definitions
 1. Whenever the word “municipality”, “jurisdiction” or “city” is used in any code adopted pursuant to this title, it means the City of Dickinson, North Dakota.
 2. Whenever the words “corporate counsel” or “city attorney” is used in any code adopted pursuant to this title, it means the city attorney of the City of Dickinson, North Dakota.
 3. Whenever the term “International Building Code” is used in the International Fire Code, it shall mean the “Dickinson Building Code.”
 4. Whenever the term “International Plumbing Code” is used in the International Fire Code, it shall mean the “North Dakota State Plumbing Code.”
 5. Whenever the term “ICC Electrical Code” is used in the International Fire Code, it shall mean the “Wiring Standards of North Dakota.”
- (b) Permit Fees

The fee for any permit or license required by the International Fire Code and authorized by the fire chief, shall be as approved by the Board of City Commissioners.
- (c) Amendments to 2015 International Fire Code

The 2015 International Fire Code, as adopted by the City of Dickinson, is amended to state as follows:

 1. **101.1 Title** These regulations shall be known as the city fire code, hereinafter also referred to as "this code."

2. Section 105.1.1 Permits Required is amended to read as follows: A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit and may be required to obtain a permit.
3. The specified permits identified in each operational section in Sections 105.6.1 through 105.6.48 are amended from "being required" to "required upon the determination of the code official."
4. Section 108 is deleted in its entirety.
5. **109.4. Violation Penalties.** Any person who violates a provision of this code or who fails to comply with any of the requirements thereof or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than one thousand dollars (\$1,000). Each day that a violation continues after due notice has been served shall be deemed a separate offense.
6. **111.4 Failure to Comply.** Any person who continues any work after having been served with a stop work order, except work as that person is directed to perform to remove a violation of unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000).
7. The definition of a Group E, day care facilities is hereby amended to as follows: This group includes buildings and structures or portions thereof occupied by more than twelve children older than 2 ½ years of age who receive educational supervision or personal care services for fewer than 24 hours per day.
8. Definition of Five or fewer children is hereby amended to as follows: Twelve or fewer children. A facility having twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.
9. **307.1.1 Open Burning.** Open Burning shall be prohibited.
10. Section 307.4.1 is deleted in its entirety.
11. **307.4.2 Recreational Fires.** Recreational Fires shall be prohibited.
12. The Exception to Section 307.4.3, Portable outdoor fireplaces, is deleted in its entirety.
13. Exception 3 to Section 308.1.4, LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.
14. 308.3 Group A Occupancies. Add exception 1.4. Open-flame devices for food warming.
15. 311.6 note 1 is amended to read "Storage is kept to a minimum and is neat and orderly".
16. 503.2.3 is hereby amended to read "Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities, and shall be concrete or asphalt."

17. Chapter 9 and Chapter 10 of the 2015 International Fire Code as adopted by the City of Dickinson are hereby adopted with such amendments, additions and deletions as necessary to make such Chapters consistent with the concurrent sections of the applicable International Building Code, as adopted pursuant to Dickinson City Code Section 7.020. In the event of any dispute, the then applicable sections of the International Building Code, as adopted pursuant to Dickinson City Code Section 7.020 shall take precedence.
18. 903.3.1.1 is hereby amended by adding a second paragraph to read as follows: 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.
19. 905, all references to Class II standpipes or Class III standpipes are amended to state “Class I standpipes.”
20. 905.1 Exception: The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.
21. 905.3.4.1 of the 2015 International Fire Code as adopted by the City of Dickinson, regarding Hose and cabinet, is deleted in its entirety.
22. 905.6 of the 2015 International Fire Code as adopted by the City of Dickinson, regarding Location of Class III standpipe hose connections, is deleted in its entirety.
23. 907.2.11.1 is hereby amended by adding item #4 to read as follows:
 4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke alarms shall be installed in the hallway and in the adjacent room.
24. 907.2.11.2 is hereby amended by adding item #4 to read as follows:
 4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke alarms shall be installed in the hallway and in the adjacent room.
25. 1011.1: Exception 1. Within rooms or spaces used for assembly purposes, stepped aisles shall comply with Section 1029. Exception 2. 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.
26. 1011.2: Exception 4. 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.
27. 1011.5.2: 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 73/4 inches (197 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum winder

tread depth at the walkline shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing projection not less than 3/4 inch (19.1mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

