

CHAPTER IV.

FIRE PROTECTION AND PREVENTION

Article 1

Organization of Fire Department

4.0101 Establishment

There is hereby created and established a fire department, and if hereto created, such department is hereby continued, consisting of a chief, and such other members of said fire department as may from time to time be provided for by the governing body. Members shall be appointed in the manner provided by law.

4.0102 Supervision

The fire chief shall have the control, subject to the order and direction of the governing body, of the fire department and all fire apparatus belonging to the city; whenever any fire apparatus needs repairing said fire chief shall cause the same to be done without delay.

4.0103 Duties

The fire chief shall have the following duties and powers:

1. To keep records. The chief of the department shall cause to be kept, in books for that purpose, a full and complete record of the organization of the department, its membership, the respective positions held by the firemen in the department, vacancies, appointments and dismissals, and of all notices issued by the department, and of all its transactions, of all fires occurring in the city, and the cause thereof when ascertainable, of the time lost by firemen, and of all property placed in his charge, and all expenditures made by his order and shall keep such other books and records as shall be required in the department, and such books shall always be open to the inspection of any member of the governing body.
2. To command and control. It shall be the duty of the chief of the department to preserve order and discipline at all times in the department, and to require and force a strict compliance with the ordinance of the city relating to the department and the rules and

regulations pertaining thereto. At all fires he shall have sole and absolute control and command over all persons connected with the fire department of the city.

3. To make reports. The chief of the fire department shall report at the end of each year, and more often when required to do so to the governing body. At the end of each calendar year, he shall make an annual report in writing, including a summary of his monthly reports. He shall report upon the condition of the fire department, the number of fires that have occurred in the city since his last report, and during the year in his annual report, and the cause of the same, so far as can be ascertained, the number of buildings destroyed or injured, the names of the owners or occupants of the same as nearly as can be ascertained, and the amount of loss upon the buildings, and other property so destroyed or injured, which report shall be filed in the office of the City Auditor.
4. To make annual inventory. The Chief of the fire department shall, during the month of June in each year, make a complete itemized list and report of all property under his charge and belonging to the city, stating its condition. He shall also report as to such new apparatus or supplies as in his judgment may be needed to properly maintain his department.
5. To prepare a budget. To prepare a budget of the whole cost and expense of providing for and maintaining the fire department of the city during the succeeding fiscal year.
6. To keep property in good condition. To keep property in good condition to see that all apparatus and property committed to his care and the several buildings or portions thereof, are kept clean and in good sanitary condition.
7. To have charge of alarm system. To have charge of alarm system of the city.
8. To control crowds at fires. The Chief of the fire department may prescribe limits in the vicinity of any fire within which no persons, except those who reside therein, firemen and policemen, and those admitted by his order.

9. To order removal of property, when. To order the removal of property, 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.
10. To command assistance. To command assistance from persons in attendance at any fire, not members of the fire department, for the extinguishing of fires.
11. To prescribe badge and uniform. To prescribe badge and uniform to be worn by the officers and men of the department.

4.0104 Police Powers

All members of the fire department of the City, while on active duty, shall have the powers of policemen on duty and are authorized to arrest any person or persons who shall interfere or attempt to interfere with or to hinder any member of the department in the performance of his duty.

4.0105 Unlawful to Hinder 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.

4.0106 Right of Way

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 whatever, 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.

4.0107 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 whatever, upon or over any hose belonging to the Fire Department while the same is laid in the streets and alleys of the city.

4.0108 False Alarms

It shall be unlawful for any person knowingly to give or cause to be given any false alarm of fire, or to give or cause to be given, while a fire is in progress, a second or general alarm

for the same fire, or tamper with or set off any fire alarm or signal box with like intent; or tamper, meddle, or interfere with any such fire alarm box; or intentionally cut, break, deface or remove any such box, or any of the wires or supports thereof, connected with the fire alarm system; or intentionally interfere with or injure any property of any kind belonging to or used by the fire department; or hinder or delay any apparatus or equipment or vehicle belonging to the fire department.

4.0109 Taking Fire Equipment

No person shall take, receive or attempt to receive or take from the possession and control of any member of the Fire Department, any of the apparatus, tools or property belonging to said department, without the written consent of the chief of the fire department.

4.0110 Entering Fire Department

No person shall occupy any rooms in any building which are used exclusively by the fire department, or enter such rooms or handle any apparatus used by the fire department without permission.

4.0111 Service Outside Corporate Limits

Members of the fire department are authorized to go outside corporate limits of the city for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents. Provided, that the fire department shall not render such service outside the corporate limits excepting upon orders of the chief of the fire department, the assistant chief or presiding officer of the governing body; excepting that where the city has undertaken by contract to render service to property outside the corporate limits the fire department may leave the corporate limits in the fulfillment of such contract.

