



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 13 (FIRE PREVENTION AND PROTECTION) CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO ALLOW THE CITY COUNCIL TO ESTABLISH FIRE PERMIT, LICENSE, AND INSPECTION FEES BY RESOLUTION.**

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and possessing municipal powers and authority pursuant to its home rule charter and the provision of North Dakota Century Code (NDCC) § 40-05.1, as well as statutory provisions codified in NDCC 40-05-01; and

WHEREAS, the City of Minot has the authority, through its home rule charter, to adopt, amend, and repeal ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof, including the power to fix fees in the exercise of its governmental police powers; and

WHEREAS, the City Council desires to set fees for fire code permits, licenses, and compliance inspections by resolution; and

WHEREAS, the City Council further desires to grant its fire chief or their designee the power to charge fees for fire code permits, licenses, and compliance inspections; and

WHEREAS, the City Council further desires to amend the existing Chapter 13, Code of Ordinances, to rectify clerical errors, update, modernize, and remove outdated language and bring the existing ordinance into alignment with current practices; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:**

**§1 CHAPTER 13 (FIRE PREVENTION AND PROTECTION) CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA, is hereby repealed and reenacted as follows:**

**Chapter 13 FIRE PREVENTION AND PROTECTION**

**ARTICLE I. IN GENERAL**

**Sec. 13-1. Careless smoking; notice in hotel rooms.**

- (a) It shall be unlawful for any person, in a careless, negligent or reckless manner, while smoking or attempting to light or smoke tobacco to set fire to any building, furniture, curtains, drapes, house or household fittings or furnishings in any hotel, public rooming house, tenement house, or public building.
- (b) 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 section.

**Sec. 13-2. Fire to be reported immediately.**

Every fire occurring in or about any building within the city shall be reported immediately to the fire department.

**Secs. 13-3, 13-4. Reserved.**

Editor's note(s)—Sections 13-3, 13-4 and 13-6, derived from Rev. Gen. Ords. 1962, §§ 8-0103, 12-0109 and 12-0111, were repealed by Ord. No. 2443, § 2, adopted June 15, 1981. Said sections prohibited the taking of fire department property, required that permission be obtained to enter or occupy rooms used by the fire department, and dealt with the use and sale of fireworks.

**Sec. 13-5. ~~Obstructing firemen~~ firefighter.**

It shall be unlawful to obstruct any ~~firemen~~ firefighter in the performance of ~~his~~ their duties.

**Sec. 13-6. Reserved.**

Note(s)—See the editor's note to § 13-3.

**Secs. 13-7—13-16. Reserved.**

**ARTICLE II. FIRE DEPARTMENT**

**DIVISION 1. GENERALLY**

**Sec. 13-17. Composition; eligible persons.**

The fire department shall consist of a fire chief, ~~the fire marshal who shall be the head of the bureau of fire prevention~~, and as many ~~firemen~~ firefighters as the city council determines to be adequate. The fire chief, ~~the fire marshal~~, and ~~firemen~~ firefighters shall be appointed by the city manager pursuant to Chapter 24 of the Code of Ordinances.

**Sec. 13-18. ~~Firemen~~ Firefighters to comply with rules and regulations.**

~~Firemen~~ Firefighters shall strictly comply with all rules and regulations of the fire department, and shall promptly and implicitly obey all orders given by the fire chief or acting fire chief.

**Sec. 13-19. Members to have certain powers of police.**

All members of the fire department shall have, while on active duty, the same powers as ~~policemen~~ police officers while on duty, and are authorized to arrest any person who interferes or attempts to interfere with, or ~~retards or attempts to retard or hinders or attempts to hinder~~ any member of the fire department in the performance of ~~his~~ their duty.

**Sec. 13-20. Police force to assist fire department.**

Any member of the police department, when requested by the city manager or fire chief, shall report to all fires and assist in extinguishing the fire, protect property, preserve order and lend their aid and assistance in any useful manner directed by the official in command.

