

## CHAPTER 9

### FIRE PROTECTION AND PREVENTION

#### Article

- 9-01 Organization and Regulations of the Fire Department, §§ 9-0101 to 9-0105.
- 9-02 Fire Limits and Fire Zones, §§ 9-0201 to 9-0204 [§ 9-0202, Repealed].
- 9-03 Inspection of Buildings--Repealed by Ord. No. 1091, 1961.
- 9-04 Fire Hazards, §§ 9-0401, 9-0402, 9-0406 to 9-0409, 9-0413, 9-0416, 9-0417, 9-0419 to 9-0421 [§§ 9-0403 to 9-0405, 9-0410, 9-0411, 9-0412, 9-0414, 9-0415, 9-0418, 9-0422, Repealed].
- 9-05 Fire Hazards Declared Nuisances--Abatement, §§ 9-0501 to 9-0505.
- 9-06 Miscellaneous, §§ 9-0601 to 9-0604.
- 9-07 International Fire Code, §§ 9-0701 to 9-0708.

#### ARTICLE 9-01

##### ORGANIZATION AND REGULATIONS OF THE FIRE DEPARTMENT

#### Section

- 9-0101 Officers of the fire department.
- 9-0102 Chief of fire department may prescribe limits in vicinity of fire.
- 9-0103 Chief of fire department may remove and demolish buildings.
- 9-0104 Chief of fire department, assistant, and firemen as special fire police--Duties and powers.
- 9-0105 Duties of police in aiding fire department.

9-0101. Officers of the fire department.--The fire department shall consist of a chief of the fire department and such other officers and employees as may, from time to time, be deemed necessary. A bureau of fire prevention shall be maintained within the fire department.

Source: 1952 Rev. Ord. 9-0101, 4010 (2000).

9-0102. Chief of fire department may prescribe limits in vicinity of fire.--The chief of the fire department may prescribe limits in the vicinity of any fire within which no person shall be permitted to come except firemen and policemen and those admitted by his order or by order of the members of the fire department.

Source: 1952 Rev. Ord. 9-0101, 4010 (2000).

9-0103. Chief of fire department may remove and demolish buildings.--The chief of the fire department shall have power to demolish any building or parts of buildings or to remove any property therefrom whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjoining property.

Source: 1952 Rev. Ord. 9-0101, 4010 (2000).

9-0104. Chief of fire department, assistant, and firemen as special fire police--Duties and powers.--The chief of the fire department, assistant chief, and all firemen are hereby constituted and appointed special fire police; and it shall be their duty to see that the provisions of this article are enforced. They may arrest any person whom they shall find violating any of the provisions of this article and shall immediately deliver such person to the police of the city.

Source: 1952 Rev. Ord. 9-0101, 4010 (2000).

9-0105. Duties of police in aiding fire department.--The chief of police and all policemen, at all fires, shall 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 orders are promptly obeyed.

Source: 1952 Rev. Ord. 9-0101, 4010 (2000).

## ARTICLE 9-02

### FIRE LIMITS AND FIRE ZONES

#### Section

- 9-0201 Fire limits defined.  
9-0202 Fire zones created and established.--Repealed.  
9-0203 Fire protection outside city--Chief may authorize.  
9-0204 (Fire protection outside)--City to be reimbursed--When.

9-0201. 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 said city, shall be and are hereby fixed and declared to be the fire limits.

Source: 1952 Rev. Ord. 9-0201, 892 (1953), 895 (1953), 926 (1954), 930 (1954).

9-0202. Fire zones created and established.--

Source: 1965 Rev. Ord. 9-0202, 1243 (1967), repealed by Ord. No. 4012 (2000).

9-0203. Fire protection outside city--Chief may authorize.-

- A. Whenever the chief of the fire department, or in the event of his absence, the person who is in charge of the fire department, determines that it is expedient and not contrary to public safety to answer a request from the city of Moorhead, the equipment and personnel of the fire department may furnish such service or actively engage in the fighting of fires with the fire department of the city of Moorhead.
- B. Whenever the chief of the fire department or, in the event of his absence, the person who is in charge of the fire department, determines that it 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, to furnish standby service to such communities or organized fire departments, the equipment and personnel of the city of Fargo fire

department, may furnish such service or actively engage in the fighting of fires with such municipalities or organized fire departments.

