

TITLE VI.

FIRE PROTECTION AND PREVENTION

CHAPTERS:

- 6-01. International Fire Code.
- 6-02. Public Conduct in Case of Fire.
- 6-03. Organization and Regulations of the Fire Department.

Source: Ord. 1153, Sec. 4 ([2020])

CHAPTER 6-01

INTERNATIONAL FIRE CODE

Source: Ord. 742, Sec 1 (2005); Ord. 882, Sec. 1 (2011)

SECTIONS:

- 6-0101. Adoption of International Fire Code.
- 6-0102. Definitions.
- 6-0103. Modifications 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 Fire Department.
- 6-0108. Appeals.
- 6-0109. Validity.
- 6-0110. Penalties.

6-0101. ADOPTION OF INTERNATIONAL FIRE CODE. There is hereby adopted by reference by the Board of City Commissioners, 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 West Fargo, 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 West Fargo.

Source: Ord. 1012, Sec.1 (2014); Ord. 1084, Sec. 1 (2017)

6-0102. DEFINITIONS.

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

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 West Fargo, 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 West Fargo, 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 West Fargo, 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 105.6 is hereby amended to delete Sections 105.6.1 through 105.6.31, Section 105.6.33, Sections 105.6.35 through 105.6.44 and Sections 105.6.46 through 105.6.48 and to read as follows:

105.6 Require operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Section 105.6.1 through 105.6.3.

105.6.321 Open Burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires

105.6.342 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. For purposes of this provision, churches shall not be deemed to be assembly areas and shall not be required to obtain a permit to utilize candles in religious ceremonies.

105.6.453 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or tent having an area in excess of 400 square feet (37m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all the following:

3.1. Individual tents having a maximum size of 700 square feet (65 m²).

3.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65 m²).

3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

SECTION 105.7 is hereby amended to delete Sections 105.7.1 through 105.7.2, Sections 105.7.5 through 105.7.7, Sections 105.7.9 through 105.7.11 and Sections 105.7.13 through 105.7.18 and to read as follows:

105.7 Require construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Section 105.7.1 through 105.6.164.

105.7.31 Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table ~~105.6.9~~ 105.7.1, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or substantially modify a compressed gas system.

Exception:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of the commencement of work.

**Table 105.7.1
PERMIT AMOUNTS FOR COMPRESSED GASES**

<u>TYPE OF GAS</u>	<u>AMOUNT</u> (cubic feet at <u>NTP</u>)
<u>Corrosive</u>	<u>200</u>
<u>Flammable (except cryogenic fluids and liquefied petroleum gases)</u>	<u>200</u>
<u>Highly toxic</u>	<u>Any Amount</u>
<u>Inert and simple asphyxiant</u>	<u>6,000</u>
<u>Oxidizing (including oxygen)</u>	<u>504</u>
<u>Pyrophoric</u>	<u>Any Amount</u>
<u>Toxic</u>	<u>Any Amount</u>

105.7.42 Cryogenic fluids. A construction permit is required for installation of or *alteration* to outdoor stationary *cryogenic fluid* storage systems where the system capacity exceeds the amounts listed in Table 105.6.11. Maintenance performed in accordance with this code is not considered to be an *alteration* and does not require a construction permit.

105.783 Flammable and combustible liquids. A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid tank.

105.7.124 LP-gas. A construction permit is required for installation of or modification to an LP-gas system with a single container in excess of 2000 gallons water capacity or the aggregate capacity of containers is more than 4000 gallons in water capacity.

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 $2\frac{1}{2}$ 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 *dwelling*s.
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 ~~7³/₄ 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 West Fargo 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 West Fargo 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.

Source: Ord. 1012, Sec. 2 (2014); Ord. 1084, Sec. 3 (2017)

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 West Fargo, North Dakota, except for property zoned LI-Light Industrial and M-Heavy Industrial as permitted, or property in the A-Agriculture, C-Light Commercial, HC-Heavy Commercial and LI-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 West Fargo, North Dakota."

Source: Ord. 1084, Sec. 2 (2017)

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 West Fargo, 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, to-wit:

Beginning at the Southwest corner of Section Four (4), Township One Hundred Thirty-nine (139) North of Range Forty-nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota; thence North along the West boundary line of said Section Four (4), One Thousand One Hundred Eighty-four and Seventy One-hundredths feet (1,184.17), more or less, to the South right-of-way line of the Northern Pacific Railway Company, as it is presently constituted, thence Southeasterly along said right-of-way Two Thousand Six Hundred Eighty-two and Four-tenths feet (2,682.4), more or less, to the East boundary line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Four (4), thence South along the East boundary line of said Southwest Quarter (SW $\frac{1}{4}$) One Thousand and Eight-tenths feet (1,000.8), more or less, to the Southeast corner of said Southwest Quarter (SW $\frac{1}{4}$), thence West along the South section line of said Section Four (4) a distance of Two Thousand Six Hundred Seventy-six and One-tenth feet (2,676.1), more or less, to the 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 FIRE DEPARTMENT. The chief of the fire department of the City of West Fargo, 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 fire department of the City of West

Fargo, North Dakota, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Source: Ord. 1153, Sec. 1 (2020)

6-0108. APPEALS. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The West Fargo City Commission 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 West Fargo City Commission shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Commission may only reverse or modify a decision of the Code Official by a vote of at least three members of the Commission. If not all members of the Commission 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 commission shall have no authority to waive requirements of the Code.