28. 1011.5.2 Exception 4. See IBC Chapter 34 Existing Structures for the Replacement of Stairways.
29. 1011.5.2 Exception 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.
30. Exception 2 to Section 5601.1.3 is deleted in its entirety.
31. Exception 4 to Section 5601.1.3 is deleted in its entirety.
32. Appendix B, Fire-Flow Requirements for Buildings, to the 2015 International Fire Code is adopted in its entirety.
33. Appendix C, Fire Hydrant Locations and Distribution, to the 2015 International Fire Code is adopted in its entirety.
34. Appendix D, Fire Apparatus Access Roads, to the 2015 International Fire Code, is adopted in its entirety.
35. Appendix F, Fire Apparatus Access Roads, to the 2015 International Fire Code, is adopted in its entirety.
36. Appendix H, Fire Apparatus Access Roads, to the 2015 International Fire Code, is adopted in its entirety.
37. Appendix I, Fire Apparatus Access Roads, to the 2015 International Fire Code, is adopted in its entirety.

(Ord. No. 342, § 1; Ord. No. 446, § 1; Ord. No. 546, § 1; Ord. No. 655, § 2; Ord. No. 737, 1; Ord. No. 1072, § 1; Ord. No. 1123 § 1; Ord. No. 1159 § 1; Ord. No. 1306 § 1; Ord. 1355 §1; Ord. No. 1411 §1. Ord. No. 1544 § 1. Ord No. 1629 § 3)

Section 13.08.020 DELETED (Ord. No. 1411 § 1)

Section 13.08.030 Appeals

Whenever the fire chief disapproves an application or refuses to grant a 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 fire chief to the board of appeals within 30 days from the date of the decision. (Code 1958, § 12-13; Ord. No. 342, § 9; Ord. No. 1072, § 3; Ord. No. 1123 § 3; Ord. No. 1159 § 3.)

Section 13.08.040 DELETED (Ord. No. 1544 § 1)

(Ord. No. 1411 § 1)

Section 13.08.050 Penalty

- (a) Any person who violates any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of: (1) for the first conviction, an infraction punishable by a fine of at least fifty dollars but not more than one thousand dollars (\$1,000); (2) any person who has previously been convicted under this section may be charged with a misdemeanor punishable by a fine of not more than one thousand five hundred dollars (\$1500), or by imprisonment, not exceeding thirty days, or both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or defects within a reasonable time; and all such persons shall be required to correct or remedy such violations or defects within a reasonable length of time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 342, § 11; Ord. No. 1072, § 5; Ord. No. 1123 § 5; Ord. No. 1159 § 5. Ord No. 1629 § 3)

As to the general penalty for violation of Code, see § 11.12.010 of this Code.

Section 13.08.060 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited

The limits referred to in IFC Sections 5704.2.9.6.1 and 5706.2.4.4 of the 2015 International Fire Code in which the storage of Class I, II, & III liquids is restricted are hereby established as follows:

No Special use permit for storage of Class I, II, & III liquids will be allowed within 300` adjacent to or within any residentially zoned areas, heavily populated areas or congested commercially zoned areas without appropriate spacing as deemed necessary by the authority having jurisdiction. (Ord. No. 1072, § 6; Ord. No. 1123 § 6; Ord. No. 1306 § 4, Ord. No. 1355 §3. Ord. No. 1544 §. Ord. No. 1629, § 4)

*A 500 gallon max shall be required per commercial site.