Source: 1965 Rev. Ord. 9-0203, 1285 (1968).

9-0204. (Fire protection outside)--City to be reimbursed -- When.--Whenever the chief of the fire department or, in the event of his absence, the person who is in charge of the fire department, determines that it is expedient and not contrary to public safety to answer a request from a resident of Cass County residing outside the corporate limits of the city, to furnish fire fighting equipment and personnel to such resident, the fire department may furnish such service upon condition that the city be reimbursed by the person requesting such service in an amount to be determined in a manner established by a resolution by the board of city commissioners.

Source: 1965 Rev. Ord. 9-0204, 1285 (1968), 2018 (1981).

## ARTICLE 9-03

### INSPECTION OF BUILDINGS

Note: Article 3 of chapter 9 of the 1952 Revised Ordinances consisting of section 9-0301 relating to duties and powers of the chief of the fire department regarding inspection of buildings in the fire limits in the city was repealed by Ord. No. 1091 (1961).

## ARTICLE 9-04

### FIRE HAZARDS

#### Section

9-0401	Piling flammable materials in city limits prohibited.
9-0402	Fires on pavement or in sewers or drains prohibited.
9-0403 to 9-0405	Repealed.
9-0406	Deposit of combustible material--Distance from buildings.
9-0407	Ashes--How to be deposited.
9-0408	Buildings where flammable materials are kept--Doors and windows to be kept shut--Exceptions.
9-0409	Persons with unprotected lights or fires to keep away from flammable materials.
9-0410	Unslaked lime--Storage.--Repealed.
9-0411, 9-0412	Repealed.
9-0413	Storage, use and handling of liquefied gas--Repealed.
9-0414, 9-0415	Repealed.
9-0416	Smoking in theaters prohibited.

- 9-0417 Use of cigars, cigarettes, pipes, and tobacco so as to endanger life or property forbidden.
- 9-0418 Regulation of burning of rubbish--Repealed.
- 9-0419 Regulation of rubbish removal from vacant buildings.
- 9-0420 Warning lights in streets--Open-fired flare prohibited.
- 9-0421 Open-fired flare warning lights in streets--Penalty.
- 9-0422 Paper baling operations--Prohibited in fire zone number one.--Repealed.

9-0401. Piling flammable materials in city limits prohibited.--No person, persons, firm, or corporation shall pile empty boxes, barrels, paper, or other flammable material within any building or make, establish, or maintain any pile or piles of empty boxes, barrels, or other flammable material upon any premises, streets, avenues, alleys, or other public places within the limits of the city, as now or hereafter established.

Source: 1952 Rev. Ord. 9-0401.

9-0402. Fires on pavement or in sewers or drains prohibited.--No person shall build a fire upon any pavement or within any sewer or drain for any purpose whatsoever within the limits of the city.

Source: 1952 Rev. Ord. 9-0402.

9-0403. Storage of explosives prohibited--Exception.--

Source: Repealed by Ord. No. 1091 (1961).

9-0404. Gunpowder--Permit required to sell or store.--

Source: Repealed by Ord. No. 1091 (1961).

9-0405. Gunpowder--Regulating storage of.--

Source: Repealed by Ord. No. 1091 (1961).

9-0406. Deposit of combustible material--Distance from buildings.--No person, persons, firm, or corporation shall deposit or stack any hay, straw, shavings, or other highly combustible material in any yard or lot in the open air at a less distance than 75 feet from any dwelling house in this city.

Source: 1952 Rev. Ord. 9-0406.

9-0407. Ashes--How to be deposited.--No person, persons, firm, or corporation shall deposit any ashes in any building unless such ashes are kept in a metallic or other fireproof vessel or receptacle, nor deposit ashes in any wooden vessel in any yard, lot, or alley unless such vessel is kept covered and at least 20 feet distant from any wooden building or combustible material.

Source: 1952 Rev. Ord. 9-0407.

9-0408. Buildings where flammable materials are kept--Doors and windows to be kept shut--Exceptions.--The occupants of any barn, stable shop, or other building wherein hay, straw, shavings, or other flammable materials are kept shall keep the doors, windows, or openings exposing

such materials securely closed during the nighttime, excepting windows and doors on floors where horses and cattle are kept.

Source: 1952 Rev. Ord. 9-0408.

