

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 2018 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 2018 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); Ord. 1176, Sec. 1 (2021)

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 TO INTERNATIONAL FIRE CODE. The International Fire Code is hereby changed and amended as follows:

Section 101.1 is hereby amended to read as follows:

Section 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 Subsection 3 is hereby deleted in its entirety.

Section 102.6 is hereby amended to read as follows:

Section 102.6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structure 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 distance 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 103.4 is hereby amended to read as follows:

Section 103.4 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the

jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 105.4.6 is hereby amended to read as follows:

Section 105.4.6 Retention of construction documents.
One set of *construction documents* shall be retained by the *fire code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. ~~One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized there by is in progress.~~

Table 105.6.8 is hereby amended to read as follows:

Table 105.6.8 Permit Amounts for Compressed Gases.
Carbon dioxide used in carbon dioxide enrichment systems 875 ~~(100 lbs.)~~ 4375 (500 lbs.) Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications 875 ~~(100 lbs.)~~ 4375 (500 lbs.)

Section 105.6.16 is hereby amended in part to read as follows:

Section 105.6.16 Flammable and combustible liquids.

An operational permit is required:

* * *

2. To store, handle or use Class 1A liquids in excess of ~~5~~ 30 gallons, Class 1B liquids in excess of 60 gallons, Class 1C liquids in excess of 90 gallons ~~(19 L)~~ in a building or ~~in excess of 10 gallons~~ ~~(37.9 L)~~ outside of a building, except that a permit is not required for the following:

* * *

3. To store, handle or use Class II or Class IIIA liquids in excess of ~~25~~ 120 gallons ~~(95 L)~~ in a building or in excess of ~~60~~ 120 gallons ~~(227 L)~~ outside a building, except for fuel oil used in connection with oil-burning equipment.

* * *

Section 105.6.23 Subsections 1, 5, and 6 are hereby deleted in their entirety.

Section 105.6.29 is hereby deleted in its entirety.

Section 105.6.30 is hereby deleted in its entirety.

Section 105.6.31 is hereby deleted in its entirety.

Section 105.6.34 is hereby amended to read as follows:

Section 105.6.34 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.

Section 105.6.36 is hereby deleted in its entirety.

Section 105.6.38 is hereby deleted in its entirety.

Section 105.6.43 is hereby amended to read as follows:

Section 105.6.43 Repair garages and ~~motor fuel dispensing facilities.~~ An operational permit is required for operation of repair garages.

Section 105.6.47 is hereby amended to read as follows:

Section 105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary *special event structure*, or a tent having an area in excess of 400 square feet (37m²) for the purposes of assembly.

* * *

Section 105.7.1 is hereby deleted in its entirety.

Section 105.7.2 is hereby deleted in its entirety.

Section 105.7.3 is hereby deleted in its entirety.

Section 105.7.4 is hereby deleted in its entirety.

Section 105.7.7 is hereby deleted in its entirety.

Section 105.7.8 is hereby deleted in its entirety.

Section 105.7.11 is hereby deleted in its entirety.

Section 105.7.12 is hereby deleted in its entirety.

Section 105.7.14 is hereby deleted in its entirety.

Section 105.7.16 is hereby amended to read as follows:

Section 105.7.16 LP-gas. A construction permit is required for installation of or modification to an LP-gas system with a single container in excess of 2,000 gallons water capacity or the aggregate capacity of containers is more than 4,000 gallons in water capacity. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

Section 105.7.17 is hereby deleted in its entirety.

Section 105.7.18 is hereby deleted in its entirety.

Section 105.7.19 is hereby deleted in its entirety.

Section 105.7.20 is hereby deleted in its entirety.

Section 105.7.21 is hereby deleted in its entirety.

Section 105.7.22 is hereby deleted in its entirety.

Section 105.7.24 is hereby deleted in its entirety.

Section 105.7.25 is hereby deleted in its entirety.

Section 110.4 is hereby amended in part to read as follows:

Section 110.4 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 infraction. ~~[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. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

Section 112.4 is hereby amended to read as follows:

Section 112.4 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 five hundred \$500.00 ~~[AMOUNT] dollars.~~

Section 308.1.4 is hereby amended to read as follows:

Section 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 container with a water capacity not greater than ~~2 ½ pounds [nominal 1 pound (0.454 kg)]~~ 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].

