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4.0101 **Establishment**

The City of Wilton is part of the Wilton Rural Fire Protection District of McLean and Burleigh Counties and relies upon them for fire protection.

4.0102 **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 act in Chief of the Department.

4.0103 **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, automobile or other vehicle of any kind, 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.

4.0104 **Driving over Fire Hoses**

No person shall drive any wagon, automobile or other vehicle of any kind, upon or over any hose belonging to the Fire Department while the same is laid in the streets or alleys of the city.

4.0105 **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 off any fire alarm or a signal box with like intent; or tamper, meddle, or interfere with any such fire 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.

Article 2: Fire Limits

ARTICLE 2 – **Fire Limits**

Omitted

4.0301 **Smoking**

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.

4.0302 **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 Wilton, advising tenants of the provisions of this chapter.

4.0303 **Bonfires Prohibited- Exception**

No person shall kindle, maintain or assist in maintain 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 the 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 said 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 Wilton shall be reported immediately to the Fire Department.

4.0401 **Adoption of Fire Code***

There is hereby adopted by the City of Wilton for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the _____ and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been are now filed in the office of the Auditor of the City and the same are hereby adopted and incorporated as full as if set out at length therein.

The fee for any permit or license required by the said fire prevention code, where no other license or permit fee is fixed elsewhere in the city ordinances, shall be the sum of _____ to be paid to the Chief of the Bureau of Fire Prevention and by him to be paid into the City Treasury without delay.

4.0402 **Amendments, Additions and Deletions Made in Fire Code**

Amendments

Sec. _____ etc. shall be amended to read as follows:

Additions

Sec. _____ etc. is amended by adding thereto the following;

Deletions

Sec. _____ is deleted.

4.0403 **Establishment of Bureau of Fire Prevention**

1. The fire prevention code shall be enforced by the bureau of fire prevention in the fire department of the City of Wilton which is hereby established and which shall be operated under the supervision of the chief of the fire department
2. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary

4.0404 **Storage of Flammable Liquids**

No new bulk plants or tanks for storage of flammable liquids shall be permitted within the limits of the City except in the following established areas:

4.0405 **Storage of Liquefied Petroleum**

The limits or area for storage of liquefied petroleum shall comply with the limits established in Section 4.0404.

4.0406 **Modification of Fire Code**

The chief of the bureau of fire prevention shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the

Article 4: Fire Prevention

decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

4.0407 **Appeals**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the governing body within 30 days from the date of the decision of the appeal.

(* See Appendix)

4.0501 **Firearms not to be Furnished to Minors**

It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the city limits.

4.0502 **Exploding Firearms**

It shall be unlawful for any person or persons to fire or discharge within the city limits of this city any cannon, gun, fowling piece, pistol or other firearms of any description without the written permission of the Mayor of the City of Wilton, which permit shall limit the time of such firing and be subject to the revocation of the Mayor of the City of Wilton at any time after being granted. Provided, however, that nothing in this section shall be construed to apply to the firing of any gun or other firearms when done in cases of actual necessity, or in the performance of lawful duty, or the militia companies or veterans organizations when on parade.

4.0503 **Blank Cartridges, Pistols, Etc. - Manufacture, Use or Sale of**

No person except a licensed dealer, shall manufacture, use, sell or keep for sale within the City of Wilton, North Dakota, any blank cartridges, pistols, 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.

4.0504 **Fireworks Defined**

As used in this article, the term "fireworks" means any substance 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 any blank cartridge, toy cannon and toy cane in which explosive are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedo, skyrocket, Roman candle, daygo bomb 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 item of like construction; item containing any explosive or flammable compound; or tablet or other device containing twenty-five hundredths of a grain or less of explosive compound are used, and toy pistols caps which contain less than twenty-five hundredths of a grain of explosive mixtures.

4.0505 **Fireworks- Discharging of, Sale of**

The sale, use, firing or discharging of any rocket, fire-cracker, torpedoes, roman candles or of any such "Fourth of July" explosives whatsoever, or fireworks within the city limits is expressly prohibited at any time whatsoever, except as provided by State Statutes.

