

## ORDINANCE NO. 1333

### An Ordinance to Amend and Re-enact Chapter 10 of the Mandan Code of Ordinances Relating to Fire Code

Be it Ordained by the Board of City Commissioners as follows:

Section 10-2-1 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

#### **Section 10-2-1 Adoption of the International Fire Code.**

That a certain document, at least one copy of which is on file in the office of the City Administrator of the City of Mandan, being marked and designated as the *International Fire Code*, including Appendix Chapters A, B, C, and D, as published by the International Code Council, be and is hereby adopted as the code of the City of Mandan for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, 2018 edition, published by the International Code Council, on file in the offices of the City Administrator and Fire Chief are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. The International Fire Code as adopted and amended by the Board of City Commissioners of the City and the provisions of Chapters 10-1 and 10-2 shall be known as the Fire Prevention Code.

(Code 1979, § 14-01-01; Code 1994, § 7-01-01; Ord. No. 669, § 1, 1983; Ord. No. 719, § 1, 1987; Ord. No. 757, § 1, 1989; Ord. No. 851, 1996; Ord. No. 953, § 1, 1-21-2003; Ord. No. 1092, 4-19-2011; Ord. No. 1172, 11-19-2013; Ord. No. 1255, § 1, 12-20-2016)

**Cross reference** — Amendments to International Fire Code, § 10-2-10.

#### **Section 10-2-10 Amendments to International Fire Code.**

The 2018 edition of the International Fire Code adopted by the provisions of this chapter and all subsequent editions adopted by resolution of the Board are amended, changed and altered as follows:

1. Code official means the fire chief appointed by the board of city commissioners and charged with the duties of administration and enforcement of the code, fire inspector, or other duly authorized representative as designated by the fire chief.

2. Fire prevention code means those portions of the International Fire Code adopted or amended by the city as well as this article.
3. Jurisdiction means the City of Mandan, North Dakota.
4. Whenever the word "municipality" or the word "city" is used in any code adopted pursuant to this title, it means the City of Mandan, North Dakota.
5. Whenever the words "corporate counsel" or "city attorney" is used in any code adopted pursuant to this title, it means the city attorney of the City of Mandan, North Dakota.
6. Whenever the term "International Building Code" is used in the International Fire Code, it shall mean the "Mandan Building Code."
7. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the "North Dakota State Plumbing Code."
8. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the "Wiring Standards of North Dakota."

## **Chapter 1 Scope and Administration**

**Section 101 Scope and General Requirements**, is amended as follows:

**101.1 Title.** These regulations shall be known as the City of Mandan, hereinafter referred to as "this code."

### **Section 103 Department of Fire Prevention**

**Section 103** Department of Fire Prevention is deleted in its entirety.

**Section 105 Permits**, is amended as follows:

**105.1.1 Permits Required.** A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be performed, shall first make application to the *fire code official* and may be required to obtain a permit.

**Sections 105.6.1 through 105.6.48** are amended as follows:

The specified permits identified in each operational section as are amended to "required upon the determination of the code official."

**Section 105.7 Required Construction Permits**, is amended as follows:

**Section 105.7 Required Construction Permits.** The fire code official is authorized to issue constructions permits for work as set forth in Sections 105.7.1 through 105.7.25. The fire code official may utilize existing permitting and approval process already established in Building Inspections, Engineering or other department.

**Section 110 Violations,** is amended as follows:

**110.4 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 Class B misdemeanor.

**Section 112 Stop Work Order,** is amended as follows:

**112.4 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 charged with a Class B misdemeanor.

## **Chapter 2 Definitions**

**Section 202 General Definitions,** is amended as follows:

**Commercial Motor Vehicles** is amended to read as follows:

A motor vehicle used to transport passengers or proper, or motorized equipment where the motor vehicle(s) or equipment:

1. Has a gross vehicle weight rating of 10,000 pounds or more or
2. Have combined weights greater than 26,000 lbs. or
3. Is designed to transport 16 or more passengers, including the driver

**Fireworks, 1.4G** is deleted in its entirety and replaced with the following:

Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, or otherwise listed and defined in NDCC 23-15-01.