Section 13.08.070 Establishment of limits in which storage of liquefied petroleum (LP) gases is to be restricted

The limits referred to in Section 6104.2 of the 2015 International Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

No conditional use permit shall be allowed for liquefied petroleum LP storage adjacent to or within residential zoned areas, heavily populated areas and congested commercial zoned areas without appropriate spacing as deemed necessary by the authority having jurisdiction. At no time shall the aggregate capacity exceed 2,000 gallons per location in areas approved by authority

having jurisdiction. (Ord. No. 1072, § 7; Ord. No. 1123 § 7; Ord. No. 1159 § 7; Ord. No. 1306 §5; Ord. No. 1355 §4; Ord. No. 1411 §1. Ord. No. 1544 § 1. Ord. No. 1629 § 5)

Section 13.08.080 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited

The limits referred to in Sections 5604.5 and 5604.5.3.1 of the 2015 International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

Conditional use permit shall be allowed only in isolated industrial areas and shall comply with nationally recognized standards for separation distances. (Ord. No. 1072, § 8; Ord. No. 1123 § 8; Ord. No. 1306 § 6; Ord. No. 1355 §5. Ord. No. 1544 § 1. Ord. No. 1629 § 8)

Section 13.08.090 Enforcement of International Fire Code

The International Fire Code shall be enforced by the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department. (Ord. No. 1123 § 9; Ord No. 1159 § 9; Ord. No. 1306 § 7.)

Section 13.08.100 Retail sales and storage of 1.4G Fireworks
(Repealed)

(Ord. No. 1411 §1. Ord. No. 1629 §7)

Article 13.12 Fire Department

Sections:

- 13.12.02000 Division 13.12.02 Generally**
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- 13.12.02030 Duties of members generally**
- 13.12.02040 Members eligible under Public Safety Officers' Benefits Act of 1976**
- 13.12.02050 Duties of police commissioner**
- 13.12.02060 Presiding officer at meetings**
- 13.12.02070 Secretary and treasurer**
- 13.12.02080 Assignment of firemen**
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- 13.12.02100 Appointment of members as inspectors generally; technical inspectors**
- 13.12.02110 Use of liquor by personnel**
- 13.12.02120 Police power of firemen**
- 13.12.02130 Bylaws, rules and regulations generally**
- 13.12.02140 Obedience of firemen to rules, regulations and orders**
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- 13.12.04000 Division 13.12.04 Chief**
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- 13.12.04190 Acting chief**
- 13.12.06000 Division 13.12.06 Bureau of Fire Prevention**
- 13.12.06010 Establishment and duties of bureau of fire prevention**
- 13.12.06020 Appointment, term and removal of chief**
- 13.12.06030 Annual report**

Section 13.12.02000 Division 13.12.02 Generally

Section 13.12.02010 Composition

The fire department shall consist of a chief of the department, and such other officers, employees, and volunteer members as may from time to time be deemed necessary.
(Code 1958, § 12-15; Ord. No. 1411 §1)

Section 13.12.02020 Election of members – DELETED (Ord. No. 1411 §1)

Section 13.12.02030 Duties of members generally– DELETED (Ord. No. 1411 §1)

Section 13.12.02040 Members eligible under Public Safety Officers' Benefits Act of 1976

All of the members of the Dickinson Volunteer Fire Department, all of whom have been, are and shall be available for service on a twenty-four hour basis, are hereby officially recognized and designated as members of a legally organized volunteer fire department for all purposes, including but not limited to eligibility for benefits pursuant to the United States Public Safety Officers' Benefits Act of 1976. (Ord. No. 760, § 1.)

Section 13.12.02050 Duties of police commissioner – DELETED (Ord. No. 1411 §1)

Section 13.12.02060 Presiding officer at meetings – DELETED (Ord. No. 1411 §1)

Section 13.12.02070 Secretary and treasurer – DELETED (Ord. No. 1411 §1)

Section 13.12.02080 Assignment of firemen – DELETED (Ord. No. 1411 §1)

Section 13.12.02090 Receipt of rewards by firemen – DELETED
(Ord. No. 1411 §1)

Section 13.12.02100 Appointment of members as inspectors
generally; technical inspectors – DELETED (Ord. No. 1411 §1)

Section 13.12.02110 Use of liquor by personnel – DELETED (Ord.
No. 1411 §1)

Section 13.12.02120 Police power of firefighters

While in actual attendance at fires, the chief of the department, assistant chiefs, and officers shall have, and are hereby vested with, police power insofar as the exercise of the same may be necessary to prevent disorder, breach of the peace, interference with the work of the department, or the destruction or larceny of property. (Ord. No. 1411 §1)

Section 13.12.02130 Bylaws, rules and regulations generally

The members of the fire department shall adopt such bylaws and rules and regulations for their government as they may deem fit and proper, embodying the requirements of this Code and other ordinances of the city and laws of the state relative to fire departments or companies. Such bylaws, when so adopted, shall be submitted to the board of city commissioners for its approval. (Code 1958, § 12-32.)

