TITLE VI.

FIRE PROTECTION AND PREVENTION

CHAPTERS:

6-01. International Fire Code.
6-02. Public Conduct in Case of Fire.

CHAPTER 6-01

INTERNATIONAL FIRE CODE

Source: Ord. 742, Sec 1 (2005); Ord. 882, Sec. 1 (2011)

SECTIONS:

6-0101. Adoption of International Fire Code.
6-0102. Definitions.
6-0103. Modifications of International Fire Code.
6-0104. Storage of Flammable Liquids.
6-0105. Storage of Explosives and Blasting Agents.
6-0106. Non-Conforming Uses.
6-0107. Modifications by Chief of Volunteer Fire Department.
6-0108. Appeals.
6-0109. Validity.
6-0110. Penalties.

6-0101. ADOPTION OF INTERNATIONAL FIRE CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the provisions of the Code known as the International Fire Code, being particularly the 2009 edition thereof, as the same are now established in said Code, save and except such portions as are hereinafter deleted, modified, or amended by ordinance, or in accordance with other provisions of this title. A copy of said Code is on file in the office of the Chief of the volunteer fire department of the City of West Fargo, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the 2009 edition of the International Fire Code may be adopted by the City by resolution. The International Fire Code is also adopted as part of the International Building Code of the City of West Fargo.

6-0102. DEFINITIONS.

1. Whenever the word "municipality" is used in the International Fire Code, it shall mean the City of West Fargo.

2. Whenever the term "corporation counsel" is used in the International Fire Code, it shall mean the city attorney for the City of West Fargo.

3. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the North Dakota state plumbing code.

4. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the National Electric Code together with the North Dakota State Wiring Standards.

5. Whenever the word "jurisdiction" is used in the International Fire Code, which code is hereinbefore more specifically identified in Section 6-0101, it shall be held to mean the corporate limits of the City of West Fargo, North Dakota, as well as any area within the extraterritorial zoning jurisdiction of the City.

6. Whenever the term "chief" is used in the International Fire Code, as hereinbefore more specifically identified in Section 6-0101, the same shall be construed to mean the chief of the volunteer fire department of the City of West Fargo, North Dakota.

6-0103. MODIFICATIONS OF INTERNATIONAL FIRE CODE. The International Fire Code is hereby changed and amended as follows:

SECTION 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of ~~[NAME OF JURISDICTION]~~ of the City of West Fargo, hereinafter referred to as "this code."

SECTION 102.1 is hereby amended to read as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.

2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.

~~3. Existing structures, facilities and conditions when required in Chapter 46.~~

~~4~~3. Existing structures, facilities and conditions which, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

SECTION 105.6.16 is hereby amended to read as follows:

105.6.16 Flammable or combustible liquids. An operational permit is required:

1. To use or operate ...

2. to store, handle or use Class 1A liquids in excess of ~~5 (19L)~~ 30 gallons, Class 1B liquids in excess of 60 gallons, Class 1C liquids in excess of 90 gallons in a building or ~~in excess of 10 gallons (37.9 L)~~ outside of a building, except that a permit is not required for the following:

   2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.

   2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class IIIA liquids in excess of ~~25 (95L)~~ 120 gallons in a building or in excess of ~~60 (227 L)~~ 120 gallons outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To store, handle or use Class II or ...

SECTION 105.6.23 is hereby amended to read as follows:

105.6.23 Hot work operations. An operational permit is required for hot work including, but not limited to:

~~1. Public exhibitions and demonstrations where hot work is conducted.~~

~~2~~1. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

~~3~~2. Fixed-site hot work equipment such as welding booths.

~~4~~3. Hot work conducted within a hazardous fire area.

~~5. Application of roof coverings with the use of an open flame device.~~

~~6. When approved, the fire code official shall issue a permit to carry out a Hot Work Program. This 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 this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued only to their employees or hot work operations under their supervision.~~

SECTION 105.6.29 is hereby deleted in its entirety.

SECTION 105.6.32 is hereby deleted in its entirety.

SECTION 105.6.39 is hereby deleted in its entirety.

SECTION 105.7.1 is hereby deleted in its entirety.

SECTION 105.7.3 is hereby deleted in its entirety.

SECTION 105.7.5 is hereby deleted in its entirety.

SECTION 105.7.6 is hereby deleted in its entirety.

SECTION 105.7.10 is hereby amended to read as follows:

105.7.10 LP-gas. A construction permit is required for installation of or modification to an LP-gas system with a single container in excess of 2000 gallons water capacity or the aggregate capacity of containers is more than 4000 gallons in water capacity.

SECTION 105.7.11 is hereby deleted in its entirety.

SECTION 105.7.13 is hereby deleted in its entirety.

SECTION 105.7.14 is hereby deleted in its entirety.

SECTION 108 is hereby deleted in its entirety.

