



## CHAPTER 4 FIRE PROTECTION AND PREVENTION

### **ARTICLE 1**   **Organization and Regulation of the Fire Department**

**4.0101**   **Volunteer Department**   The Fire Department of the City of Bowman, North Dakota, shall be composed of volunteer firemen who shall receive no wages or salaries therefore.

**4.0102**   **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 said department and who shall report to the City of Bowman City Commission, plus such other officers as the members thereof deem necessary. Said officers are to be elected in February of each year.

*(Revised 6/2/20)*

**4.0103**   **Chief of Fire Department – Powers of**   The Chief of the Fire Department shall be a competent and experienced fireman who shall have 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.

**4.0104**   **Same: Annual Inventory and Report**   (Repealed 6/2/20)

**4.0105**   **Same: To Report New Equipment**   (Repealed 6/2/20)

**4.0106**   **Police Powers**   All members of the Fire Department of the City of Bowman, 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 of the performance of his duty.

**4.0107**   **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.

**4.0108**   **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 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.

**4.0109**   **Driving Over Fire Hoses**   No person shall drive any team, wagon, car, street car, railroad car, steam engine, automobile or other vehicle of any kind whatsoever, upon or cover any hose belonging to the Fire Department while the same is laid in the streets and alleys of the City.

**4.0110 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 of 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.

**4.0111 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.

**4.0112 Entering Fire Department** No person 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 without permission.

## **ARTICLE 2 Fire Limits**

**4.0201 Fire Limits** (Repealed 6/2/20)

**4.0202 Same: Erection of Buildings Within** (Repealed 6/2/20)

**4.0203 Alterations and Additions** (Repealed 6/2/20)

**4.0204 Inspection of Premises, Discovery, Order** (Repealed 6/2/20)

**4.0205 Quality of Materials** (Repealed (6/2/20)

**4.0206 Repairs** (Repealed 6/2/20)

## **ARTICLE 3 Fires in Public Places**

**4.0301 Smoking** (Repealed 6/2/20)

**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 Bowman, 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 set 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 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.

**4.0305 Open Burning Prohibited** No person shall kindle, maintain or burn any garbage or other refuse either openly or in containers if such burning is prohibited by state law or proclamation.

**4.0306 Reports** Every fire of any kind, and from whatever source, occurring in or about any hotel, rooming house, lodging house or apartment hotel in the City of Bowman shall be reported immediately to the Fire Department.

#### **ARTICLE 4 Firearms, Fireworks, and Explosives**

**4.0401 Firearms not to be Furnished to Minors** *(Repealed 6/2/20)*

**4.0402 Exploding Firearms and BB Guns** *(Repealed 6/2/20)*

**4.0403 Blank Cartridges, Pistols, etc. – Manufacture, Use and Sale of** *(Repealed 6/2/20)*

**4.0404 Fireworks Defined** As used in this Article, the term “fireworks” means any combustible substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, 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, day go 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 explosive mixtures.

*(Revised 6/2/20)*

**4.0405 Fireworks – Discharging of, Sale of** The provisions of Chapter 23-15, of the North Dakota Century Code shall apply to the sale and/or use of fireworks, as defined as said Chapter 23-15, within the City of Bowman, North Dakota, subject however to the following additions, deletions, or exceptions:

1. In the fire zone of the municipality of Bowman, the discharge of any rockets, firecrackers, torpedoes, roman candles, aerial devices, explosive devices or of any such “Fourth of July” explosives whatsoever, is prohibited. Dealers in the municipality of Bowman who sell said articles or items shall post notice in a conspicuous place in their place of business so that such notice is easily visible to the public giving notice of all prohibitions regarding the discharging of fireworks within the City of Bowman and that no fireworks shall be used or discharged within the fire zone of the municipality of Bowman under penalty of law.
2. The firing, or discharging of toy pistols, Chinese firecrackers, sparklers and dipped sticks will not be prohibited in the City of Bowman, except in the fire zone areas of the municipality of Bowman.
3. The use, firing or discharging of any bottle rockets, torpedoes, or anything of its kind is expressly prohibited at any time whatsoever within the City limits of the City of Bowman.
4. Fireworks or other such related devices may not be sold within the City limits of the City of Bowman before June 29 or after July 4<sup>th</sup>. (Revised 9/1/20)
5. Fireworks or other such related devices shall only be discharged within the City of Bowman between the hours of:

June 29 <sup>th</sup> to July 2 <sup>nd</sup>	12:00 pm to 10:00 pm (revised 9/1/20)
July 3 <sup>rd</sup> to July 4 <sup>th</sup>	12:00 pm to 12:00 am

6. No person shall ignite/discharge fireworks within or throw 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, animals, buildings, structures, property, brush, automotive vehicles and/or equipment, etc.
7. No person shall ignite or discharge any fireworks within one-hundred (100) feet of a fireworks booth, gasoline service stations, 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.
8. Littering: Any person failing to remove fireworks residue from their street or sidewalk caused by their ignition or discharge within one (1) hour after completion of ignition or discharge shall be guilty of littering and each day in which the litter is not abated will be deemed a separate offense.
9. The City of Bowman City Commission shall have the authority to prohibit the discharging of fireworks within City limits due to dry conditions that cause a fire concern. If the City Commission prohibits the discharging of fireworks under this Section, public notice shall be given by posting the notice at places within the City where fireworks are sold and by publication in the City of Bowman’s official newspaper.

*(Enacted 6/2/20)*

**4.0406 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 ceremonial purposes in athletics or sports, or for use by military organizations.

**ARTICLE 5    Adoption of Electrical Code**

**4.0501 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 6    Penalty for Violation of this Chapter**

**4.0601 Penalty** Any person who shall violate any provisions of this Chapter or who shall fail to comply with any order as affirmed or modified by the governing body or court of competent jurisdiction enforcing the provisions of this Chapter shall be guilty of an offense and be punishable by a fine of not more than Five Hundred dollars (\$500.00). The imposition of one (1) 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. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**(Revised 4-03-2001)**