Section 308.3 is hereby amended by adding the following subsection 1.4 to exception 1:

Section 308.3 Group A Occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:

* * *

1.4 Open-flame devices for food warming.

* * *

Section 319.4 is hereby amended to read as follows:

Section 319.4 Fire protection. Fire Protection shall be provided in accordance with Section ~~319.4.1~~ and 319.4.2.

Section 319.4.1 is hereby deleted in its entirety.

Section 510.1 is hereby amended to read as follows:

Section 510.1 Emergency responder radio coverage in new buildings. When required by the fire code official, ~~N~~ new buildings shall have *approved* radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems of the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Section 806.1.1 is hereby amended by adding the following exception:

Section 806.1.1 Restricted occupancies. ***

Exceptions:

* * *

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:

Section 903.3.1 Standards. Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 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 905.1.1 is hereby added as follows:

Section 905.1.1 Standpipe 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 907.8.3 is hereby deleted in its entirety.

Section 1009.8.1 is hereby amended to read as follows:

Section 1009.8.1 System requirements. Two-way communication systems shall provide communication between each required location and the fire command center or a central control point location *approved* by

the fire department. Where the central control point is not constantly attended, a two-way communication system shall have a timed automatic telephone dial-out capability to a monitoring location ~~or 9-1-1~~. The two-way communication system shall include both audible and visible signals.

1010.1.9.4 is hereby amended to add subsection 7 as follows:

Section 1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

* * *

7. Egress doors from occupied roofs, or doors that are used to gain access to the interior of the building shall be locked from the outside if all of the following are provided.

7.1 Compliance with 1010.1.9.4 item #2

7.2 Compliance with 1009.8

7.3 The door locks shall unlock on activation of the automatic sprinkler system and automatic fire detection system and the door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center.

7.4 A readily visible durable sign is posted on both sides of the door or adjacent to the door stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED". The sign shall be in letters 1 inch (25 mm) high on a contrasting background.

Section 1011.5.2 Exceptions are hereby amended in part to read as follows: ***

Exceptions:

* * *

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 ~~7 ¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches; the minimum *windertread* depth at the walkline shall be 10 inches (254 mm); and the minimum *windertread* depth shall be 6 inches (152 mm). A *nosing* projection not less than ¾ inch (19.1 mm) but not more than 1 ¼ inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).

* * *

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 tread depth.

Chapter 11 is hereby deleted with the exception of Sections 1103.8 and 1103.9.

Section 2303.1 is hereby amended by adding the following subsection as follows:

Section 2303.1 Location of dispensing devices. Dispensing devices shall be located as follows:

* * *

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 3106.2 is hereby amended to read as follows:

Section 3106.2 General. Outdoor assembly events with planned attendance exceeding 1,000 people shall be in accordance with this section and Section 403.12. Temporary structures erected for outdoor assembly events shall comply with this chapter.

Section 5704.2.9.6.1 is hereby amended to read as follows:

Section 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 is prohibited within the limits established by law as the limits of districts in which such storage is prohibited ~~[JURISDICTION TO SPECIFY]~~.

Section 5704.2.13.1.4 is hereby amended by adding the following subsection as follows:

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

* * *

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 Exception is hereby amended to read as follows: ***

Exceptions:

1. Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.

2. When approved by the fire 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:

Section 5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited ~~[JURISDICTION TO SPECIFY]~~.

Section 6103.2.1.6 is hereby amended to read as follows:

Section 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 ~~2.7 POUNDS (1.2 KG)~~ 12 pounds.

Section 6104.2 is hereby amended to read as follows:

Section 6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed 2,000 gallons (7570 L). Unprotected tanks with a water capacity exceeding 2,000 gallons shall be installed only in areas zoned Industrial or limited industrial and shall be located at least 300 feet from all non-industrial zoning districts.

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

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

Appendix D "Fire Apparatus Access Roads" is hereby adopted and enacted, except **D103.1** is hereby deleted in its entirety.

Section D103.1 is hereby deleted in its entirety.

Source: Ord. 1012, Sec. 2 (2014); Ord. 1084, Sec. 3 (2017), Ord. 1176, Sec. 2 (2021)

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); Ord. 1176, Sec. 3 (2021)

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 (SW¹/₄) of said Section Four (4), thence South along the East boundary line of said Southwest Quarter (SW¹/₄) One Thousand and Eight-tenths feet (1,000.8), more or less, to the Southeast corner of said Southwest Quarter (SW¹/₄), 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.