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**CHAPTER FOUR**

**FIRE PROTECTION AND PREVENTION**

ARTICLE 1 - Fire Limits

 4.0101 Fire Limits

Fire protection for the City of Leeds, including all of the platted and annexed portions of the City, is provided by the Leeds Rural Fire Protection District.

 4.0102 Fire Limits - Erection of Buildings Within

 No buildings or parts of any buildings shall be erected within the fire limits unless the construction meets the provisions of the North Dakota State Building Code, which is the official building code of the City. Outbuildings may be erected of any other material, not necessarily of fireproof qualities, by obtaining a permit from the City governing board upon application therefore which may be granted or refused in the City governing board’s discretion.

 4.0103 Alterations and Additions in Fire Limits

 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.

 4.0104 Repairs to Damaged Buildings

 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 otherwise over fifty percent (50%) of its value shall be torn down and removed.

ARTICLE 2- Fires in Public Places

 4.0201 Smoking - Setting Fires

 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.

 4.0202 Notice - Smoking Ordinance

 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 advising tenants of the provisions of this chapter.

 4.0203 Bonfires Prohibited - Exception

 No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the City except under the written permit of the chief of the fire department under proper safeguards as the chief may direct. Permits may be granted only on 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.

 4.0204 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 non-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.

 4.0205 Open Burning Prohibited

 No person shall kindle, maintain or burn any wood, garbage or other refuse either openly or in containers if such burning is prohibited by state law or proclamation. The container must be inspected and approved by Fire Chief and then only used as directed.

 4.0206 Reports of Hotel of Apartment Fires

 Every fire of any kind, and from whatever source, occurring in or about any hotel, rooming house, lodging house or apartment building in the City shall be reported immediately to the fire department.

ARTICLE 3 – Fireworks

4.0301 Definitions

For the purpose of this section:

The term “fireworks” means and includes any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns, in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, roman candles, day-go bombs, sparklers, or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. This definition does not include and shall not apply to toy paper caps containing not more than .25 (16.20 Milligrams) of a grain of explosive composition per cap.

4.0302 Sale Dates

No person shall sell or offer for sale any fireworks at retail within the city of Leeds except for the period beginning on June 27th and ending July 5th of any year. Anyone selling fireworks in the city shall file with the Benson County Sherriff an application each year prior to any sales as described in NDCC 23-15-04.

4.0303 Special Occasion Permits

A Fireworks Technician who is licensed or certified or the Leeds Rural Fire District/department may apply for a city permit for a fireworks display, if granted will be available at no cost. This permit enables only the licensed or certified Fireworks Technician or designated members of the Leeds Rural Fire Department listed on the permit to set off, explode or detonate fireworks.

4.0304 Restrictions on use

1. No person shall ignite or discharge any fireworks within 100 feet of a fireworks booth, gasoline service station buildings, gasoline dispensers, flammable or combustible liquid tank fill or vent lines, above-ground flammable or combustible liquid tanks, or any building, structure or vehicle containing unsealed flammable or combustible liquids, hazardous materials or explosives.

 2. No person shall ignite or discharge any fireworks within, or throw same from a motor vehicle or at any person, group of people, animal or group of animals. Ignition or discharge of fireworks shall take place so as to not endanger persons, buildings, structures, property, brush, automotive vehicles and/or equipment, etc.

 3. No person shall ignite or discharge any fireworks before June 27th or after July 5th in any year.

 4. No person shall set off, explode or detonate any fireworks at any time other than during the hours of ten (10) a.m. and eleven (11) p.m. On July 4th the hours are extended until eleven fifty-nine (11:59) p.m.

Benson County Sheriff Officers shall enforce these rules and regulations. Officers responsible for enforcing these rules and regulations may seize illegal fireworks that are offered for sale, sold, or in the possession of any individual in violation of this chapter.

4.0305 Saving Clause

If any portion of this ordinance shall be judged unconstitutional or contrary to the laws of the State of North Dakota, such section shall not invalidate the remaining portions of this ordinance, and it is hereby expressly declared that the remaining portions of this ordinance would have been adopted notwithstanding the invalid portions thereof, and that such portions not declared unconstitutional or contrary to the laws of the State of North Dakota shall remain in full force and effect.

ARTICLE 4 - Adoption of Electrical Code

 4.0401 Electrical Code Adopted

 There is hereby adopted the laws and regulations and wiring standards of North Dakota adopted by the State Electrical Board and the whole thereof of which not less than one (1) copy shall be on file in the office of the city auditor of the City, and the same is hereby adopted as fully as if it were set out at length herein.

ARTICLE 5 - Penalty for Violation of this Chapter

 4.0501 Penalty - Violations of Fire Protection and Prevention Chapter

 Any person who shall violate any provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be punishable by a fine of not more than one thousand dollars ($1,000.00) 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.

Amendment #1

1St Reading 2-7-18

2nd Reading and Approval 4-4-18