

## CHAPTER FOUR

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**CHAPTER FOUR  
FIRE PROTECTION AND PREVENTION**

ARTICLE 1 - Organization and Regulation of the Fire Department

4.0101 Establishment of Fire Department

The City of Flasher does not own or operate a fire department. The City of Flasher Commission shall have authority to create such department and ordinances at some point it has a fire department.

ARTICLE 2 - Fire Limits

4.0201 Fire Limits

The City of Flasher is within boundary of the Flasher Rural Fire Department.

4.0202 Fire Limits - Erection of Buildings Within

No buildings or parts of any buildings shall be erected within the City of Flasher unless the construction meets the provisions of the North Dakota State Building Code, which is the official building code of the City. Outbuildings may be erected of any other material, not necessarily of fireproof qualities, by obtaining a permit from the City governing board upon application therefore which may be granted or refused in the City governing board's discretion.

4.0203 Tents – Erection - Permanent and Temporary

It shall be unlawful for any person, firm or corporation to keep, maintain or erect a temporary tent for commercial purposes for more than 72 hours within the City of Flasher. If such tent is placed on private property within the City of Flasher it must be in the correct zoning area.

It shall be unlawful for any person, firm or corporation to keep, maintain or erect, a permanent tent within the City of Flasher

4.0204 Alterations and Additions in Fire Limits

Within the City of Flasher no buildings or structure of frame construction or of unprotected metal construction shall be hereafter extended on any side unless the construction of such extension conforms to all requirements of this article for new construction. All ordinary construction buildings and all frame buildings hereafter built or altered in which the lower stories or portions thereof are used for business, and the stories above for residence purposes shall have all partitions and ceilings separating the business portions from the residence portions covered with metal lath and plaster or other equivalent fireproofing material.

4.0205 Inspection of Premises, Materials, Order

The fire commissioner, city engineer, or other designated official, shall as often as practical, inspect all buildings or structures during construction for which a permit has been issued to see that the provisions of law are complied with and that construction is prosecuted safely. All building materials shall be of good quality and shall conform to generally accepted standard specifications. Whenever in his opinion, by reason of defective or illegal work in violation of a provision of this article the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

4.0206 Repairs to Damaged Buildings

It shall be unlawful to repair any existing frame building within the fire limits after the same has been damaged by any cause to fifty percent (50%) of its value. Any existing frame building damaged by fire otherwise over fifty percent (50%) of its value shall be torn down and removed.

ARTICLE 3 - Fires in Public Places

4.0301 Smoking

The City of Flasher shall adhere to State of North Dakota regulations regarding smoking.

4.0302 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.

4.0303 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.

4.0304 Bonfires Prohibited - Exception

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the City. Small covered fire pits are allowed under this ordinance, the resident shall 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 before leaving the fire unattended.

4.0305 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.

4.0306 Open Burning Prohibited

No person shall kindle, maintain or burn any garbage or other refuse either openly or in containers.

4.0307 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 fire department.

ARTICLE 4 - Fire Prevention

4.0401 Adoption of Fire Codes

There is hereby adopted by the City of Flasher for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosions, that certain code known as the 2015 International Fire Code or the Fire Code followed by the State of North Dakota 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.

4.0402 Enforcement of Fire Prevention Code

1. The fire commissioner, city engineer, or other designated official shall enforce fire prevention code.
2. The fire commissioner, city engineer, or other designated official may detail such members of the fire department as inspectors as shall from time to time be necessary.

4.0403 Storage of Flammable Liquids

No new bulk plants or bulk tanks for storage of flammable liquids shall be permitted within the limits of the City of Flasher. Bulk plants and bulk tanks in existence as of the date this ordinance shall remain. New propane tanks or fuel oil tanks for the purpose of heat shall be allowed under this ordinance. Size of new propane tanks or fuel oil tanks for this purpose only shall not exceed 1,000 gallons and are limited to one tank per residence, except unless granted by majority vote of city commission.

4.0404 Storage of Liquified Petroleum

The limits or area for storage of liquefied petroleum shall comply with the limits established in Section 4.0403.

4.0405 Anhydrous Ammonia

The carriage and transportation of anhydrous ammonia shall be unlawful except for the purpose of traveling through the City of Flasher using Main Street only. Any vehicle carrying, pulling or transporting anhydrous ammonia shall not be permitted to park or stop within Flasher city limits.

4.0406 Route for Transportation of Flammable Liquids

All trucks and other vehicles transporting flammable liquids in the City of Flasher, shall use streets and/or avenues with shortest distances where such liquids are being transported from bulk plants to service stations, etc., such vehicles shall not park or be kept in congested traffic areas except for unloading purposes and upon delivery be moved to an off street location.

