

## **CHAPTER FOUR**

### **FIRE PROTECTION AND PREVENTION**

#### **ARTICLE 1 - ORGANIZATION AND REGULATION OF FIRE DEPARTMENT**

##### **4.0101 Establishment**

There is hereby created and established a Fire Department, and if heretofore 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 City Council. Members shall be appointed in the manner provided by law.

Source: City of Medora Ordinances 1970

##### **4.0102 Supervision**

The Fire Chief shall have the control, subject to the order and direction of the City Council, 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.

Source: City of Medora Ordinances 1970

##### **4.0103 Volunteer Department**

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

Source: League of Cities Model Municipal Ordinance Code 1987

##### **4.0104 Officers of Fire Department**

The officers of the Volunteer Fire Department of the City of Medora shall consist of a Chief of the Fire Department and an Assistant Chief, who shall be duly elected from the membership of said department and approved by the City Council, plus such other

officers as the members thereof deem necessary. Said officers are to be elected in January of each year.

Source: League of Cities Model Municipal Ordinance Code 1987

**4.0105 Chief of Fire Department - Powers of**

The Chief of the Fire Department shall have the entire charge and control of the department at all fires. He shall further have charge, supervision, and control over all property, equipment, and supplies of the Fire Department entrusted to his care during his tenure of office.

Source: City of Medora Ordinances 1970

**4.0106 Duties and Powers of Fire Chief**

The Fire Chief shall have the following duties and powers:

1. To keep records. The Chief of the Fire 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 all notices issued by the department; all of its transactions; all of the fires occurring in the City and the cause thereof when ascertainable; of all time lost by firemen; of all property placed in his charge and all expenditures made by his order. He shall further 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 City Council.

2. To command and control. It shall be the duty of the Chief of the Fire 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 quarter or when required to do so to the City Council. 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. The Fire Chief shall further make such reports to the State Fire Marshal as required under Section 18-01-06 through Section 18-01-08 NDCC.

4. To make annual inventory. The Chief of the Fire Department shall, during the month of June 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 the Fire Department.

5. To prepare a budget. The Chief of the Fire Department shall 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. The Chief of the Fire Department shall keep property in good condition and to see that all apparatus, property, and the several buildings or portions thereof committed to his care are kept clean and in good sanitary condition.

7. To have charge of alarm system. The Chief of the Fire Department shall have charge of alarm systems 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 may enter, except those who reside therein, firemen and policemen, and those admitted by his order.

9. To order removal of property; When. The Chief of the Fire Department may 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. The Chief of the Fire Department shall 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. The Chief of the Fire Department may prescribe badges and uniforms to be worn by the officers and members of the Fire Department.

12. The state fire marshal and the chief of the fire department or fire protection district shall approve plans and specifications for school buildings before construction is started. It is the duty of the person that prepared the plans or the person that is supervising the construction to notify the state fire marshal and the chief of the fire department or fire protection district when the building has been completed.

Source: City of Medora Ordinances 1970

**4.0107                      Duties - To Report Need for New Equipment - City Council  
Action**

Whenever, in the Fire Chief's judgment it is necessary, he or she and other representatives of said 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 the Fire Department.

The City Council will then take such action as necessary and as it deems expedient to acquire such supplies, new apparatus, and equipment as allowed under North Dakota law.

Source: Sections 40-05-01 (36, 37), 40-05-09, and 57-15-10 NDCC

**4.0108                      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 Fire Department in the performance of the fireman's duties.

Source: Sections 39-10-02, 40-05-01 (1), and 40-05-02 (9), NDCC

**4.0109 Unlawful to Hinder Fire 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 duties at a fire, or to disobey any lawful command of the Chief or Acting Chief of the Fire Department.

Source: Sections 39-10-02, 40-05-01 (1), and 40-05-02 (9), NDCC

**4.0110 Right of Way**

Any engine, truck or apparatus belonging to the Fire Department when going to or returning from a fire shall have the right of way in all streets, alleys, and public places over any wagon, street car, automobile or other vehicle of any kind whatsoever, 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.

The provisions of Section 39-10-26 NDCC and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance.

Source: Sections 40-05-01 (1), 40-05-02 (9), and 39-10-02 NDCC

**4.0111 Driving Over Fire Hoses**

No person shall drive any team, wagon, cart, railroad car, automobile or other vehicle of any kind or nature upon or over any hose belonging to the Fire Department while the same is laid in the streets, alleys, private roads or driveway of the City, without the consent of the Fire Department official in command.

Source: Section 39-10-58 NDCC

#### **4.0112 False Alarms**

It shall unlawful for any person to knowingly 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 injury any property of any kind belonging to or used by the Fire Department; or to hinder or delay any apparatus or equipment or vehicle belonging to the Fire Department.

Any person who shall tamper with, damage, destroy, or temporarily remove from its storage place without authority or in the absence of an emergency any fire extinguisher, fire extinguishing tools, equipment, chemicals or devices, sprinkling systems, smoke alarms, early fire warning devices, fire alarm box, wires or other apparatus in connection with a fire alarm system, or any other fire prevention or safety equipment or devices whatsoever shall have violated this section and shall be guilty of a class B misdemeanor.