Article 2

Fire Limits

4.0201 Fire Limits

All that portion of the City of Hazen located within the city limits thereof, or as extended by annexation or otherwise.

4.0202 Exterior Covering

It shall be unlawful to construct any building or structure within the fire limits unless the exterior walls and roof thereof are covered with or constructed of fire resistant material.

4.0203 Repairs

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

Article 3

Fires in Public Places

4.0301 Smoking

Any person who, by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in any manner, in which lighters or matches are employed who shall in any careless, negligent or reckless manner whatsoever, whether willfully or wantonly or not, set fire to any furniture, curtains, drapes, household fittings or furnishings whatsoever in any hotel, public rooming house, tenement house, or any public building, so as to endanger life or property in any way or to any extent shall be guilty of violating this article.

4.0302 Notice

A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, public rooming houses, lodging houses and other places of public assemblage within the City of Hazen, advertising tenants of the provisions of this chapter.

4.0303 Reports

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 of Hazen shall be reported immediately to the fire department.

Article 4

Fire Prevention

4.0401 Adoption of Fire Code

There is hereby adopted by the City of Hazen for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by American Insurance Association, and being the 1976 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and are now filed in the office of the Auditor of the City and the same are hereby adopted and incorporated as fully as if set out at length herein.

The fee for any permit or license required by the said fire prevention code, where no other license or permit fee is fixed elsewhere in the city ordinances, shall be the sum of \$25.00 to be paid to the Chief of the Bureau of Fire Prevention and by him to be paid into the City Treasury without delay.

4.0402 Amendments, Additions and Deletions Made in Fire Code

(Reserved for further use.)

4.0403 Establishment of Bureau of Fire Prevention

1. The fire prevention code shall be enforced by the bureau of fire prevention in the fire department of the City of Hazen which is hereby established and which shall be operated 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 of Hazen.

4.0405 Storage of Liquified Petroleum

The limits or area for storage of liquified petroleum shall comply with the limits established in Section 4.0404, except as to previously existing areas within the City of Hazen which are so

used. Upon cessation of such use of an area within the City of Hazen for the storage of liquified petroleum, it shall no longer be permissible or lawful for the storage of such flammable liquids within the city limits of the City of Hazen.

4.0406 Modifications of Fire Code

The chief of the bureau of fire prevention shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

4.0407 Appeals

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the governing body within 30 days from the date of the decision of the appeal.

4.0408 Penalties

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 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 \$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.

AN ORDINANCE OF THE CITY OF HAZEN, NORTH DAKOTA, ENACTING A NEW ARTICLE FIVE TO CHAPTER IV, OF THE MUNICIPAL ORDINANCES ENTITLED "FIRE PROTECTION AND PREVENTION" AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HAZEN, NORTH DAKOTA:

Section 1. Chapter IV of the Hazen City Ordinances entitled Fire Protection and Prevention is hereby amended to add a new Article numbered Five and to read as follows:

Article 5

- 5.01 **OPEN BURNING PROHIBITED.** No person within the City of Hazen or its public parks may ignite, cause to be ignited, permit to be ignited, allow or maintain any fire for the purpose of burning or consuming yard waste, refuse, garbage, or other material, except as specifically provided herein.
- 5.02 **EXCEPTIONS TO BURNING PROHIBITION.** When an adult is present, the following exceptions to the open burning provision are allowed:
1. **Recreational Fires:** Fires for cooking, heating, and recreation. All such fires must use only charcoal; untreated wood; commercial wood fire logs; natural gas or propane. All such fires must be within a non-combustible container device, grill, chimnea, fireplace, structure or fire ring designed for the purpose of containing a fire.
 2. **Disaster Rubbish:** The open burning of rubbish, including landscape waste, for the duration of a community disaster period in cases where an officially declared emergency exists.
 3. **Training Fires:** Fires set and used for the purpose of bona fide instruction and training of public, institutional or industrial employees in the methods of fire fighting, providing that such burning is conducted in compliance with applicable state regulations.
 4. **Incinerators:** Incinerators complying with state burning requirements.
 5. **Open Burning by Permission:** Open burning activities for which open burning consent has been requested from the Chief of the Hazen Fire Department and requirements of the Fire Department are met. Open burning activities for which permission may be sought include: ceremonial fire for groups or organizations; prescribed landscape fires; for the operation of a commercially operated incinerator; and such other open burning activities as are deemed necessary or appropriate and authorized by the Hazen City Fire Chief.
- 5.03 **EFFECTIVE DATE AND CONFLICT PROVISION.** Any other provision of the Hazen City Ordinances in conflict with these provisions is hereby amended to

conform to these changes, which are effective upon the date of the second reading hereof.

APPROVED:


President

ATTEST:


CITY AUDITOR

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY



PASSED BY THE CITY COMMISSION: October 2, 2006 and October 16, 2006

PUBLISHED: Not Required

EFFECTIVE DATE: October 16, 2006