9-0409. Persons with unprotected lights or fires to keep away from flammable materials.--No person shall, at any time, enter any room or depository wherein hay, straw, shavings, or other flammable materials are stored with an unprotected light or fire or with a burning cigar, cigarette, or pipe.

Source: 1952 Rev. Ord. 9-0409.

9-0410. Unslaked lime--Storage.--

Source: 1952 Rev. Ord. 9-0410, repealed by Ord No. 4013 (2000).

9-0411. Storage, handling, and selling of matches.--

Source: Repealed by Ord. No. 1091 (1961).

9-0412. Handling, storage and selling of flammable liquids.--

Source: Repealed by Ord. No. 1091 (1961).

9-0413. Storage, use and handling of liquefied gas.--

Source: Repealed by Ord. No. 4643 (2008).

9-0414. Storage, handling, and manufacture of pyroxylin plastics.--

Source: Repealed by Ord. No. 1091 (1961).

9-0415. Transportation of flammable liquids through or within the city limits.--

Source: Repealed by Ord. No. 1091 (1961).

9-0416. Smoking in theaters prohibited.--No person shall smoke in any theater except in such parts of the theater as shall be designated and approved by the management and which shall have been previously approved by the chief of the fire department for such purpose.

Source: 1952 Rev. Ord. 9-0416.

9-0417. Use of cigars, cigarettes, pipes, and tobacco so as to endanger life or property forbidden.--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, shall in any careless, negligent, or reckless manner whatsoever, whether willfully or wantonly or not, set fire to any building, furniture, curtains, drapes, house, or any household fittings or furnishings whatsoever so as to endanger life or property in any way or to any extent shall be guilty of violating this section and shall be subject to penalty as hereinafter set forth.

A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode advising tenants of the provisions of this section.

Source: 1952 Rev. Ord. 9-0417.

9-0418. Regulation of burning of rubbish.--  
Source: Repealed by Ord. No. 1091 (1961).

9-0419. Regulation of rubbish removal from vacant buildings.--Whenever any building, structure, or dwelling within the city, or any rooms, portions, or parts thereof shall become vacant or unoccupied, the owner thereof or his agent shall, within 24 hours thereafter, 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 allowed or permitted to be accumulated therein.

If any buildings, structures, or dwelling referred to in this section or any rooms, portion, or parts thereof which are separately occupied shall remain vacant or unoccupied for a more than 10 days, the owner, lessee, or occupant thereof shall lock or securely close and keep locked and securely closed all doors, windows, entrances, or openings to the same.

Source: 1952 Rev. Ord. 9-0419.

9-0420. Warning lights in streets--Open-fired flare prohibited.--The use of any open-fired flare or warning light, oil burning lantern, or any light or flare using a combustible fuel on any street, alley, or sidewalk in the city is hereby prohibited. All such warning lights used on any street, alley, or sidewalk in the city shall be an approved type of flasher light powered by electricity.

Source: 1952 Rev. Ord. 1148 (1964).

9-0421. Open-fired flare warning lights in streets--Penalty.--Every person, firm, company, or corporation violating any of the provisions of § 9-0420 shall, upon conviction, be punished by a fine not to exceed \$100 or by imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, company, or corporation shall violate the provisions of § 9-0420 shall constitute a separate offense.

Source: 1952 Rev. Ord. 1148 (1964).

9-0422. Paper baling operations--Prohibited in fire zone number one.--

Source: 1965 Rev. Ord. 9-0422, 1586 (1974), repealed by Ord. No. 4013 (2000).

## ARTICLE 9-05

### FIRE HAZARDS DECLARED NUISANCES--ABATEMENT

#### Section

- 9-0501 Nuisance declared.
- 9-0502 Chief of fire department--Duty as to inspection and report.
- 9-0503 Chief of fire department to give order to abate fire hazard.
- 9-0503.1 Appeals.
- 9-0504 Action to abate.
- 9-0505 Penalty for violation of article.

9-0501. 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 nuisances.

The installation, maintenance, and use of the following equipment or supplies, unless they shall conform to the latest and 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 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.

Source: 1952 Rev. Ord. 9-0501.

9-0502. Chief of fire department--Duty as to inspection 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 department or any officer or employee thereof that any fire hazard exists as set forth in § 9-0501, 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.