**Sec. 13-21. Use of intoxicating liquor prohibited.**

~~No person connected with the fire department shall use any intoxicating liquor while on duty. No person, during a fire, shall bring on the ground any intoxicating liquor, or give or furnish any intoxicating liquor to any fireman when on duty unless by order of the fire chief or of a practicing physician.~~

**Sec. 13-22 21. When awards may be accepted.**

Any member of the fire department may, with the consent of the city council and not otherwise, receive and retain any present or reward tendered to him them for meritorious service in the discharge of his their duty.

**Secs. 13-23 22—13-27. Reserved.**

**DIVISION 2. FIRE CHIEF**

**Sec. 13-28. Powers and duties of fire chief.**

The duties and powers of the fire chief are as follows:

- (a)
- (b) *To make monthly and other reports.* ~~He~~ The fire chief shall make written reports at the end of each month, and more often when required to do so by the city manager. ~~On the first Mondays of January and July he shall make a written report, including a summary of his monthly reports, upon the conditions of the fire department, the number of fires that have occurred in the city since his last report, and the cause of the fires as far as can be ascertained, the amount of insurance upon buildings destroyed or damaged and the names of the owners or occupants of the buildings as near as can be ascertained.~~ The report shall be filed in the office of the city manager. ~~The city manager at the first regular at a regular city council meeting meeting of the city council in January and July, shall present to it~~ the report of the fire chief.
- (c) *Responsibility for equipment.* ~~He~~ The fire chief shall have charge of, and be responsible for, all fire equipment and see that it is kept in repair, in efficient working order and ready for instant use. ~~He~~ The fire chief shall promptly report to the city manager any serious injuries to or defects in any of the fire apparatus belonging to the city.
- (d) *Prescribe rules and regulations.* ~~He~~ The fire chief shall prescribe such rules and regulations for the operation of the department as are in his their judgment necessary to secure the best and most efficient service.

- (e) *Assign firemen firefighters.* ~~He~~ The fire chief shall assign firemen firefighters to such positions in the department as they are best qualified to fill, subject to approval of the city manager.
- (f) *Be present in city.* ~~He shall not leave the city without the consent of the city manager and shall attend all fires in the city unless excused by the city manager.~~
- (g-f) *Investigate fires.* ~~He~~ The fire chief shall immediately after each fire carefully and thoroughly investigate the cause of the fire, and may call the on the chief of police department for assistance.
- (h-g) *Control and enforce discipline.* The fire chief under the direction of the city manager shall have absolute control and command over all persons connected with the fire department and shall possess full power and authority to enforce discipline in the department.
- (i-h) *Prescribe limits at fire.* ~~He~~ The fire chief may prescribe limits in the vicinity of any fire within which no person shall be permitted to enter except those who reside therein, ~~firemen firefighters policemen police officers~~, and those admitted by ~~his~~ the fire chief's order.
- (j-i) *May order removal of property.* At all fires, ~~he~~ The fire chief shall have the power to remove any property if it becomes necessary for the preservation of the property, to prevent the spreading of fire, or to protect adjoining property.
- (k-j) *Authority at fires.* ~~He~~ The fire chief shall have absolute command at fires. In the absence of the fire chief, the assistant chief officer shall have command. All members of the fire department and bystanders shall observe and obey the directions and orders of the officer in command.
- (Lk) *May require assistance.* The fire chief shall have power to command such assistance from persons attending any fire, not members of the fire department, for the extinguishment of fires and the preservation of property exposed to fire as may in ~~his~~ the fire chief's judgment be required.
- (l) *Charge inspection fees.* The Fire Chief or their designee shall charge fees as established by the City Council for fire permits, licenses, and code compliance inspections, except when such building or premises is owned by state or local government. It shall be the duty of every person maintaining or operating a business or premises to pay the inspection fees.