6-0109. VALIDITY. The City Commission of the City of West Fargo, 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 Commission of the City of West Fargo, North Dakota, that it would have passed all other portions of this ordinance independent of the elimination hear from of any such portion as may be declared invalid.

6-0110. PENALTY. Unless otherwise specified, 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.

Source: Ord. 1153, Sec. 2 (2020)

CHAPTER 6-02

PUBLIC CONDUCT IN CASE OF FIRE

SECTIONS:

- 6-0201. Persons Allowed on Fire Fighting Vehicles.
- 6-0202. Persons Allowed to Assist in Fire Extinguishment.

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 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. Violation of this section is a class B misdemeanor.

CHAPTER 6-03

ORGANIZATION AND REGULATIONS OF THE FIRE DEPARTMENT

Source: Ord. 1153, Sec. 4 (2020)

SECTIONS:

- 6-0301. Officers of the Fire Department.
- 6-0302. Oath of Office.
- 6-0303. Annual Report.
- 6-0304. Chief of the Fire Department May Prescribe Limits in Vicinity of Fire.
- 6-0305. Duties of Police in Aiding Fire Department.
- 6-0306. Fire Limits Defined.
- 6-0307. Fire Protection Outside City Limits.
- 6-0308. Piling Flammable Material in City Limits Prohibited.
- 6-0309. Fires on Pavement or in Sewers Prohibited.
- 6-0310. Deposit of Combustible Material - Distance From Buildings.
- 6-0311. Regulations of Rubbish Removal From Vacant Buildings.
- 6-0312. Nuisance Declared.
- 6-0313. Chief of Fire Department - Duty to Inspect and Report.
- 6-0314. Chief of Fire Department to Give Order to Abate Fire Hazard.
- 6-0315. Appeals.
- 6-0316. Action to Abate.
- 6-0317. Fires in Hotels, Rooming Houses, And Lodging Houses to be Reported.
- 6-0318. Erection of Barricades Around Damaged Buildings.

6-0301. OFFICERS OF THE FIRE DEPARTMENT. The fire department will consist of a chief of the fire department, deputy fire chiefs, battalion or division chiefs, captains, firefighters, and such other officers and employees as may, from time to time, be deemed necessary. Divisions will be maintained within the fire department including, but not limited to, a risk reduction division, an operations division, emergency management division, and a professional standards division. Each division will be led by a deputy fire chief or equivalent non-sworn employee.

6-0302. OATH OF OFFICE. All fire department employees will be administered the oath of office by a chief officer. The fire chief will be administered the oath of office by the City Administrator.

6-0303. ANNUAL REPORT. The fire chief will make an annual report available to the West Fargo City Commission on the previous year's statistical data including, but not limited to: fire and emergency medical calls for service, fire loss, fire injury and deaths, response time, training, community risk reduction, the

status of equipment, apparatus and buildings, status of personnel, and any lifesaving actions of department personnel in the previous year.

6-0304. CHIEF OF THE FIRE DEPARTMENT MAY PRESCRIBE LIMITS IN VICINITY OF FIRE. The chief of the fire department or the incident commander may prescribe limits in the vicinity of any fire within which no person shall be permitted to come except emergency personnel and those admitted by his/her order or by order of the members of the fire department.

6-0305. DUTIES OF POLICE IN AIDING FIRE DEPARTMENT. At all fire, rescue, or emergency medical scenes, the fire department will maintain command and control over on-scene operations. The chief of police and all police officers, at all fires, will preserve order and cooperate with, and render all possible assistance to, the chief or the acting chief of the fire department and see that his/her orders are promptly obeyed.

6-0306. FIRE LIMITS DEFINED. The boundary lines of the city as presently fixed, together with the boundary lines of all additions and annexations made or hereafter to be made to the city, will be and are hereby fixed and declared to be the limits and jurisdiction of the West Fargo Fire Department.

6-0307. FIRE PROTECTION OUTSIDE CITY LIMITS. Whenever the chief of the fire department, or his/her designee, determines that it is expedient and not contrary to public safety to answer a request, the equipment and personnel of the fire department may furnish such service or actively engage in the fighting of fires.

Whenever the chief of the fire department or his/her designee determines that is expedient and not contrary to public safety to answer a request from other municipalities' or any organized fire department in the state of North Dakota or Minnesota, to furnish standby service to such communities or organized fire department, the equipment and personnel of the City of West Fargo Fire Department, may furnish such service or actively engage in the fighting of fires with such municipalities or organized fire departments.