Source: 1952 Rev. Ord. 9-0502, 992 (1957).

9-0503. 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 § 9-0501, it shall be 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.

Source: 1952 Rev. Ord. 9-0504, 992 (1957), 4011 (2000) .

9-0503.1. 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 Uniform Fire Code (adopted by reference in Section 9-0701), by filing with the fire chief a written appeal within ten (10) days of such order.

Source: 4011 (2000).

9-0504. 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.

Source: 1952 Rev. Ord. 9-0504, 992 (1957), 4011 (2000).

9-0505. Penalty for violation of article.--Any person, firm, association or corporation who

shall violate any of the terms and provisions of this article or who shall, when notified in writing by the chief of the fire department or the board of city commissioners, fail, neglect or refuse to take steps to correct the condition complained of within the time specified in such notice as hereinbefore provided for, shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, association or corporation shall violate any of the provisions of this ordinance shall constitute a separate offense.

Source: 1965 Rev. Ord. 9-0505, 1857 (1978).

## ARTICLE 9-06

### MISCELLANEOUS

#### Section

- 9-0601 Fires in hotels, rooming houses, and lodging houses to be reported.
- 9-0602 Erection of barricades around damaged buildings.
- 9-0603 Interference with electric wiring and meters prohibited.
- 9-0604 Automotive service station and bulk oil plant licensing.

9-0601. 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, shall be reported immediately to the fire department.

Source: 1952 Rev. Ord. 9-0601.

9-0602. Erection of barricades around damaged buildings.--It shall be 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.

The city engineer, acting through the building inspector, shall determine the type and extent of permanent barricades needed to protect the public adequately, and shall notify the owner as to the barricades needed and the location of the same, and direct him to take steps to provide and place said permanent barricades.

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.

The city engineer in his discretion may, from time to time, alter the requirements for the location and type of permanent barricades so as to increase or decrease the area protected.

Source: 1952 Rev. Ord. 9-0602.

9-0603. Interference with electric wiring and meters prohibited.--No person shall tamper, meddle, or interfere with electric wiring or meters used in the measuring of electricity or gas furnished to any residence, business building, or structure of any kind within the limits of the city. The use or attempted use of pennies, coins, slugs, or any pieces or objects other than underwriter-approved fuses in electric meters shall be a violation of this section.

Source: 1952 Rev. Ord. 9-0603.

9-0604. Automotive service station and bulk oil plant licensing.--No person, firm or corporation shall engage in the business of keeping, maintaining, conducting or operating any automotive service station or any bulk oil plant in the city of Fargo, North Dakota, without first obtaining a license therefor from the city auditor of the city of Fargo and paying the fees therefor.

Application for such license shall be made to the city auditor in writing and when approved by the chief of the fire department, shall be issued by the city auditor to the applicant therefor, upon the presentation by the applicant of a receipt from the city treasurer showing payment of the required license fee. All licenses issued under this section shall be for a period terminating on the last day of June next following the issuance of the same. The annual license fee for an automotive service station or bulk oil plant shall be established by resolution of the board of city commissioners. Said license fee shall cover the cost of all inspections made by the fire department. No license fee shall be charged for a privately owned gasoline pump not used for commercial purposes. All renewal license fees shall be due July first of each year and a penalty of 10% of the license fees shall be assessed for each day after July 10th that said renewal license fee is not paid.

Such license shall be transferable only: (1) when the licensee desires to change his place of business; and (2) when the licensee has sold and disposed of his business. All applications for transfer of any such license shall be made to the city auditor in writing, such applications to be signed both by the licensee and the person or persons to whom it is desired to transfer the same. Where the licensee has abandoned or discontinued the business conducted under such license or has been dispossessed of the premises by legal proceedings, or where his occupancy of such premises as a tenant has terminated, the city auditor, with the approval of the chief of the fire department, may grant a new license to the incoming tenant or proprietor for the unexpired term regardless of the failure or refusal of said licensee to join in the application for such license.

Source: 2405 (1988).

## ARTICLE 9-07

### INTERNATIONAL FIRE CODE

Section	
9-0701	International Fire Code--Adoption.
9-0702	Establishment and duties of bureau of fire prevention.
9-0703	Definitions.
9-0704	Modification of International Fire Code.
9-0705	Fire lanes--Enforcement--Duty of property owner.
9-0706	Modifications--Power of the chief of the fire prevention bureau.
9-0707	Appeals.
9-0708	Penalties.

