

City of Arnegard, North Dakota

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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 Arnegard lies within the boundaries of the 'Arnegard Fire District'. The Arnegard Volunteer Fire Department services the 'Arnegard Fire District' and the City of Arnegard. The Arnegard Volunteer Fire Department is not under control of the City of Arnegard. The Arnegard Volunteer Fire Department is under control of its Fire Chief or its acting Fire Chief.

4.0102 - 4.0108 Reserved for Future Use

4.0109 Unlawful to Hinder Fire Department

It shall be unlawful for any person to prevent, interfere with or in any manner hinder the fire department, or any member thereof, while engaged in the discharge of duty at a fire, or to disobey any lawful command of the chief or acting chief of the department.

4.0110 Right of Way - Fire Department Vehicles

Any engine, truck or apparatus belonging to the fire department shall, going to or returning from a fire, have the right of way in all streets, alleys and public places over any wagon, street car, automobile or other vehicle of any kind whatsoever, and any person in charge of any such vehicle must stop the same when necessary to permit any engine, truck or apparatus of the fire department to pass without hindrance or delay.

4.0111 Driving Over Fire Hoses

No person shall drive any team, wagon, cart, street car, railroad car, steam engine, automobile or other vehicle of any kind whatsoever, upon or over any hose belonging to the fire department while the same is laid in the streets and alleys of the City.

4.0112 - 4.0115 Reserved for Future Use

ARTICLE 2 - Fire Limits

4.0201 - 4.0205 Reserved for Future Use

ARTICLE 3 - Fires in Public Places

4.0301 - 4.0302 Reserved for Future Use

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4.0303 Bonfires Prohibited - Exception

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the City, excepting under the written permit of the Chief of the Fire Department under proper safeguards as he may direct as to time and weather conditions, and no condition that such permit carries an obligation on the part of the grantee to 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 at the close of said fire. This prohibition does not apply to fires in metal and /or brick fire receptacles specifically made for the purpose of containing a fire that are completely covered by a metal mesh lid for the purpose of protecting from floating ashes or embers, However, whoever shall kindle, maintain or assist in maintaining any fire in such a receptacle shall have an obligation to keep sufficient safe control of said fire and be responsible for all damages therefrom, and that all resultant embers shall be extinguished and the hot ashes removed or wet down at the close of said fire.

(Amended: Ordinance 130 – 6/13/2016)

4.0304 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 noncombustible receptacles. Such receptacles shall be placed on noncombustible stands, unless resting on a noncombustible floor or on the ground outside the building, and shall be kept at least two (2) feet away from any combustible wall or partition.

(Amended: Ordinance 130 – 6/13/2016)

4.0305 Open Burning Prohibited

No person shall kindle, maintain or burn any garbage or other refuse either openly or in containers if such burning is prohibited by state law or proclamation.

4.0306 Reserved for Future Use

ARTICLE 4 - Fire Prevention

4.0401 Adoption of Fire Codes

The City of Arnegard hereby adopts the ND State Fire Code and any Amendments.

4.0402 Amendments, Additions, and Deletions Made in ND Fire Code

The City hereby incorporates all of the Amendments, Additions and Deletions as made in the ND State Fire Code.

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4.0403 Enforcement of Fire Prevention Code

1. The fire prevention code shall be enforced by the Arnegard Volunteer Fire Department under the supervision of the chief of the fire department.
2. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

4.0404 Storage of Flammable Liquids

No new bulk plants or tanks for storage of flammable liquids shall be permitted within the limits of the City except as permitted by the City Council upon written application made to the said council, by the person or persons requesting same.

4.0405 Storage of Liquefied Petroleum

The limits or area for storage of liquefied petroleum shall comply with the limits established in Section 4.0404.

4.0406 Modifications of Fire Code

4.0407 Reserved for Future Use

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.

(Amended: Ordinance 130 – 6/13/2016)

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, fowling piece, pistol or other firearms of any description without the written permission of the Mayor of the City of Arnegard, which permit shall limit the time of such 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.

(Amended: Ordinance 130 – 6/13/2016)

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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 of Arnegard, North Dakota, any blank cartridges, pistols, blank cartridge revolver or other blank cartridge firearms, blank cartridge caps containing dynamite or fire-crackers exceeding three (3) inches in length and exceeding one-half (1/2) inch in diameter.

(Amended: Ordinance 130 – 6/13/2016)

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, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs or other fireworks of like construction, and any fireworks containing any explosive or compound, or any tablets, or other device containing any explosive substance and commonly used as fireworks. The term “fireworks” shall not include toy pistols, toy guns in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, and toy pistol caps which contain less than twenty-five hundredths of a grain of explosive composition per cap. (Source: North Dakota Century Code Section 23-15-01)

4.0505 Fireworks - Discharging of, Sale of

1. Hours and Days of Sale

Pursuant to 23-15-01 of the North Dakota Century Code, fireworks may be sold by any person, firm or corporation having a retail license, as provided by 23-15-04 of the North Dakota Century Code, to any person of twelve (12) years of age or older, during the period commencing June 27 and ending July 5, both dates inclusive, and only between the hours of 8:00 o'clock a.m. and 10:00 o'clock p.m.

2. Hours and Days of Use

May be used or exploded within the Corporate Limits of the City of Arnegard only during the period commencing June 27 and ending July 5, both dates inclusive, and only between the hours of 9:00 o'clock a.m. and 11:00 o'clock p.m., except for the day of July 4, when fireworks may be used or exploded until 1:00 a.m. Persons under twelve (12) years of age may not use or explode any fireworks unless they are under the direct supervision of a parent or guardian or other responsible adult.

4.0506 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

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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 Five Hundred Dollars (\$500.00) 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.