

AN ORDINANCE TO ENACT SECTIONS 15-3.1, 15-3.2, 15-3.3, AND 15-3.4
OF THE CODE OF THE CITY OF JAMESTOWN, NORTH DAKOTA,
PERTAINING RECREATIONAL FIRES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA,
that Sections 15-3.1, 15-3.2, 15-3.3, and 15-3.4 of the Code of the City of
Jamestown, North Dakota, are hereby enacted to read as follows:

SECTION 15-3.1. Definitions - Recreational fires.

Recreational fires and special permitted fires shall be allowed within the city
limits of the City of Jamestown only as provided by this ordinance.

- (a) Recreational fires are fires established for pleasure, religious, ceremonial or cooking purposes.
- (b) A fire pit is any patio fire unit, fire bowl, stove or manufactured container designed to be used outdoors as a location of a recreational fire.
- (c) Recreational fire fuel is limited to firewood, charcoal or factory made logs designed for burning in such recreational fires. Refuge, grass clippings, leaves, trees, and brush trimmings shall not be used or burned with such units.
- (d) Charcoal and propane cooking grills are not recreational fires.
- (e) Special permitted fires are not recreational fires as defined herein and are allowed only as provided under Section 15-3.4.

SECTION 15-3.2. Use, Location, and Maintenance of Recreational Fires.

(a) All recreational fires shall be contained within an enclosed fire pit having glass or wire mesh surrounding all sides or areas of the fire not otherwise contained within a solid walled unit. Fires are to be built in such manner as to be sure that all flames are confined to the fire pit and do not extend beyond the fire pit or up into chimneys, if any.

(b) Flammable or combustible liquids, hazardous materials, rubber, creosote coated railway ties or poles or any other materials that produce any type of air contaminate shall not be burned.

(c) A recreational fire shall not be placed so that smoke or odor disturbs persons owning properties adjacent to the location of the recreational fire.

(d) A recreational fire shall not have a total fuel containment area of more than three (3) feet in diameter, width or length and not more than two (2) feet in height, which area shall be located within a fire pit, fire bowl, patio fire unit or stove.

(e) Recreational fires shall only burn wood, charcoal or manufactured logs designed for that purpose. Liquid fire starter, gasoline, kerosene or other similar fluid shall not be used as a fire starter. Petroleum products, railroad ties, grass, plastic, rubber or any other materials that may cause a nuisance smoke are not permitted.

(f) All fire pits must be used in a manner consistent with the manufacturing

guidelines.

(g) There shall be maintained a minimum of two (2) feet clearance between the fire pit and any combustible object or surface.

(h) If the fire pit unit is placed upon a wooden deck, the fire pit must be placed on a base composed of a noncombustible surface which extends two (2) feet beyond the edge of the recreational fire container or unit.

(i) The operator of a fire pit must keep the unit under constant supervision at all times while in use and provide a fire extinguisher rated at least 2A by Underwriter's Laboratories, and connected garden hoses, buckets, and shovels shall be available for use and located within twenty-five (25) feet of the recreational fire. A person knowledgeable in the operation of the fire extinguishing equipment must be in attendance of the fire at all times until the fire is totally extinguished.

(j) The owner/operator of a fire pit shall regularly check the unit for apparent cracks or other deterioration and maintain the unit in a safe working condition.

(k) The fire pit unit shall only be used on a firm, level surface to prevent it from tipping.

(l) No recreational fire is allowed on a deck, patio or lanai of a multi-family dwelling containing three (3) residential units or more.

SECTION 15-3.3. Enforcement and Penalties.

(a) Fire department and law enforcement officials are authorized to order the discontinuance of any recreational fire, or special permitted fire, if it is determined to be in violation of law or deemed to be a hazard in the area or a safety or health hazard in the opinion of such officials.

(b) The burning of the recreational fire, or special permitted fire, is prohibited in the event of wind speed of twenty-five (25) miles per hour or more in the City of Jamestown. Law enforcement or fire department officials shall have the authority to require extinguishing a fire if they determine that a safety issue is present.

(c) The Jamestown Fire Department may declare that burning of recreational fires, or special permitted fires, be prohibited or restricted on certain days or hours during certain periods of dry climate conditions.

(d) The penalty for violation of this ordinance is as follows:

1. A warning for the first offense;
2. A one hundred (\$100.00) dollar fine for a second offense;
- and
3. A three hundred (\$300.00) dollar fine for any subsequent offenses.

SECTION 15-3.4. Exceptions.

(a) In the event the Jamestown Park District shall establish rules, regulations or ordinances relative to the control of fires inconsistent with the provisions of this ordinance, the rules, regulations and ordinances of the Jamestown Park District shall apply on lands owned by the Jamestown Park District.

(b) Fires not within the definition of a recreational fire shall be subject to the requirement of a special permit that must be obtained from the Jamestown Fire Department as allowed by law and may be issued at the discretion of the Jamestown Fire Department consistent with the safety and welfare of the citizens of the city of Jamestown, city ordinances and the laws of the State of North Dakota. The Jamestown Fire Department shall provide a copy of any permit issued to the Jamestown Police Department.

(c) *The person or entity receiving the special permit must assure that the permit is kept at the site of the permitted fire.*

(d) *Permitted fires under this section shall:*

- 1. Not exceed three (3) feet in diameter and two (2) feet in height.*
- 2. Only be allowed to burn during the hours set forth in the permit.*
- 3. Be located only at the location set forth in the permit.*
- 4. Be fueled only by wood, charcoal, or manufactured logs designed for burning by the manufacturer.*
- 5. Be subject to such other restrictions as may be provided for in the special permit issued by the Jamestown Fire Department.*

ATTEST:

APPROVED:

Jeff Fuchs
City Administrator

Charlie Kourajian
Mayor

Introduced by Council Member Grabinger

Seconded by Council Member Schulz

First Reading: April 3, 2006

Second Reading: May 1, 2006

Final Passage: May 1, 2006

Roll Call No. 12 showed: 5 ayes, 0 nays, 0 absent.