**Secs. 13-29—13-38. Reserved.**

**ARTICLE III. FIRE CODE**

**Sec. 13-39. International Fire Code adopted.**

- (a) The International Fire Code, 2018 Edition (published by the International Code Council Inc.), is by reference thereto incorporated herein as fully as though set out at length hereafter (except and to the extent that the provisions there of are deleted, modified or amended in section 13-40 and section 13-41 below). References in the Code of Ordinances to the fire code shall mean the fire code adopted hereby.

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Notwithstanding anything to the contrary therein, the fire code may be referred as:

- (1) "the International Fire Code, 2018 Edition";
- (2) "the Fire Code of the City of Minot, ND";
- (3) "the IFC";
- (4) "the fire prevention code";
- (5) "the fire code"; or
- (6) "this code".

(b) One (1) copy of the IFC shall be maintained at all times in the office of the city clerk for public inspection.

#### **Sec. 13-40. Amendments to the fire code.**

The IFC referred to in section 13-39 is amended as provided in the following subsections.

- (1) IFC 101.1 is amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Minot, ND, hereinafter referred to as "their code."

- (2) IFC 102.4 is amended to read as follows:

**102.4 Application of Building Code.** The design and construction of new structures shall comply with the International Building Code as amended by the State of North Dakota. And any alterations, additions, changes in use or changes in structures required by their code which are within the scope of the International Building Code as amended by the State of North Dakota shall be made in accordance therewith.

- (3) IFC 104.9 is amended to read as follows:

**104.9 Alternative materials and methods.** Appeals regarding the suitability of alternate materials, types of construction, or code interpretation shall be made as established under section 9-2(6) of the City of Minot Code of Ordinances.

- (4) IFC 105.6.1 is deleted.

- (5) IFC 105.6.8 is amended to read as follows:

**IFC 105.6.8** An operational permit is required for carbon dioxide systems used in beverage dispensing applications having more than 500 pounds of Carbon Dioxide.

- (6) IFC 105.6.10 is deleted.

- (7) IFC 105.6.14 is deleted.

- (8) IFC 105.6.20 is deleted.

- (9) IFC 105.6.23 is amended to read as follows:

**IFC 105.6.23 Hot work operations.**

An operational permit is required for hot work including, but not limited to:

1. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

2. Fixed-site hot work equipment, such as welding booths.
3. Hot work conducted within a wildfire risk area.
4. Where approved, the fire code official shall issue a permit to carry out a hot work program. Their program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in their chapter and shall be responsible for issuing permits requiring compliance with the requirements found in chapter 34. These permits shall be issued only to their employees or hot work operations under their supervision.

(10) IFC 105.6.29 is deleted.

(11) IFC 105.6.30 is deleted.

(12) IFC 105.6.43 is amended to read as follows:

**IFC 105.6.43 Repair garages.** An operational permit is required for operation of repair garages.

(13) IFC 105.7, inclusive of IFC 105.7.1 through IFC 105.7.25, are deleted.

(14) IFC 110.4 is amended to read as follows (although IFC 110.4.1 shall remain as provided in the 2018 IFC):

**IFC 110.4 Violations penalties.** Persons shall not violate any provision of their code; fail to comply with any of the requirements thereof; or erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of their code. Violations shall be punishable pursuant to section 1-8 of the City of Minot Code of Ordinances. Each violation shall constitute a separate violation. Each day any person violates any provision of their code shall constitute a separate offense.

(15) IFC 110.5 is enacted to read as follows:

**IFC 110.5 Remedies cumulative.** The remedies provided for in their code shall be considered cumulative to, or alternative to, the remedies set forth in chapter 9, or chapter 22, or both, of the Code of Ordinances.

(16) IFC 112.4 is amended to read as follows:

**IFC 112.4 Failure to Comply.** No person shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. A violation of their provision shall be punishable pursuant to section 1-8 of the City of Minot Code of Ordinances. Each day any person violates any provision of their code shall constitute a separate offense.