**Occupancy Classifications Educational Group E, day care facilities,** is amended to read as follows:

**Occupancy classifications Educational Group E, day care facilities.**

**Educational group E.**

**Occupancy classifications Educational Group E, day care facilities,** is amended to read as follows:

This group includes buildings and structures or portions thereof occupied by more than twelve children older than 2 ½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

**Five or fewer children is amended to read:**

Twelve or fewer children. A facility having twelve or fewer children receiving such day care shall be classified as part of the primary occupancy.

**Educational Group E.**

**Occupancy classifications Educational Group E, Five or fewer children in a dwelling unit** is amended to read as follows:

A facility such as the above within a dwelling unit and having twelve or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

**Institutional Group I-4, day care facilities,** is amend to read:

Institutional Group I-4 occupancy shall include buildings and structures occupied by more than twelve persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care.  
Child day care.

**Classification as Group E**, is amend to read:

A child day care facility that provides care for more than twelve but not more than 100 children 2 ½ years of age, where the rooms in which children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

**Five or fewer persons receiving care**, is amend to read:

A facility having twelve or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

**Five or fewer persons receiving care in a dwelling**, is amend to read:

A facility such as above within a dwelling unit having twelve or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

**Care Facilities within a dwelling**, is amend to read:

Care facilities for twelve or fewer persons receiving personal care that are within a single-family dwelling are permitted to comply with the International Residential Code.

### **Chapter 3 General Requirements**

**Section 308 Open Flames**, is amended 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 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 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].

**308.1.6.3 Sky Lanterns.** Deleted in its entirety to be consistent with fireworks definition and restrictions.

**308.3 Group A Occupancies.** Open-flame devices shall not be used in a Group A occupancy.

**Exceptions:**

1. Open-flame devices are allowed to be used in the following situations, provided that *approved* precautions are taken to prevent ignition of combustible material or injury to occupants:

1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.

1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.

1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.

1.4 Open-flame devices for food warming.

2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.

3. Gas lights are allowed to be used provided that adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

#### **Chapter 4 Emergency Planning and Preparedness**

**Section 403 Emergency Planning and Preparedness**, is amended as follows:

**403.10.1.3 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.

#### **Chapter 5 Fire Service Features**

**Section 503 Fire Service Features**, is amended as follows:

**503.2.3 Surface** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus shall be surfaced so as to provide all weather driving capabilities, and shall meet the specifications of the Mandan City Engineering Department.

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 shall be maintained at all times. Parking of motor vehicles or otherwise obstructing a designated fire apparatus access road shall be prohibited and enforcement of such prohibition may be accomplished in the same manner as provided in Section 24-7-1 of the Mandan Code of Ordinances. A violation of this section is a Class B misdemeanor.

**Section 510 Emergency Responder Radio Coverage** is amended as follows:

**510.1 Emergency responder radio coverage in new buildings.** When required by the fire code official, new buildings shall have *approved* radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

## **Chapter 9 Fire Protection and Life Safety Systems**

**Section 903** is amended as follows:

**Section 903.2.8 Group R** is amended to read as follows: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.  
Exception: Single-family dwelling or a residential building that contains no more than two dwelling units.

**Section 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 any 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 upholstered furniture or mattresses exceeds 2,500 square feet.

**Section 903.2.11.3** Buildings 55 feet, or five stories or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more located 55 feet, or five stories or more above the lowest level of fire department vehicle access, measured to the finished floor.

**Section 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 and other chapters of this code, as applicable.

**Section 903.3.1.2.1 Balconies and Decks.** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units where either of the following conditions exists:

1. The building is of Type V construction, provided there is a roof, overhang 6 inches or greater, or deck above.

2. Exterior balconies, decks and ground floor patios of dwelling units and sleeping units are constructed in accordance with Section 705.2.3.1, Exception 3 of the *International Building Code*.

Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

**Section 905, Standpipe Systems**, is amended as follows:

**Section 905.1 General.** Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.10. In buildings used for high-piled combustible storage, fire protection shall be in accordance with chapter 32. Class II and III standpipe systems are prohibited. Where required in this section, all standpipe systems shall meet the requirements of a Class I standpipe.