9-0701. International Fire Code--Adoption.--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, that certain code known as the Uniform Fire Code being particularly the 2006 edition thereof and all subsequent revisions and additions thereto; save and except such portions as are hereinafter deleted, modified, or amended by ordinance or in accordance with the provisions of § 9-0704, a copy of said code is on file in the office of the chief of the Fargo Fire Department 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.

Source: 2080 (1983), 2251 (1986), 2449 (1989), 2618 (1992), 2756 (1995), 2866 (1998), 4188 (2001), 4408 (2004), 4426 (2004), 4603 (2007).

9-0702. Establishment and duties of bureau of fire prevention.--

- A. The International Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city which bureau is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief in charge of the bureau of fire prevention shall be appointed by the chief of the fire department on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service.
- C. The chief of the fire department may detail such members of the fire department as inspectors as shall, from time to time, be necessary. The chief of the fire department shall recommend to the civil service commission the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term subject to civil service ordinances and regulations.

- D. A report of the bureau of fire prevention shall be made annually and transmitted to the board of city commissioners. It shall contain all proceedings under this code with such statistics as the chief of the fire department shall wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

Source: 2080 (1983), 4188 (2001).

9-0703. Definitions.--

1. Wherever the word "municipality" is used in the International Fire Code, it shall mean the city of Fargo.
2. Wherever the term "corporation counsel" is used in the International Fire Code, it shall mean the city attorney for the city of Fargo.
3. Wherever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the North Dakota state plumbing code.
4. Wherever 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.

Source: 2080 (1983), 4188 (2001).

9-0704. Modification of International Fire Code.--The International Fire Code as adopted in § 9-0701 is hereby changed and amended as follows:

- A. Section 101 .1 is amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code* of the city of Fargo, hereinafter referred to as "this code."

- B. Section 105.6.16 Subsection 2 is hereby amended in part to read as follows:

To store, handle or use Class 1A liquids in excess of 30 gallons, Class 1B liquids in excess of 60 gallons, Class 1C liquids in excess of 90 gallons in a building or outside of a building, except that a permit is not required for the following:

- C. Section 105.6.16 Subsection 3 is hereby amended to read as follows:

To store, handle or use Class II or Class IIIA liquids in excess of 120 gallons in a building or in excess of 120 gallons outside a building, except for fuel oil used in connection with oil-burning equipment.

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

- E. Section 1 05 .6.29 is hereby deleted in its entirety.

F. Section 105.6.32 is amended to read as follows:

**105.6.32 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.

G. Section 105.6.39 is amended to read as follows:

**105.6.40 Repair garages.** An operational permit is required for operation of repair garages.

H. Section 105.7.1 is hereby deleted in its entirety.

I. Section 105.7.3 is hereby deleted in its entirety.

J. Section 105.7.4 is hereby deleted in its entirety.

K. Section 105.7.5 is hereby deleted in its entirety.

L. Section 105.7.9 is hereby amended to read as follows:

**105.7.8 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.

M. Section 105.7.10 is hereby deleted in its entirety.

N. Section 105.7.12 is hereby deleted in its entirety.

O. Section 105.7.13 is hereby deleted in its entirety.

P. Section 109.3 is amended in part to read as follows:

**109.3 Violation penalties.**

....shall be guilty of an infraction, punishable by a fine of not more than five hundred dollars.

Q. Section 111.4 is amended to read as follows:

**11.4 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 more than five hundred dollars.

R. Section 308.3. 1 is amended to read as follows:

**308.3.1 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 dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

S. Section 308.3.1.1 is amended to read as follows:

**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** LP-gas burners having a LP-gas container with a water capacity greater than 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity] shall not be located on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

**Exception:** One- and two-family dwellings.

T. Section 315.2.1 is hereby amended to read as follows:

**315.2.1 Ceiling clearance.** Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered 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.

U. Section 404.1 is hereby amended to read as follows:

**404.1 General.** Fire safety and evacuation plans shall comply with the requirements of this section when required by the code official.

V. Section 405. 1 is hereby amended to read as follows:

**405.1 General.** Emergency evacuation drills shall comply with the provisions of this section when required by the code official. Drills shall be designed in cooperation with the local authorities.