4.0407 Cleaning Yards

No person occupying property in the City of Flasher, North Dakota shall permit any hay, straw, chips, shavings, leaves, weeds, tree debris, barrels, boxes, papers, manure, wood or any combustible substance whatever, or anything capable of catching or communicating fire to be or remain upon the lot or lots or premises occupied by such person, either as lease, owner, or otherwise, for a period longer than seventy-two hours, and it is hereby made his duty of every person occupying property within the City of Flasher, and every owner thereof, to see that all combustible materials shall be cleared and removed from the premises so occupied or owned within said City at least once every three days. Wood chips used for landscaping shall be allowed under this ordinance.

4.0408 Modifications of Fire Code

The fire commissioner, city engineer, or other designated official 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 fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

4.0409 Appeals

Whenever the fire commissioner, city engineer, or other designated official 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 to the City governing body within thirty (30) days from the date of the decision of the appeal.

ARTICLE 5 - Firearms, Fireworks and Explosives

4.0501 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.

4.0502 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, pistol or other firearms of any description 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 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.

4.0503 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.

4.0504 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)

4.0505 Fireworks – Storage of

The storage of fireworks within city limits of Flasher, North Dakota, outside the time set forth in 4.0506, is strictly prohibited.

4.0506 Fireworks - Sale of

Anyone wishing to sell fireworks must apply for a special permit issued by the City of Flasher Board of Commissioners no later than 60 days prior to first day of allowable firework sales. Such permit must be granted by majority vote of the Flasher City Commission. The permit, if granted, shall only be valid the year in which it was granted. Sale days and times shall be set by ordinance.

June 27th, June 28th, June 29th, June 30th, July 1st, July 2nd, July 3rd and July 5th between the hours of 9:00 a.m. - 11:00 p.m. (CST). Sale of fireworks is allowed July 4th between the hours of 9:00 a.m. and 12:00 midnight (CST).

The permit application must disclose to the Board of Commissioners the owner(s), address, contact information, exact location of sale of goods, sale hours, description of goods to be sold, state business license and federal or state tax identification number. A copy of insurance is also required.

All fireworks must be sold from a structure/building, adhering to Fire Code, and in the correct zoning area in City of Flasher.

Chief of Flasher Rural Fire Department shall be notified of any permits granted by the City of Flasher Commission and hereby have authority to postpone or cancel the sale of fireworks due to hazardous fire conditions. In addition, the Morton County Commission shall have the authority to postpone or cancel the sale or discharge of fireworks due to hazardous fire conditions.

#### 4.0507 Fireworks - Discharging of

The firing or discharging of any rocket, firecracker, torpedoes, roman candles or of any such "Fourth of July" explosives whatsoever, or fireworks within the City limits is expressly prohibited at any time whatsoever, except as follows:

Discharge of fireworks is allowed on June 27th, June 28th, June 29th, June 30th, July 1st, July 2nd, July 3rd and July 5th between the hours of 9:00 a.m. - 11:00 p.m. (CST). Discharge of fireworks is allowed July 4th between the hours of 9:00 a.m. and 12:00 midnight (CST).

Discharging times and days shall be set by ordinance.

#### 4.0508 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 6 - Adoption of Electrical Code

#### 4.0601 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 7 - Penalty for Violation of this Chapter

4.0701 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 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 dollars (\$1,000.00) 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.

This ordinance shall be in full force and effect from and after its final passage and adoption.


FIRST READING: March 8, 2017

Medeiros: Aye  
Meyhoff: Aye  
Bartz: Aye  
Rossow: Aye  
Mortenson: Aye


SECOND READING: March 22, 2017

Medeiros: -  
Meyhoff: Aye  
Bartz: Aye  
Rossow: Aye  
Mortenson: Aye

FINAL PASSAGE AND ADOPTION: March 22, 2017

  
\_\_\_\_\_  
Tamara Bartz  
President of the Flasher City Commission

seal

  
\_\_\_\_\_  
Sherry Schmidt, City Auditor

C E R T I F I C A T E

STATE OF NORTH DAKOTA )

) SS.

COUNTY OF MORTON )

The undersigned City Auditor of the City of Flasher, hereby certifies that she/he is the City Auditor of the City of Flasher, and as such is the custodian of the ordinance book of the City;

She/he further certifies that the foregoing is a true and accurate copy of Ordinance No. Chapter 4, duly enacted by the governing body of the City of Flasher at a regular/special meeting thereof on the 22<sup>nd</sup> day of March, 20 17, and passed on a roll call vote as shown on the foregoing.

Dated this 27<sup>th</sup> day of March, 20 17.



City Auditor, City of Flasher, North Dakota

CORPORATE SEAL

 ORIGINAL