

TITLE VI.

FIRE PROTECTION AND PREVENTION

CHAPTERS:

- 6-01. Fire Prevention Code.
- 6-02. Public Conduct in Case of Fire.
- 6-03. Fireworks.

CHAPTER 6-01

FIRE PREVENTION CODE

SECTIONS:

- 6-0101. Adoption of Fire Prevention Code.
- 6-0102. Definitions.
- 6-0103. RESERVED FOR FUTURE USE.
- 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 Volunteer Fire Department.
- 6-0108. Appeals.
- 6-0109. Validity.
- 6-0110. Penalties.

6-0101. **ADOPTION OF FIRE PREVENTION CODE.** There is hereby adopted by reference by the City Council, 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 Uniform Fire Code, excluding all appendices, being particularly the 1997 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 Horace, 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 1997 edition of the Uniform Fire Code may be adopted by the City by resolution. The Fire Prevention Code is also adopted as part of the Building Code of the City of Horace.

6-0102. **DEFINITIONS.**

1. Whenever the word "municipality" or "City" is used in the Uniform Fire Code, as hereinbefore more specifically identified in Section 6-0101, they shall be held to mean the City of Horace.
2. Whenever the word "jurisdiction" is used in the Uniform 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 Horace, North Dakota, as well as any area within the extraterritorial zoning jurisdiction of the City.

3. Whenever the term "corporate counsel" is used in the Uniform Fire Code, as hereinbefore more specifically identified in Section 6-0101, it shall be held to mean the City Attorney for the City of Horace, North Dakota.
4. Whenever the term "chief" is used in the Uniform 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 Horace, North Dakota.

6-0103. RESERVED FOR FUTURE USE.

6-0104. STORAGE OF FLAMMABLE LIQUIDS. The limits referred to in the Uniform 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 Horace, North Dakota, except for property zoned AG-Agricultural and IH-Heavy Industry, or property in the CL-Light Commercial for which a conditional use permit has been granted."

The limits referred to in the Uniform 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 Horace, North Dakota."

6-0105. STORAGE OF EXPLOSIVES AND BLASTING AGENTS. The limits referred to in the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: "The corporate limits of the City of Horace, 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: None.

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 VOLUNTEER FIRE DEPARTMENT. The chief of the volunteer fire department of the City of Horace, 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 volunteer fire department of the City of Horace, North Dakota, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

6-0108. **APPEALS.** Whenever the chief of the volunteer fire department of the City of Horace, North Dakota, shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the volunteer fire department of the City of Horace, North Dakota, to the City Council of the City of Horace, North Dakota. The appeal must be filed in writing with the City Auditor within thirty (30) days from the date of the decision appealed.

6-0109. **VALIDITY.** The City Council of the City of Horace, 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 Council of the City of Horace, North Dakota, that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

6-0110. **PENALTY.** 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.

CHAPTER 6-02

PUBLIC CONDUCT IN CASE OF FIRE

SECTIONS:

- 6-0201. Persons Allowed on Fire Fighting Vehicles.
- 6-0202. Persons Allowed to Proceed to Fire Hall.
- 6-0203. Persons Allowed to Assist in Fire Extinguishment.
- 6-0204. Fire Chief May Command Assistance.

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 PROCEED TO FIRE HALL.** In cases when the fire siren on the fire hall has sounded, no persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall proceed to the fire hall.

6-0203. **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.

6-0204. **FIRE CHIEF MAY COMMAND ASSISTANCE.** The Fire Chief or Chief in charge shall have the power to command such assistance from persons in attendance at any fire in the extinguishment of fires and for the preservation of property exposed to fire as may, in his judgment, be required.

CHAPTER 6-03

FIREWORKS

Source: Ord. 2016-35

SECTIONS:

- 6-0301. Ban on Sale of Fireworks in the City of Horace Unless Permit Issued.
- 6-0302. Ban on Use of Fireworks in the City of Horace Except During the Periods of June Twenty-Seventh through July Fifth and December Twenty-Seventh through January First of Each Calendar Year.
- 6-0303. Public Display of Fireworks Permitted by the City within Its Limits—Supervised Display Allowed—Special Event Permit Required.
- 6-0304. Penalty.