SECTION 109.3 is hereby amended to read as follows:

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall 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 this code, shall be guilty of a ~~[SPECIFY OFFENSE]~~ infraction, punishable by a fine of not more than ~~[AMOUNT]~~ five hundred (500) dollars. ~~or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 111.4 is hereby amended to read as follows:

111.4 Failure to comply. Any *person* who 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, shall be liable to a fine of not ~~less than [AMOUNT] dollars or~~ more than ~~[AMOUNT]~~ five hundred (500) dollars.

SECTION 201.3 is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fuel Gas Code* or *International Mechanical Code*, such terms shall have the meanings ascribed to them as in those codes.

Throughout this code, wherever reference is made to the International Plumbing Code it shall mean the North Dakota State Plumbing Code.

SECTION 202 is hereby amended to read as follows:

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:
…

[B] Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

Religious educational rooms and religious auditoriums, which are accessory to places of religious worship in accordance with Section 508.3.1 of the *International Building Code* and have occupant loads of less than 100, shall be classified as Group A-3 occupancies.

Day care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ~~five~~ eighteen children older than 2 ½ years of age shall be classified as an E occupancy. …

[B] Institutional Group I. Institutional Group I occupancy includes, among others, the use ...

[B] Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with ~~five~~ eighteen or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2 of the *International Building Code*. Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

Exception: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff the facility shall be classified as Group A-3.

Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than ~~five~~ eighteen children 2 ½ years of age or less shall be classified as Group I-4.

Exception: A child day care facility which provides care for more than ~~five~~ eighteen but no more than 100 children 2 ½ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Residential Group R ...

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

Buildings that do not contain more than two dwelling units.

Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Child care facilities that provide accommodations for ~~five~~ eighteen or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

SECTION 308.1.4 is hereby amended to read as follows:

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 (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwellings*.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than ~~2½ pounds [nominal 1 pound (0.454 kg)~~ 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].

SECTION 315.2.1 is hereby amended to read as follows:

315.2.1 Ceiling clearance. Storage shall be maintained 2 feet (610 mm) or more below the ceiling in non-sprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

Exception: This requirement does not apply to storage adjacent to and within 30 inches of the wall area.

SECTION 404.1 is hereby amended to read as follows:

404.1 General. Fire safety, evacuation and lockdown plans and associated drills shall comply with the requirements of Sections 404.2 through 404.5.1 when required by the code official.

SECTION 405.1 is hereby amended to read as follows:

405.1 General. Emergency evacuation drills ~~complying~~ shall comply with the provisions of this section ~~shall be conducted at least annually in the occupancies listed in Section 404.2 or~~ when required by the *fire code official*. Drills shall be designed in cooperation with the local authorities.

SECTION 408.8.3 is hereby amended to read as follows:

408.8.3 Fire safety and evacuation instructions. Information shall be provided in the fire safety and evacuation plan when required by Section 404 to allow guests to decide whether to evacuate to the outside, evacuate to an *area of refuge*, remain in place, or any combination of the three.

SECTION 408.9 is hereby deleted in its entirety.

SECTION 510 is hereby deleted in its entirety.

SECTION 806.1.1 is hereby amended to read as follows:

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 903.3.1.1 or 903.3.1.2 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. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.

SECTION 903.2.7 is hereby amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. Where a Group M fire area exceeds 12,000 square feet (1115 m2).

2. Where a Group M fire area is located more than three stories above grade plane.

3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m2).

~~4. A Group M occupancy is used for the display and sale of upholstered furniture.~~

SECTION 903.3.1 is hereby amended to read as follows:

903.3.1 Standards. Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.

SECTION 903.1.1 is hereby amended to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or

portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1.

Sprinkler heads in unoccupied mall tenant spaces may be 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 restrictions.

SECTION 907.9.3 is hereby deleted in its entirety.

SECTION 1009.4.2, Exception 5 is hereby amended to read as follows:

1009.4.2 Riser height and tread depth. Stair riser heights shall ...

Exceptions:

1. Alternating tread devices...

5. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be ~~7¾ inches (197 mm)~~ 8 inches; the minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches; ...

SECTION 2203.1 is hereby amended to read as follows:

1. Ten feet (3048 mm) or ...

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.

SECTION 3404.2.13.1.4 is hereby amended to read as follows:

3404.2.13.1.4 Tanks abandoned in place. Tanks abandoned in place shall be as follows:

1. Flammable and combustible liquids ...

7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

SECTION 3405.3.7.5.1 is hereby to read as follows:

3405.3.7.5.1 Ventilation. Continuous mechanical ventilation shall . . .

Exception:

1. Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.

2. When approved by the chief, continuous ventilation may be provided for one complete air change per hour, if supplemented with mechanical ventilation designed to provide for a complete air change six times per hour. The non-continuous ventilation equipment and any lighting fixtures shall be operated by the same switch located outside of the door.

SECTION 3803.2.1.6 is hereby amended to read as follows:

3803.2.1.6 Use with self-contained torch assemblies. 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 ~~2½ pounds (1 kg)~~ 12 pounds.

CHAPTER 46 is hereby deleted in its entirety.

APPENDIX B "Fire-Flow Requirements for Buildings" is hereby adopted in its entirety.

APPENDIX C "Fire Hydrant Locations and Distribution" is hereby adopted in its entirety.