(17) IFC 202 General Definitions. The following definitions are amended to read as follows:

**Commercial Motor Vehicle.** A motor vehicle used to transport passengers or property or motorized equipment where the motor vehicle or equipment:

1. Has a gross vehicle weight of 10,000 pounds (454kg) or more; or
2. Has a combined fleet weight of 26,000 pounds or more; or
3. Is designed to transport 16 or more passengers, including the driver.

**Group E, day care facilities.** Their group includes buildings and structures or portions thereof occupied by more than 18 children older than 2½ years of age who receive educational, supervision or personal care services for less than 24 hours a day.

**Residential Group R-3.** Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, or R-4 or I, including:

- Boarding houses (non-transient) with 16 or fewer occupants
- Building that do not contain more than two dwelling units.
- Child care facilities that provide accommodations for eighteen or few[er] persons of any age for less than 24 hours.
- Congregate living facilities (non-transient) with 16 or fewer occupants
- Congregate living facilities (transient) with 10 or fewer occupants
- Lodging houses with five or fewer guest[s].

(18) IFC 308.1.4 is amended to read as follows:

**IFC 308.1.4 Open flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings
2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 47.8 pounds (nominal 20 pounds LP-gas capacity) Devices using deep oil containers, (i.e. turkey fryers), are not included in their exception.

(19) IFC 603.4 is amended to read as follows:

**IFC 603.4 Portable unvented heaters.** Portable unvented fuel-fired heaters shall be prohibited in occupancies in Group A, E, I, R-1, R-2, R-3, and R-4.

(20) IFC 806.1.1 is amended to read as follows:

**IFC 806.1.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2, and R-4 occupancies.

Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.
2. Trees shall be allowed within dwelling units in Group R-2 occupancies.
3. Trees located in churches and other places of worship provided each tree has a two-day supply of water which when full covers the tree stem no less than two inches.

(21) IFC 903.2.8 is amended to read as follows:

**IFC 903.2.8 Group R.**

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**Exception:** Sprinklers are not required in single family dwelling or residential buildings that contain no more than two dwelling units.

(22) IFC 903.2.9 is amended to read as follows:

**IFC 903.2.9 Group S-1.**

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists.

1. A Group S-1 fire area exceeds 12,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all group S-1 fire areas on all floors, including mezzanines, exceeds 24,000 square feet.
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.
5. A Group S-1 occupancy used for the storage of upholster furniture or mattresses exceeds 2,500 square feet.
6. A Group S-1 fire area where the usage is not determined at the time of the building permit.

(23) IFC 903.3.1.1.1 is amended to read as follows:

**IFC 903.3.1.1.1 exempt locations.** Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an automatic fire detection system in accordance with section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp or fire-resistance-rated construction or contains electrical equipment.

1. A room where the application of water, or flame and water constitute serious or fire hazard.
2. A room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.

3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire resistance rating of not less than 2 hrs.
4. Rooms or areas that are noncombustible construction with wholly noncombustible contents.
5. Fire service access elevator machine rooms and machinery.
6. Machine rooms, machinery spaces, control rooms, and control spaces associates with occupant evacuation elevator designed in accordance with section 3008 of the International Building Code.
7. Sprinkler heads in unoccupied mall tenant spaces maybe installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restriction.

(24) IFC 903.3.5.3 is enacted to read as follows:

**903.3.5.3 Water Supply Pipe.** Pipe and fittings for fire service water supply piping from 5' outside building to the first flange above the floor shall be as listed in NFPA 24. Ductile iron pipe shall be protected from corrosion with sacrificial cathodic protection.

(25) IFC 905.3.1 is amended to read as follows:

**IFC 905.3.1. Building height.** Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than thirty feet above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than thirty feet below the highest level of fire department vehicular access.