Section 13.12.02140 Obedience of firemen to rules, regulations and
orders – DELETED (Ord. No. 1411 §1)

Section 13.12.02150 Removal or suspension of members –
DELETED (Ord. No. 1411 §1)

Section 13.12.04000 Division 13.12.04 Chief

The chief of the fire department shall be a competent and experienced fire officer who shall have charge, supervision, and control over all of the property, equipment, and supplies of the fire department, subject to the general supervision and control of the board of city commissioners. (Ord. No. 1411 §1)

Section 13.12.04000E Editor's note to Division 13.12.04

Repealed (Ord. No. 1629 §8)

Section 13.12.04010 Oath

Before entering upon the duties of the office of chief of the fire department, the person selected for such position shall take and subscribe the oath of office required to be taken by the members of the city commission. (Code 1958, § 12-35.)

Section 13.12.04020 Bond – DELETED (Ord. No. 1411 §1)

Section 13.12.04030 Vacancies in office – DELETED (Ord. No. 1411 §1)

Section 13.12.04040 Property of department – DELETED (Ord. No. 1411 §1)

Section 13.12.04050 Control of personnel – DELETED (Ord. No. 1411 §1)

Section 13.12.04060 Leave of absence – DELETED (Ord. No. 1411 §1)

Section 13.12.04070 Command at fires generally – DELETED (Ord. No. 1411 §1)

Section 13.12.04080 Authority to command civilian assistance at fires

In case of necessity the chief or officer in charge of an incident may, while actively engaged in the performance of their duties, call upon able-bodied bystanders for assistance. (Code 1958, § 12-43; Ord. No. 1411 §1; Ord. No. 1411 §1)

Section 13.12.04090 Establishment of limits at fires

The chief of the fire department or his designee may prescribe limits in the vicinity of any fire within which no person, except those who reside therein, firefighters, police officers and those admitted by his order; shall be permitted to come. (Code 1958, § 12-44; Ord. No. 1411 §1)

Section 13.12.04100 Removal of property for protection and containment of fire

The chief of the fire department or his designee shall have power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, to prevent the spreading of fire or to protect adjoining property.

Section 13.12.04110 Investigation of fires

The chief of the fire department shall immediately after each fire carefully and thoroughly investigate such fire and may, for that purpose, call on the chief of police for assistance and, if possible, shall ascertain, record and report the cause of such fire. (Code 1958, § 12-46; Ord. No. 1411 §1.)

Section 13.12.04120 Inspection of buildings – DELETED (Ord. No. 1411 §1)

Section 13.12.04130 Obedience to Board of Commissioners

The chief of the fire department shall at all times obey the instructions of the board of city commissioners. (Code 1958, § 12-48. Code 1629, § 9)

Section 13.12.04140 Records – DELETED (Ord. No. 1411 §1)

Section 13.12.04150 Permission required to leave city; attendance at fires – DELETED (Ord. No. 1411 §1)

Section 13.12.04160 Reports – DELETED (Ord. No. 1411 §1)

Section 13.12.04170 Rules and regulations

The chief of the fire department shall, in cooperation with the board of city commissioners, prescribe such rules and regulations for the government of the department as are in his judgment necessary to secure the best and most efficient service. (Code 1958, § 12-51.)

Section 13.12.04180 Removal

The board of city commissioners may, at any time and for cause which may seem sufficient to it and after an opportunity to be heard, remove the chief of the fire department. (Code 1958, § 12-53.)

Section 13.12.04190 Acting chief

In the absence of the chief of the fire department, the assistant chief or such other officer in charge of the company shall possess all the power granted in this article to perform all the

duties herein required of the chief and shall be subject to all the requirements, conditions and restrictions of this article relating to the chief of the fire department.

Section 13.12.06010 Establishment and duties of bureau of fire prevention– DELETED (Ord. No. 1411 §1)

Section 13.12.06020 Appointment, term and removal of chief – DELETED (Ord. No. 1411 §1)

Section 13.12.06030 Annual report – DELETED (Ord. No. 1411 §1)