

Title 50, Chapter 50.07
Government Organization
Authorization of Fire and Rescue Department & Fire Safety Regulations

50.0701 Purpose and Authority.

1. The Purpose of the Fire Department is to minimize the occurrence of damaging fires, to protect the health, safety, and welfare of the Community, regulate and control person engaged in necessary fires, to ensure the safe administration of fireworks, regulate and administer the prevention of fires within the territory and jurisdiction of the Turtle Mountain Band of Chippewa Indians.
2. Article IX, Sections (a) (2-6) of the Turtle Mountain Band of Chippewa Indians Constitution ("Constitution") grants the Tribal Council the power to make laws, including codes, ordinances, resolutions, and statutes.
3. It is the policy of the Tribe to regulate and control persons engaged in fire producing activities reasonably necessary to protect the health, safety and welfare of the public and employees by establishing minimum standards for the prevention of fire on tribal lands.

50.0702 Authorization and the Creation of a Fire Department.

1. The Turtle Mountain Band of Chippewa Indians creates the Turtle Mountain Band of Chippewa Indians Fire and Rescue Department.
2. The Fire and Rescue Department is responsible for enforcing this Title.
3. The Tribe creates the Position of Fire Chief of the Fire and Rescue Department who shall oversee the administration of this Title and the staff of the Department.
4. The Chief shall be directly accountable to the Chairman and in his or her absence the Vice-Chairman, unless otherwise designated by law.
5. As environmental and climate conditions require the Fire Chief may declare a fire emergency limiting fires for specific periods.

50.0703 Definitions.

For other definitions, refer to NFPA 1 *Fire Code*, Chapter 3, Definitions.

1. "Approved" means acceptable to the authorized fire inspectors.
2. "Automatic Fire Sprinkler System" means an integrated system of underground and overhead piping for fire protection purposes, designed in accordance with fire protection engineering standards. The system is usually activated by heat from a fire and discharges water over the fire area.
3. "Authorized Fire Inspector" means an employee of the Turtle Mountain Band of Chippewa Indians that is certified in the Life Safety codes and is the

authorized enforcement official who conducts inspections and issues citations.

4. "Building" or "structures" means a public building or place of employment.
5. "Decorative Material" means all materials such as curtains, draperies, streamers, and surface coverings that are applied over the building finish for decorative, acoustical or other effect. Also included are cloth, cotton batting, straw, vines, leaves, trees, and moss used for decorative effect.
6. "Enterprise" means any business entity or enterprise owned or operated by the Nation, including gaming facilities.
7. "Flammable" means subject to easy ignition and rapid-flaming combustion.
8. "Incinerator" means a furnace, container, or facility used to burn trash or other types of waste at high temperatures until it is reduced to ash.
9. "NFPA" means the National Fire Protection Association.
10. "Occupancy" means the purpose for which a building or portion thereof is used or intended to be used.
11. "Open Burning" means a controlled, limited size open-air fire except for outdoor cooking, campfires, and authorized open burning for the purpose of land clearing or vegetative debris removal under Title 26, Section 26.1910 Burning Permits and Open Burning Regulations.

50.0704 Adoption of National Fire Protection Association (NFPA) Standards.

The following NFPA standards are hereby incorporated by reference into the Fire Safety program subject to those changes, additions or omissions specified in the following paragraphs of the program.

NFPA 1	Fire Code
NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 13R	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
NFPA 22	Standard for Water Tanks for Private Fire Protection
NFPA 25	Standards for the Inspection, Testing, and Maintenance of Water- Based Fire Protection Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 30B	Code for Manufacture and Storage of Aerosol Products
NFPA 45	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas

NFPA 51B	Systems for Welding, Cutting, and Allied Processes Standard for Fire Protection During Welding, Cutting, and Other Hot Work
NFPA 54	National Fuel Gas Code (ANSI Z223.1)
NFPA 55	Standard for the Storage, Use and Handling of Compressed and Liquefied Gases in Portable Cylinders
NFPA 70	National Electrical Code
NFPA 70B	Recommended Practice for Electrical Equipment Maintenance
NFPA 70E	Standard for Electrical Safety Requirements for Employee Workplaces
NFPA 72	National Fire Alarm Code ®
NFPA 73	Electrical Inspection Code for Existing Dwellings
NFPA 75	Standard for Protection of Electronic Computer/Data Processing Equipment
NFPA 80	Standard for Fire Doors and Fire Windows
NFPA 82	Standard on Incinerators and Waste and Linen Handling Equipment
NFPA 88A	Standard for Parking Structures
NFPA 88B	Standard for Repair Garages
NFPA 90A	Standard for the Installation of Air Conditioning and Ventilating Systems
NFPA 90B	Standard for the Installation of Warm Air Heating and Air- Conditioning Systems
NFPA 92A	Recommended Practice for Smoke-Control Systems
NFPA 92B	Guide for Smoke Management Systems in Malls, Atria, and Large Areas
NFPA 96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
NFPA 97	Standard Glossary of Chimneys, Vents, and Heat- Producing Appliances
NFPA 99	Standard for Health Care Facilities
NFPA 101	Life Safety Code ®
NFPA 101A	Guide on Alternative Approaches to Life Safety
NFPA 101B	Code for Means of Egress for Buildings and Structures
NFPA 102	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA 105	Recommended Practice for the Installation of Smoke- Control Door Assemblies
NFPA 110	Standard for Emergency and Standby Power Systems
NFPA 111	Standard on Stored Electrical Energy Emergency and Standby Power Systems
NFPA 160	Standard for Flame Effects Before an Audience
NFPA 203	Guide on Roof Coverings and Roof Deck Constructions
NFPA 204	Guide for Smoke and Heat Venting
NFPA 211	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
NFPA 214	Standard on Water-Cooling Towers
NFPA 220	Standard on Types of Building Construction
NFPA 221	Standard for Fire Walls and Fire Barrier Walls
NFPA 230	Standard for the Fire Protection of Storage
NFPA 231D	Standard for Storage of Rubber Tires

NFPA 232	Standard for the Protection of Records
NFPA 241	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA 326	Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
NFPA 329	Recommended Practice for Handling Releases of Flammable and Combustible Liquids
NFPA 395	Standard for Storage of Flammable and Combustible Liquids at Farms and Isolated Sites
NFPA 434	Code for the Storage of Pesticides
NFPA 501A	Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
NFPA 505	Fire Safety Standard for Powered Industrial Trucks, Including Type Designations, Areas of Use, Maintenance, and Operation
NFPA 664	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 780	Standard for the Installation of Lightning Protection Systems
NFPA 820	Standard for Fire Protection in Wastewater Treatment and Collection Facilities
NFPA 909	Standard for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties
NFPA 914	Recommended Practice for Fire Protection in Historic Structures
NFPA 1031	Standard for Professional Qualifications for Fire Inspector and Plan Examiner
NFPA 1123	Code for Fireworks Display
NFPA 1124	Code for Manufacture, Transportation, and Storage of Fireworks And Pyrotechnics Articles
NFPA 1126	Standard for the Use of Pyrotechnics Before a Proximate Audience
NFPA 1144	Standard for Reducing Structure Ignition Hazards from Wildland Fire
NFPA 1194	Standard for Recreational Vehicle Parks and Campgrounds
NFPA 1600	Standards for Disaster/Emergency Management and Business Continuity Programs

50.0705 Tribal fire wardens.

1. Appointment. Tribal Fire wardens shall be appointed by the Turtle Mountain Tribal Council and shall have the responsibility to investigate the origin and cause of any wild land fire taking place at a location under the regulatory jurisdiction of the Turtle Mountain Band of Chippewa Indians.
2. Tribal Conservation Law Enforcement officers, BIA law enforcement officers, tribal police officers, the Fire Chief and Fire Inspector of the Turtle Mountain Fire & Rescue Department, and certified BIA Wildland Fire Investigators (INVF) shall be considered *ex officio* Tribal Fire Wardens.

