CHAPTER 4

FIRE PROTECTION AND PREVENTION

Article 1
Organization of Fire Department

4.0101 Establishment

The City of Thompson is served by the Thompson Rural Fire Protection District which is a separate entity not governed by the City Council. Should the Thompson Rural Fire Protection District disband and the need for a volunteer fire department exists, then such volunteer fire department may be created and shall consist of a chief and 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. Where applicable, the sections referred to herein shall apply to the Thompson Rural Fire Protection District and their members insofar as it relates to the rendering of services by the Thompson Rural Fire Protection District. All violations by any person or entity of Sections 4.0107 through 4.0112 shall be dealt with by the City of Thompson whether or not such violations occurred during the service of a volunteer fire department to the City of Thompson or by the service of the Thompson Rural Fire Protection District to the City of Thompson.

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 Volunteer Fire Department

The Fire Department of the City of Thompson, North Dakota shall be composed of volunteer firemen who shall receive no wages or salaries therefor.

4.0104 Officers of Fire Department

The officers of the Volunteer Fire Department of this city shall consist of a Chief of the Fire Department and an Assistant Chief of the Fire Department, who shall be duly elected from the membership of the department and approved by the City Council, plus such other officers as the members thereof deem necessary. The officers are to be elected in April of each year.

4.0105 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 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 ordinances of the city relating to his 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 calendar year, and oftener when required to do so to the governing body. 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.

4.0106 Same: To Report New Equipment Needed

Whenever, in his judgment it is necessary, he and the other representatives of the department shall meet with and render a report to the City Council as to the supplies, new apparatus and equipment that are needed for the efficient operation of this department.

4.0107 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.

4.0108 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.

4.0109 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.

4.0110 Driving Over Fire Hoses

No person shall drive any 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.

4.0111 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.

4.0112 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.

4.0113 Service Outside Corporate Limits

Members of the fire department are authorized to go outside the 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 those parts of the City which have been zoned for commercial or industrial use or that may hereafter be so zoned.

4.0202 Same: Erection of Buildings Within

No buildings or part of any buildings shall be erected within the fire limits unless all outside walls and party walls thereof shall be built or constructed of stone, brick, concrete or other fireproof material, and all outside ends and party walls shall be not less than eight (8) inches in thickness. All joist, beams or other wood or combustible material in any outside end or party wall shall recede from the outer surface of such wall at least four (4) inches, and all gutters and roofs shall be covered on the outside surface with copper, tin, iron or other fireproof material, and all ends and party walls shall extend above the roof at least twelve (12) inches, nor shall the plating or sheeting of any such roof extend across the fire wall of such building. Provided, outhouses and sheds may be erected of any other material, not necessarily of fireproof qualities, by obtaining a permit from the Mayor and City Council upon application therefore which may be granted or refused in their discretion.

4.0203 Alterations and Additions

Within the fire limits no buildings or structure of frame construction or of unprotected metal construction shall be hereafter extended on any side unless the construction of such extension conforms to all requirements of this article for new construction. All ordinary construction buildings and all frame buildings hereafter built or altered in which the lower stories or portions thereof are used for business, and the stories above for residence purposes shall have all partitions and ceilings separating the business portions from the residence portions covered with metal lath and plaster or other equivalent fireproofing material.

This section shall not apply to any building or structure owned by the city within the fire limits provided that a resolution approving any proposed alteration, addition or repair to such building or structure owned by the city, has been approved by the governing body.

4.0204 Inspection of Premises, Discovery, Order

The Building Official, or Chief of Fire Department, or other designated official, shall as often as practical, inspect all buildings or structures during construction for which a permit has been issued to see that the provisions of law are complied with and that construction is prosecuted safely. Whenever in his opinion, by reason of defective or illegal work in violation of a provision of this article the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

4.0205 Quality of Materials

All building materials shall be of good quality, and shall conform to specification which the Building Official prescribed. The more generally accepted standard specifications for quality of materials are those of the American Society for Testing Materials.

4.0206 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 percent (50%) of its value. Any existing frame building damaged by fire or otherwise over fifty percent (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 to 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 Thompson, advising tenants of the provisions of this chapter.

4.0303 Bonfires Prohibited - Exception

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire on any pavement or oiled street within the city, or within twenty-five (25) feet

of any building, excepting under the written permit of the Chief of the Fire Department, and only when such burning shall be done in metallic receptacles approved by him, and 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.

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 non-combustible receptacles. Such receptacles shall be placed on non-combustible stands, unless resting on a no-combustible floor or on the ground outside the building, and shall be kept at least two (2) feet away from any combustible wall or partition.

Article 4
Fire Prevention

4.0401 Adoption of Fire Code

There is hereby adopted by the City 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 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 $10.00 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 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 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.

4.0403 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 authorized by the governing body.

4.0404 Storage of Liquified Petroleum

The limits or area for storage of liquified petroleum shall comply with the limits established in Section 4.0403.

4.0405 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.

4.0406 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.

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 jurisdiction of the City of Thompson.

4.0502 Discharge of Weapons

It shall be unlawful to discharge any firearm, airgun, or BB gun within the City Limits or within the jurisdiction of the City of Thompson. This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor any citizen from discharging a firearm when lawfully defending person or property, or to prohibit the ceremonial firing of blank cartridges at military funerals or other military functions.

4.0503 Automatic Weapons Prohibited

It shall be unlawful to possess, keep, store, sell, trade, or barter any automatic firing firearm, including but not limited to machine guns, submachine guns, automatic firing rifles, or handguns within the city limits of Thompson, unless that person has complied with the National Firearms Act.

4.0504 Penalty

Any person violating the provisions of Sections 4.0501, 4.0502, or 4.0503 shall be guilty of an offense and be subject to the maximum penalties set forth in Section 4.0601.

4.0505 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 Thompson, 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 (½) inch in diameter.

4.0506 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, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, roman candles, dayglo 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 hundredths grains of explosive mixtures.

4.0507 Fireworks - Discharging of, Sale of

The sale of fireworks anyplace within the City or the jurisdiction of the City is an offense punishable by a fine of up to $500.00 and 30 days in jail, or both. The use of fireworks is allowed June 27 to July 6, inclusive, but such use shall be unlawful at any other time. The unlawful use of fireworks shall be deemed an infraction.

4.0508 Exceptions

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 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
Penalty for Violation of this Chapter

4.0601 Penalty

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 or 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.