

ORDINANCE NO. 244

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE, FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, IN THE CITY OF ROLLA, NORTH DAKOTA, AND PROVIDING PENALTIES FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, NORTH DAKOTA:

Section 1. Adoption of Fire Prevention Code. There is hereby adopted by the City Council of the City of Rolla, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, abbreviated edition, recommended by the American Insurance Association, being particularly the 1965 Edition thereof, and the whole thereof save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three copies have been and now are on file in the office of the City Auditor of the City of Rolla and are hereby adopted and incorporated as fully as if set out in length herein, and from the date this ordinance takes effect the provisions thereof shall be controlling within the limits of the City of Rolla.

Section 2. Enforcement. The code hereby adopted shall be enforced by the Chief of the Fire Department.

Section 3. Definition. Whenever the word "municipality" is used in the code hereby adopted, it shall be held to mean the City of Rolla.

Section 4. Establishment of limits of districts in which storage of explosives and blasting agents, storage of flammable liquids in outside above ground tanks, and bulk storage of liquefied petroleum gases is to be restricted. The limits referred to in Section 53b of the Code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74a of the Code hereby adopted in which storage of Case I liquids in outside above ground tanks is prohibited, and limits referred to in Section 114 of the Code hereby adopted in which bulk storage of liquefied petroleum gas is restricted, is hereby established as being the whole of the City of Rolla save and except the railroad right-of-way, the unplatted block South of Block 16, OTS, and West of Block 4, White's 2nd Addition, and Block 1 of Comstock's 1st Addition,

Section 5. Modifications. The Chief of the Fire Department shall have the power to modify any of the provisions of the Code hereby adopted 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 decision of the Chief of the Fire Department thereon, shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

Section 6. Appeals. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is plan that the provisions of the Code

1 do not apply, or that the true intent and meaning of the Code has
2 been misconstrued or wrongly interpreted, the applicant may appeal
3 from the decision of the Chief of the Fire Department to the City
4 Council of the City of Rolla within thirty days from the date of
5 the decision appealed.

6 Section 8. Repeal of Conflicting Ordinances. All former
7 ordinances or parts thereof conflicting or inconsistent with the
8 provisions of this ordinance or of the Code hereby adopted, are
9 hereby repealed.

10 Section 9. Saving Clause. Should any portion of this
11 ordinance be found unconstitutional, the remainder of the ordinance
12 shall not be effected thereby and all portions hereof are declared
13 to have been enacted and in force and effect regardless of any
14 part thereof which may be found unconstitutional.

15 Section 10. Penalties. Any person who shall violate any
16 of the provisions of the Code hereby adopted, or fail to comply
17 therewith, who shall violate or fail to comply with any order made
18 thereunder, or portion of any detailed statement of specification
19 or plans submitted and approved thereunder, or certificate or
20 permit issued thereunder, and from which no appeal has been taken,
21 or who shall fail to comply with such an order as affirmed or
22 modified by the City Council of the City of Rolla or by a court
23 of competent jurisdiction, within the time fix herein, or shall
24 build in violation of any detailed statement of specifications
25 or plans submitted and approved thereunder, or certificate or
26 permit issued thereunder, and from which no appeal has been taken,
27 or who shall fail to comply with such an order as affirmed or
28 modified by the City Council of the City of Rolla or by a court
29 of competent jurisdiction, within the time fixed herein, shall
30 severally for each and every such violation and noncompliance
31 respectively be punished by a fine of not more than \$100.00 or
32 by imprisonment for not more than 30 days, or by both such fine
33 and imprisonment. The imposition of one penalty for any violation
34 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 when not otherwise
specified, each ten days that prohibited conditions are maintained
shall constitute a separate offense. The application of the above
penalties shall not be held to prevent the enforced removal of
prohibited conditions.

Section 11. Effective date. This ordinance shall be in full
force and effect and take effect immediately upon its final passage
and the publication of its title and penalty clause.

First reading: September 17, 1968.

Second reading and final passage: November 13th, 1968

Approval: November 13th, 1968

Rudolph J. Walder

RUDOLPH J. WALDER
Mayor, City of Rolla, N.D.

ATTEST:

Victor C. Jackson

VICTOR C. JACKSON
City Auditor.

Publication of title and
penalty clause: November 21st, 1968

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ROLLA, N. D.