6-0301. BAN ON SALE OF FIREWORKS IN THE CITY OF HORACE UNLESS PERMIT ISSUED. As used in the Revised Ordinances of 2003 for the City of Horace, the term “fireworks” means any combustible or explosive composition, or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. The term includes any blank cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, Roman candles, daygo bombs, sparklers, or other fireworks containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance and commonly known as fireworks. The term “fireworks” shall not include toy paper caps containing not more than .25 of a grain of explosive composition per cap.

Except as otherwise provided by the ordinances of the City, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, any fireworks within the limits of the City without first applying for in writing and obtaining a Sale of Fireworks Permit issued by the City Auditor (a) on or before the 15th day of June, and (b) after payment of a permit fee of Two Hundred Fifty Dollars (\$250.00) which will only allow retail sale of fireworks during the periods of June 27 through July 5 and December 26 through January 1 of said calendar year in conformity with N.D.C.C. Chap. 23-15. Said permit holder shall still be required to fully comply with the provisions of N.D.C.C. Chap. 23-15 and the conditions set forth in the City’s Application for Sale of Fireworks Permit and the City’s Application for Special Event Permit.

6-0302. BAN ON USE OF FIREWORKS IN THE CITY OF HORACE EXCEPT DURING THE PERIODS OF JUNE TWENTY-SEVENTH THROUGH JULY SIXTH AND DECEMBER TWENTY-SEVENTH THROUGH JANUARY SECOND OF EACH CALENDAR YEAR. Except as otherwise provided in this ordinance, it shall be unlawful for any person to use any fireworks within the limits of the City except during the time periods of 10:00 a.m. to 11:00 p.m. on June 27 through July 3 and 10:00 a.m. to 1:00 a.m. on July 4 through July 6 and

10:00 a.m to 11:00 p.m. on December 27 through December 30 and 10:00 a.m. to 1:00 a.m. on December 31 through January 2 of each calendar year unless said person (a) has been issued a Sale of Fireworks Permit by the City, (b) has been issued a Special Event Permit by the City, (c) is a licensed wholesaler, dealer, or jobber selling at wholesale fireworks which are not prohibited by N.D.C.C. Chap. 23-15, or (d) is a licensed distributor approved by the North Dakota State Fire Marshal pursuant to N.D.C.C. Chap. 23-15. Said permit holder shall still be required to fully comply with the provisions of N.D.C.C. Chap. 23-15 and the conditions set forth in the City's Application for Sale of Fireworks Permit and set forth in the City's Application for Special Event Permit.

6-0303. PUBLIC DISPLAY OF FIREWORKS PERMITTED BY THE CITY WITHIN ITS LIMITS; SUPERVISED DISPLAY ALLOWED; SPECIAL EVENT PERMIT REQUIRED. This section does not prohibit supervised public displays of fireworks by the City. Except when such display is given by the City within its own limits, no display made outside of the permitted dates provided in Section 6-0302 of this Chapter may be given unless a special event permit has first been secured. Every application for a special event permit must be made in writing to the City Auditor at least fifteen (15) days in advance of the date of the display. The application shall promptly be referred to the chief of the Horace Rural Fire Protection District or his/her authorized representative, designee, or assignee who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The chief of the Horace Rural Fire Protection District or his/her authorized representative, designee, or assignee shall report the results of this investigation to the City Council and if he/she reports that in his/her opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal pursuant to N.D.C.C. Chap. 23-15, the City Auditor shall issue a special event permit for the display when the applicant pays a special event permit fee of Fifty Dollars (\$50.00). After such special event permit has been granted, sales, possession, use, and distribution of fireworks for such display are lawful for that purpose only. No special event permit granted hereunder is transferable.

6-0304. PENALTY. Any person violating any section of this chapter shall be guilty of an infraction punishable by a fine of One Hundred Dollars (\$100.00). Each day a violation occurs shall be considered a separate offense.

(Source: Ord. No. 2017-44)