W. Section 408.8.3 is hereby amended to read as follows:

**408.8.3 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.

X. Section 408.9 and its subsections are hereby deleted in its entirety.

Y. Section 503.4 is amended to read as follows:

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Enforcement of such prohibited parking may be accomplished in the same manner as regulations contained in Article 8-10 and in Section 9-0705 of the Fargo Municipal Code.

Z. Section 806.1.1 is amended by adding the following exception:

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.

AA. Section 903.3.1 is 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 Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.

BB. Section 903.3.1.1 is 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.

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 and requires written documentation from the code official. 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.

CC. Section 903.3.1.2.1 is hereby deleted in its entirety.

DD. Section 907.3.2 is amended to read as follows:

907.3.2 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group R occupancies in accordance with Sections 907.3.2.1 through 907.3.2.3. This section only applies to existing residential rental property.

EE. Section 907.20.3 is hereby deleted in its entirety.

FF. Exception 4 of Section 1009.3 is amended in part to read as follows:

4. 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 8 inches; the minimum tread depth shall be 9 inches;

GG. Chapter 22 is amended by adding the following Subsection to Section 2203.1:

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.

HH. Section 2206.1 is amended to read as follows:

2206.1 General. Storage of flammable and combustible liquids shall be in accordance with Chapter 34 and this section. See also Fargo Municipal Code.

II. Chapter 34 is amended by adding the following Subsection to Section 3404.2.13.1.4:

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.

JJ. The exception to Section 3405.3.7.5.1 is amended to read as follows:

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.

KK. Section 3803.2.1.6 is amended to read as follows:

3803.2.1.6 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 12 pounds.

LL. Appendix B "Fire-Flow Requirements for Buildings" is adopted in its entirety.

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

Source: 2080 (1983), 2250 (1986), 2449 (1989), repealed by Ord. No. 2618 (1992), re-enacted by Ord. No. 2618 (1992), 2756 (1995), 2866 (1998), 4014 (2000), 4188 (2001), 4286 (2002), 4408 (2004), 4426 (2004), 4603 (2007), 4697 (2009).

9-0705. Fire lanes--Enforcement--Duty of property owner.--

- A. No person shall park any motor vehicle in or obstruct in any way any fire lanes or access roads which have been designated and marked with No Parking signs as provided in subsection (B) of § 9-0704 of this article. The owner and/or manager of any private property which is utilized by the public and which has been designated as a fire lane or access road as hereinbefore provided, shall not permit or allow such parking or obstruction of said fire lanes by any other person. It shall be the duty of the owner and/or manager of any property designated a fire lane to clearly sign and mark such fire lane in accordance with guidelines to be specified by the chief of the fire department and thereafter to remove or cause to be removed any vehicles or other obstructions from said fire lanes.
- B. Managers and/or owners of private property designated as fire lanes are hereby empowered to remove any motor vehicle or other obstruction in said fire lanes and to charge the cost of such removal to the owner of the motor vehicle or other property obstructing the fire lane. Upon removal of any such motor vehicle or other property from a fire lane, the owner and/or manager of the private property may retain possession of said motor vehicle or other personal property until any costs of such removal are paid by the owner and/or manager of said motor vehicle or other personal property.

Source: 2080 (1983), 2618 (1992).

9-0706. Modifications--Power of the chief of the fire prevention bureau.--The chief of the fire prevention bureau shall have power to modify any of the provisions of the Uniform Fire 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 prevention bureau thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant, and the chief of the fire prevention bureau shall notify the board of city commissioners in writing within a period of three days regarding any modifications in the code.

Source: 2080 (1983).

9-0707. Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of city commissioners within 30 days from the date of the decision appealed from by filing a written notice of appeal with said board specifically stating the grounds and reasons for said appeal.

Source: 2080 (1983).

9-0708. Penalties--

- A. Any person who shall violate any of the provisions of the code hereby adopted 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 any order as affirmed or modified by the board of city commissioners, or by a court of competent jurisdiction, within the time fixed therein shall severally for each and every such violation and noncompliance respectively be guilty of an offense, punishable by a fine of not more than \$500, or by imprisonment for not more than 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 persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty provisions shall not be held to prevent the enforced removal of prohibited conditions.

Source: 2080 (1983).