**Section 907 Fire Alarm and Detection Systems** is amended as follows:

**Section 907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

**907.8.3 Smoke detector sensitivity.** Smoke detector sensitivity shall be checked every 5 years after installation

## **Chapter 11 Construction Requirements for Existing Buildings**

**Section 1103 Existing multiple-story buildings.**

**Section 1103.6.1 Existing multiple-story buildings.** Existing buildings with occupied floors located more than 5 stories above the lowest level of fire department access or more than 5 stories below the highest level of fire department access shall be equipped with standpipes.

## **Chapter 53 Compressed Gases**

**Section 5307, Compressed Gases no otherwise regulated**, is amended as follows:

**Section 5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications**, is amended as follows:

**Section 5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications.** Insulated liquid carbon dioxide systems with more than 500 pounds of carbon dioxide used in beverage dispensing applications shall comply with Section 5307.3.1.

**Section 5307.4 Carbon dioxide enrichment systems**, is amended as follows:

**Section 5307.4 Carbon dioxide enrichment systems.** The design, installation and maintenance of carbon dioxide enrichment systems with more than 500 pounds of carbon dioxide, and carbon dioxide enrichment systems with any quantity of carbon dioxide having a remote fill connection, shall comply with Sections 5307.4.1 through 5307.4.7.

## **Chapter 56 Explosives and Fireworks**

**Section 5601**, is amended as follows:

**Section 5601.1.3 Fireworks**, is amended as follows:

**Section 5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

**Exceptions:**

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.

**Section 5601.2.4 Financial responsibility**, deleted in its entirety and replaced with:

**Section 5601.2.4 Financial responsibility.** The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which

may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

## **Chapter 57 Flammable and Combustible Liquids**

**Section 5704, Storage**, is amended as follows:

### **5704.2.9.6.1 Locations where above-ground tanks are prohibited.**

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC and MD.

**Section 5706, Special Operations**, is amended as follows:

**5706.2.4.4 Permanent and temporary tanks.** Storage of Class I and II liquids in permanent above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC and MD.

## **Chapter 58 Flammable Gases and Flammable Cryogenic Fluids**

**Section 5806, Flammable Cryogenic Fluids** is amended as follows:

**5806.2 Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited except for Industrial, Agricultural, and Public districts (MA, MB, MC and MD).

## **Chapter 61 Liquefied Petroleum Gases**

**Section 6103 Installation of Equipment** is amended as follows:

**Section 6103.2.1.6 Use with self-contained torch assemblies**, is amended to read as follows:

**Section 6103.2.1.6 Use with self-contained torch assemblies.** Portable LP-gas are allowed to be use to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of 12 pounds.

**Section 6104 Location of LP-Gas Containers** is amended as follows:

**Section 6104.2 Maximum capacity within established limits**, is deleted in its entirety and replaced with the following:

**Section 6104.2 Maximum capacity within established limits.** Within residentially zoned districts of the corporate boundaries of the City of Mandan, storage of liquefied petroleum gas used to supply a structure or for any other use shall not exceed a water capacity of 29 gallons. In all other districts, except for Industrial, Agricultural, and Public districts (MA, MB, A, P), the maximum capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

(Code 1994, § 7-01-07; Ord. No. 1051, § 1, 5-5-2009; Ord. No. 1092, 4-19-2011; Ord. No. 1172, 11-19-2013; Ord. No. 1220, 10-20-2015; Ord. No. 1255, §§ 2, 3, 12-20-2016; Ord. No. 1272, 9-5-2017)

**Cross reference**— Adoption of the International Fire Code, § 10-2-1.

By:   
Tim Helbling, President, Board of City Commissioners

Attest:

  
James Neubauer, City Administrator

First Consideration: Jan. 7, 2020.

Second Consideration and Final Passage: Jan. 21, 2020.

Publication: February 14, 2020

(Ordinance No. 1333 to Amend and Re-enact Chapter 10 of the Mandan Code of Ordinances Relating to Fire Code)