Source: Section 12.1-11-03, 12.1-21-05, 12.1-21-06; 12.1-31-01, 40-05-02 (9), and 40-05-01 (1) NDCC

#### **4.0113 Taking Fire Equipment for Private Use**

No person shall use or cause to be used any fire fighting apparatus for any private purpose whatsoever; nor shall any person, without authority from the Chief of the Fire Department, remove the same from the place where kept; nor shall any person having charge of fire fighting apparatus permit the same to be used for private purposes.

Source: City of Medora Ordinances 1970

#### **4.0114 Entering Fire Department**

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

Source: City of Medora Ordinances 1970

**4.0115 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 for the purpose of extinguishing fires or rendering aid in the case of accident, provided that the Fire Department shall not render such service outside the corporate limits except upon orders of the Chief of the Fire Department, the Assistant Chief or presiding officer of the City Council; except that when the City has undertaken by contract or agreement to render service to property outside the corporate limits the Fire Department may leave the corporate limits in the fulfillment of such contract.

The Fire Department, its members and apparatus, when engaged outside the corporate limits of the City, shall be deemed to be engaged in the performance of a public duty as fully as if serving within the limits of the City.

Source: Section 40-05-01 (37) NDCC

**4.0116 Following Fire Apparatus Prohibited**

The driver of any vehicle other than one on official business may not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

Source: Section 39-10-57 NDCC

**4.0117 Obedience to Police Officer or Fireman**

No person may willfully refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control, or regulate traffic.

Source: Section 39-10-02 NDCC

## **ARTICLE 2 - FIRE LIMITS**

### **4.0201 Fire Limits**

Fire limits shall be all that portion bounded by the City limits of the City of Medora or by contract or agreement between the City and other political entities.

Source: Section 40-05-01 (34) NDCC

## **ARTICLE 3 - FIRES IN PUBLIC PLACES**

### **4.0301 Bonfires Prohibited - Exception**

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire on any pavement or oiled street with the City or within twenty-five (25) feet of any building, except 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 or she may direct as to time and weather conditions, and on the 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 wetted down at the close of said fire.

Source: Section 40-05-01 (34, 35) NDCC

### **4.0302 Hot Ashes and Other Dangerous Materials - Depositing of**

Ashes, smoldering coals or embers, greasy or oily substances and other matter liable to spontaneously ignite 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.

Source: Section 40-05-01 (34, 35) NDCC

**4.0303                    Open Burning Prohibited**

No person shall kindle, maintain or burn any garbage, refuse, lawn, tree or shrub clippings or other solid waste, either openly or in containers.

Source: Section 23-29-05.1 NDCC

**4.0304                    Reports**

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

Source: City of Medora Ordinances 1970 and North Dakota League of Cities Model Municipal Ordinance Code 1987

**ARTICLE 4 - FIREARMS, FIREWORKS, AND EXPLOSIVES**

**4.0401                    Firearms Not to be Furnished to Minors**

The parent, guardian, or other person having charge or custody of any minor under 15 years of age who permits that minor to carry or use, in public, any firearm of any description loaded with powder, compound, air or gas and projectile, except when the minor is under the direct supervision of the parent, guardian, or other person authorized by the parent or guardian, is guilty of an offense.

Source: Section 62.1-02-07 NDCC

**4.0402                    Exploding Firearms**

It shall be unlawful for any person or persons to fire or discharge within the limits of the City of Medora any cannon, gun, fowling piece, pistol, compound, air or gas gun, or other firearm of any description without the written permission of the Mayor of the City of Medora, which permit shall limit the time of such firing and be subject to the revocation by the Mayor of the City of Medora at any time after being granted. This section does not apply to the lawful discharge of firearms by law enforcement officers, by citizens in

defense of person or property, or by participants in lawful activities in which discharge of firearms is a recognized part of the activity, including but not limited to shooting galleries and ranges.

Source: Section 62.1-02-06 NDCC

#### **4.0403 Blank Cartridges, Etc. - Manufacture, Use, Sale of**

No person except a licensed dealer shall manufacture, use, sell or keep for sale within the City of Medora, North Dakota, any blank cartridges, 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 (1/2) inch in diameter.

Source: Section 62.1-01-01 NDCC

#### **4.0404 Fireworks Defined**

The term "fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes 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, daygo bombs, sparklers, or other fireworks of like construction, any fireworks containing an explosive or flammable compound, or any tablets or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to toy paper caps containing not more than 25/100 of a grain (16.20 Milligrams) of explosive composition per cap.

Source: Section 23-15-01 NDCC

#### **4.0405 Fireworks - Discharging of, Sale of**

The sale, use, firing or discharging of any rocket, firecracker, torpedoes, Roman candles, or of any such "Fourth of July" explosives whatsoever, or fireworks within the limits of the City of Medora is expressly prohibited, except as follows:

1. Fireworks shall not be ignited within the City of Medora except from the hours of 8:00 a. m. to 12:00 Midnight on July Fourth.
2. Fireworks means any combustible or explosive composition or any substance prepared for the purpose of producing a visible or audible effect.
3. Fireworks for special occasions may be specifically approved by application to the City Council.

Violation of this ordinance is an infraction, and the penalty shall be a fine not to exceed \$500.00.

Source: Sections 23-15-01, 23-15-02, and 23-15-03 NDCC