4.0506 **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 illuminations, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

4.0601 **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.

4.0701 **Penalty**

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 there under, or any certificate or permit issued there under, 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 \$500.00 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 not otherwise specified, each ten days that prohibited conditions are maintained shall constituted a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

4.0801 **Definitions**

- a) An 11 anhydrous ammonia nurse tank wagon means a department of transportation approved tank wagon specifically designed for the transportation of anhydrous ammonia from the bulk storage area to the destination where it will be used.
- b) "Safety chains" mean coupling devices of size and tensile strength as specified by the Federal Highway Administration, Department of Transportation, in Section 393.71 of Subpart F of Subchapter B 11 Federal Motor Carrier Safety Regulations, 11 of Chapter III, Title 49, October 1, 1980 Edition.

4.0802 **The transportation of anhydrous tanks within the Wilton city limits:**

The transportation of anhydrous tanks within the Wilton city limits: and the unincorporated territory is hereby prohibited except in routes designated within this ordinance.

The bulk storage of liquefied petroleum gases and compressed natural gas within the city limits and the unincorporated territory is hereby prohibited except for those in areas previously established prior to the enactment of this Ordinance.

4.0803 **Nurse tank wagon hitch, safety chains and preventive maintenance:**

- a) All anhydrous ammonia nurse tank wagons shall be equipped with a secure hitch with a safety clip in place when being towed throughout the city.
- b) All anhydrous ammonia nurse tank wagons shall be equipped with safety chains to prevent the wagon from breaking loose in the event the tow-bar fails or becomes disconnected. The chains shall be crossed and attached to the towing vehicle near the point of tow-bar attachment or hitch. The length of chain shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close to that point as possible. The chains shall be so connected and installed so that if the tow-bar becomes disconnected, the tow bar will not drop to the ground.
- c) Fittings, valves, hoses, tires, hitch, and safety chains shall be maintained in a safe working condition on any anhydrous ammonia nurse tank wagon which will be towed through the city. Any tank which has been damaged shall not be towed through the city until repairs have been made and the tank has been approved by the Department of Transportation.

4.0804 **Hours restricted for towing anhydrous ammonia nurse tank wagons:**

No anhydrous ammonia nurse tank wagons may be towed or otherwise conveyed upon the streets, alleys, avenues, boulevards, or highways within the city between sundown and sunrise.

4.0805 **Routes for anhydrous ammonia nurse tank wagons**

Only those routes designated as truck routes in the city shall be used for transporting any anhydrous ammonia nurse tank wagon, provided, however, that such vehicles, for the purpose of delivering or loading cargo.

4.0806 **Parking:**

Anhydrous ammonia nurse tank wagons shall not be parked at any time within the city except in those areas zoned industrial (Wilton Cenex or Wilton Elevator). A motor vehicle which contains anhydrous ammonia and is parked in those areas zoned industrial must be at all times be attended by its driver. However, the vehicle need not be attended while the driver is performing duties which are incident and necessary to his duties as the operator of the vehicle. No such vehicle may be disconnected from the truck/tractor or otherwise dollied down on any street or highway within the city limits.

4.0807 **Marking of anhydrous ammonia nurse tank wagons:**

Anhydrous ammonia nurse tank wagons shall be marked and identified on all four sides, on a White background and green letters, with the words "ANHYDROUS AMMONIA" in letters not less than four (4) inches high, as per the Department of Transportation, in Section 393.71 of Subpart F of Subchapter B "Federal Motor Carrier Safety Regulations," of Chapter III, Title 49, October 1, 1980 Edition.

4.0808 **Towing anhydrous ammonia nurse tank wagons in tandem:**

Anhydrous ammonia nurse tank wagons may be hooked in tandem provided the two units and towing vehicle do not exceed seventy-five (75) feet in length.

4.0809 **Speed limit while towing anhydrous ammonia nurse tank wagons**

The speed limit while towing an anhydrous ammonia nurse tank wagon through the city shall not be more than twenty-five miles per hour at any time.

4.0810 **Fines**

The fine for violation of the city ordinance will be \$50.00 per violation occurrence.