6-0308. PILING FLAMMABLE MATERIAL IN CITY LIMITS PROHIBITED. No person, persons, firm, or corporation will pile empty boxes, barrels, papers, or other flammable materials within any building or make, establish, or maintain any pile or piles of empty boxes, barrels, or other flammable material upon any premises, streets, alleys, or other public places within the limits of the city.

6-0309. FIRES ON PAVEMENT OR IN SEWERS PROHIBITED. No person may build a fire upon any pavement or within any sewer or drain for any purpose whatsoever within the limits of the city.

6-0310. DEPOSIT OF COMBUSTIBLE MATERIAL - DISTANCE FROM BUILDINGS. No person, persons, firm, or corporation may deposit or stack any hay, straw, shavings, or other highly combustible

material in any yard or lot in the open air at distance less than 75 feet from any dwelling house in this city.

6-0311. REGULATIONS OF RUBBISH REMOVAL FROM VACANT BUILDINGS. Whenever any building, structure, or dwelling within the city, or any rooms, portions, or parts thereof become vacant or unoccupied, the owner of such building, structure, or dwelling, or his/her agent, must, within 24 hours, remove or cause to be removed therefrom all rubbish, waste paper, boxes, or any other flammable material especially liable to fire which may have been accumulated therein.

If any buildings, structures, or dwellings referred to in this section, or any rooms, portion, or parts thereof which are separate occupied remain vacant or unoccupied for more than ten days, the owner, lessee, or occupant thereof must lock or securely close and keep locked and securely closed, all doors, windows, entrances, and openings to the same.

6-0312. NUISANCE DECLARED. Any combustible or explosive matter, dangerous accumulation of rubbish, or unnecessary accumulation of waste paper, boxes, shavings, or any other highly flammable materials especially liable to fire, so situated or used as to endanger property, or obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, or in violation of or nonconformity with any ordinance of the city affecting the fire hazard, are hereby declared public nuisances.

The installation, maintenance, and use of the following equipment or supplies, unless they conform to the latest and most current regulations and standards set forth by the National Board of Fire Underwriters on file in the office of the chief of the fire department of the city, are hereby declared fire hazards and public nuisances and may be abated as such: oil burning equipment, oil burning heating equipment, small heating and cooking appliances, class A ovens and furnaces, gas piping and gas appliances in buildings, combustible fibers, and spray finishing using flammable materials.

Violation of this section is a class B misdemeanor. Each day a violation exists constitutes a separate offense.

6-0313. CHIEF OF FIRE DEPARTMENT - DUTY TO INSPECT AND REPORT. It is hereby made the duty of the chief of the fire department, whenever it may be called to the attention of his/her department or any officer or employee thereof that any fire hazard exists as set forth in this chapter, to make a thorough inspection of the premises upon and with respect to which such condition is alleged to exist, and to make a full and complete report to the board of city commissioners.

6-0314. CHIEF OF FIRE DEPARTMENT TO GIVE ORDER TO ABATE FIRE HAZARD. If, in the opinion of the chief of the fire department, a fire hazard is found to exist as set forth in this chapter, it is the duty of the chief of the fire department immediately to order

the owner or occupant of the premises upon which such condition exists to abate such nuisance and eliminate such condition. It shall be the further duty of the chief of the fire department to give or cause to be given notice in writing to the owner or occupant of such premises that such fire hazard exists and that the same must be abated and eliminated, within the time specified in the notice, said time so fixed to be not less than 10 days nor more than 30 days from the date of said notice.

6-0315. APPEALS. Appeals of an order of the chief of the fire department may be taken to the board of appeals, as set forth in Section 103.1.4 of the International Fire Code (adopted by reference in Section 6-0101), by filing with the fire chief a written appeal within ten (10) days of such order.

6-0316. ACTION TO ABATE. In the event that such owner or occupant, within the time specified in the above-described notice, fails to remedy such condition as above provided the fire chief may, in his/her discretion, request the city attorney to commence an action to abate said nuisance.

6-0317. FIRES IN HOTELS, ROOMING HOUSES, AND LODGING HOUSES TO BE REPORTED. Every fire of any kind, and from whatever source, occurring in or about any hotel, rooming house, lodging house, or apartment hotel in the city, must be reported immediately to the fire department.

6-0318. ERECTION OF BARRICADES AROUND DAMAGED BUILDINGS. It is the duty of the fire department, with the assistance of the police department and other properly designated departments or agencies, to bring fires or other catastrophic situations under control and to establish a condition of stability in the hazard area.

Promptly and as soon as possible after the completion of the work of the fire department and other departments assigned to assist, the police department shall place temporary barricades, obtained from the streets and sewers division of the department of public works, around the hazard area so as to warn the public and keep unauthorized persons away from the hazard area.

If, within 24 hours after notice given as above provided, the owner has not replaced the temporary barricades with permanent barricades, the city, acting through the public works department, shall do so and the owner will be obligated and required to pay to the city the entire cost for materials and labor involved and said cost shall be collected by suit if necessary.