(26) IFC 905.3.4 is amended to read as follows:

**IFC 905.3.4 Stages.** Stages greater than 1,000 square feet ( $93\text{ m}^2$ ) in area shall be equipped with a Class I stand pipe system on each side of the stage.

(27) IFC 905.5 and 905.6 are deleted.

(28) IFC 907.2.10.1 is amended to read as follows:

**IFC 907.2.10.1 Group R-1.**  
Single- or multiple-station smoke alarms shall be installed in all of the following location in group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping areas to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjunct levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by

24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

(29) IFC 907.2.10.2 is amended to read as follows:

**IFC 907.2.10.2 Group R-2, R-3, R-4 and I-1.**

Single- or multiple-station smoke alarms shall be installed in all of the following location in group R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In every room in the path of the means of egress from the sleeping areas to the door leading from the sleeping unit.
4. In each story within the dwelling unit, including basements, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split level and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
5. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room.

(30) IFC 907.8.3 is deleted.

(31) IFC 1030.3 is amended to read as follows:

**IFC 1030.3 Maximum Height from floor.** Emergency Escape and rescue opening shall have the bottom of the clear opening not greater than 48 inches measure from the floor.

(32) IFC 2303.1 is amended to read as follows:

**IFC 2303.1 Location of dispensing devices:** Dispensing devices shall be located as follows:

1. 10 feet or more from lot lines.
2. 10 feet or more from buildings having combustible exterior wall surfaces that are not part of a 1-hour fire-resistance-rated assembly or buildings having combustible overhangs. Exception: Canopies constructed accordance with the International building Code providing weather protection for the fuel island.
3. Such that all portions of the vehicle being fueled will be on the premises of the motor fuel-dispensing facility.
4. Such that the nozzle, when the hose is fully extended, will not reach within 5 feet of the building openings.
5. Twenty feet or more from fixed sources of ignition.
6. On new installations, dispensing devices used to fill portable containers with home heating fuels shall not be located on the same island where class I liquids are dispensed.

(33) IFC section 6103.2.1.6 is amended to read as follows:

**IFC 6103.2.1.6 Portable LP-Gas Containers.** Portable LP-gas containers are allowed to be used to supply approved self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of 12 pounds.

- (34) Adopt Appendix B in its entirety.
- (35) Adopt Appendix C in its entirety.
- (36) Adopt Appendix D in its entirety.

**Sec. 13-41. Restrictions on the storage of explosive and flammable materials and the use of fireworks.**

To the extent that the IFC refers to geographical limits—which limits are specified or established outside the IFC—within which the storage of flammable cryogenic fluids, Class I and Class II liquids, and liquefied petroleum gas is either prohibited or restricted (depending, at times, upon the amount of such materials involved or other circumstances specified in the IFC), such geographic limits shall be deemed to be the entire territorial jurisdiction to which the IFC applies, except to the extent that such activity is specifically allowed in a conditional use permit issued by the city council under the zoning ordinance.

**Sec. 13-42. Parking in fire lanes prohibited.**

- (a) The designation of fire lanes on private property by the owner thereof, which shall be dedicated for public use, shall be approved by the fire marshal of the city and the chief of police.
- (b) The parking of a motor vehicle within a designated fire lane or otherwise obstructing a designated fire lane is prohibited.

**Sec. 13-43. Conflicting provisions.**

Inconsistencies between the fire code as amended by this article and other parts of the city Code of Ordinances shall be resolved in favor of the other parts of the Code of Ordinances.

This article shall become effective upon final passage and approval. No repeal or amendment accomplished hereunder shall abate any right of enforcement or cause of action which the city may enjoy immediately prior to the effective date of this article.

**Sec. 13-44. Charge Inspection Fees.**

All fire permit, license, and inspection fees shall be set by resolution by the Minot City Council and such resolution shall be filed with the City Finance Director's Office.

**§2 This ordinance shall become effective upon final passage and approval.**

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

APPROVED:

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Mikayla McWilliams, City Clerk

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Thomas Ross, Mayor