6-0104. STORAGE OF FLAMMABLE LIQUIDS. The limits referred to in the International Fire Code, in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota, except for property zoned A-Agricultural and M-Heavy Industrial, or property in the C-Light

Commercial and CM-Heavy Commercial/Light Industrial for which a conditional use permit has been granted.

The limits referred to in the International Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota."

6-0105. STORAGE OF EXPLOSIVES AND BLASTING AGENTS. The limits referred to in the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota."

6-0106. NON-CONFORMING USES. The regulations prescribed in Section 6-0104 shall not be construed to require the removal or any other change or alteration of outside above ground storage tanks in which flammable or combustible liquids are maintained not conforming to said prohibitions as of the effective date hereof, or otherwise interfere with the continuance of any such non-conforming use, nor shall they be construed to prohibit or otherwise preclude the construction of outside above ground tanks for the storage of flammable or combustible liquids on the following-described premises, to-wit:

> Beginning at the Southwest corner of Section Four (4), Township One Hundred Thirty-nine (139) North of Range Forty-nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota; thence North along the West boundary line of said Section Four (4), One Thousand One Hundred Eighty-four and Seventy One-hundredths feet (1,184.17), more or less, to the South right-of-way line of the Northern Pacific Railway Company, as it is presently constituted, thence Southeasterly along said right-of-way Two Thousand Six Hundred Eighty-two and Four-tenths feet (2,682.4), more or less, to the East boundary line of the Southwest Quarter (SW¼) of said Section Four (4), thence South along the East boundary line of said Southwest Quarter (SW¼) One Thousand and Eight-tenths feet (1,000.8), more or less, to the Southeast corner of said Southwest Quarter (SW¼), thence West along the South section line of said Section Four (4) a distance of Two Thousand Six Hundred Seventy-six and One-tenth feet (2,676.1), more or less, to the point of beginning.

provided, however, that any application for a building permit for the construction of outside, above ground tanks for the storage of flammable or combustible liquids on the hereinbefore described premises shall provide for designated, unobstructed access ways and/or fire hydrants sufficient to provide adequate fire protection as determined by the building official. Nothing contained in Section 6-0104 shall require any change in the construction,

alteration, or intended use of any such structure if the construction or alteration was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within one year thereof.

6-0107. MODIFICATIONS BY CHIEF OF VOLUNTEER FIRE DEPARTMENT. The chief of the volunteer fire department of the City of West Fargo, North Dakota, shall have the power to modify any of the provisions of this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are particular difficulties in the way of carrying out the strict letter of the provisions of this chapter, provided that the spirit of this chapter 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 volunteer fire department of the City of West Fargo, North Dakota, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

6-0108. APPEALS. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. The West Fargo City Commission shall be the Board of Appeals. An appeal in writing to the Code Official must be made within 20 days of the decision of the Code Official. The West Fargo City Commission shall hear the appeal within 30 days of the Code Official receiving written notice of the appeal. The Commission may only reverse or modify a decision of the Code Official by a vote of at least three members of the Commission. If not all members of the Commission are present at the hearing, the person appealing the decision may request a postponement, which may extend the 30-day period to hold such a hearing. An application for an appeal shall be based on a claim that the true intent of the Code has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better form of construction is proposed. The commission shall have no authority to waive requirements of the Code.

6-0109. VALIDITY. The City Commission of the City of West Fargo, North Dakota, hereby declares that should any section, paragraph, sentence, or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Commission of the City of West Fargo, North Dakota, that it would have passed all other portions of this ordinance independent of the elimination hear from of any such portion as may be declared invalid.

6-0110. PENALTY. Any person violating any provision of the fire code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

CHAPTER 6-02

PUBLIC CONDUCT IN CASE OF FIRE

SECTIONS:

6-0201. Persons Allowed on Fire Fighting Vehicles.
6-0202. Persons Allowed to Proceed to Fire Hall.
6-0203. Persons Allowed to Assist in Fire Extinguishment.
6-0204. Fire Chief May Command Assistance.

6-0201. PERSONS ALLOWED ON FIRE FIGHTING VEHICLES. No person except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall ride on the fire truck or other vehicle containing fire apparatus.

6-0202. PERSONS ALLOWED TO PROCEED TO FIRE HALL. In cases when the fire siren on the fire hall has sounded, no persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall proceed to the fire hall.

6-0203. PERSONS ALLOWED TO ASSIST IN FIRE EXTINGUISHMENT. No persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall assist in the extinguishment of fires or preservation of property exposed to fire during the time the fire department is engaged in the extinguishment of a fire or preservation of property exposed to a fire, nor shall any person hinder or delay the fire department or any member thereof in performing his duty in the extinguishment of a fire or preservation of property exposed to a fire.

6-0204. FIRE CHIEF MAY COMMAND ASSISTANCE. The Fire Chief or Chief in charge shall have the power to command such assistance from persons in attendance at any fire in the extinguishment of fires and for the preservation of property exposed to fire as may, in his judgment, be required.