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3. Duties and Powers of Tribal Fire Wardens and Conservation Law Enforcement Officers:

All tribal fire wardens and tribal conservation law enforcement officers shall:

- a. Take proper steps for the prevention and extinguishment of fires within the Reservation in which he or she exercise their functions; and
- b. Control the use of fire during fire season, issue Burn Permits, perform one site inspections of burning operations, and perform routine fire prevention patrols within their respective area(s); and
- c. Make such reports of their work and conditions as may be requested by the BIA or Tribe; and
- d. Have the power of peace officers to interview witnesses and issue Citations or Notices of Violation pursuant to Section 19 of this Title for violation of this chapter or burn permit rules or regulations pursuant thereto; and
- e. Have the authority to enter upon the property, including entering fenced in areas, of any owner within the jurisdiction and territory of the Turtle Mountain Band of Chippewa Indians in the discharge of their fire prevention, suppression, and investigation duties, provided that in so entering he or she exercise due care to avoid doing damage.
- f. Investigate the causes of fires and may secure a fire origin area, at any time, for the purpose of preserving evidence and conducting an investigation pertinent to this chapter and control, restrict or prohibit access by any unauthorized person so long as is reasonable necessary in the judgement of the warden.
- g. Request a qualified Wildland Fire Investigator (INVF), or Fire Warden trained and certified as an INVF for Class 3 and 4 offenses to make a written determination, on a form prescribed by BIA or the Tribe, of the origin and cause of the fire, weather conditions at the time, any efforts made by the person or persons residing there to extinguish or report the fire, equipment or conditions and events that led up to the fire, and determination of any fires originating from any burn barrels, burn piles, or burning operations on site.
- h. Fire wardens shall interview witnesses and obtain witness statements, take photographs of the scene and assist in any fire investigation, under the supervision of a Fire Investigator. However, only a law enforcement certified fire warden, BIA or Tribal law enforcement officer, or Tribal Conservation Law Enforcement officers shall have the authority to detain individuals, make arrests, carry firearms or interrogate suspects.

4. Meet Training requirements:

Tribal Fire Wardens shall complete or have completed, the following training courses to be eligible as a Tribal Fire Warden;

- a. Online or classroom version of S-190 Fire Behavior

- b. FI-110 Wildland Fire Scene Preservation
- c. Online or classroom version of S-130 Basic Wildland Firefighter Course
- d. Completed basic hands-on S-130 field exercises (can be OJT). (or past FFT2 qualifications)
- e. Completion within 12 months of appointment of the FI-210 Wildland Fire Cause & Origin Investigation or equivalent course.

50.0706

Means of Egress and Exit Routes.

1. **General.** Means of egress in new and existing buildings under the jurisdiction of the Turtle Mountain Tribe shall comply with this Title and Section; applicable sections of NFPA 1 *Fire Code* and NFPA 101 *Life Safety Code*; and for places of employment, applicable OSHA regulations in 29 CFR Part 1910, subpart E - *Exit Routes and Emergency Planning*.
2. **Exit Access Corridors.**
 - a. Corridors used as exit access with an occupant load exceeding thirty (30) shall be separated by other parts of the building by walls having not less than a 1-hour fire resistance rating, unless otherwise permitted by the following: (NFPA 1: 14.2)
 - i. Existing buildings where the occupancy classification has not changed since the building was originally constructed.
 - ii. Where otherwise provided for in Chapter 12-42 of NFPA 101.
3. **Exit Enclosures:** (NFPA 1: 14.3 Exits)
 - a. Where the applicable sections of NFPA 1 *Fire Code* requires an exit to be separated from other parts of a building, the separating construction shall meet applicable standards of NFPA 101 Section 8.2 and the following:
 - i. In buildings of less than 3 stories, a 1-hour fire resistance rating is required.
 - ii. In buildings of 4 or more stories, a 2-hour fire resistance rating or otherwise in accordance with applicable standards of NFPA 1: 14.3.1 and the NFPA 101 *Life Safety Code*.
 - b. Openings in the separation shall be protected by fire door assemblies equipped with doors closers compliant with (NFPA 101: 7.2.1.8).
 - c. Penetrations into and openings through an exit enclosure shall be limited to fire doors, electrical conduit, required exit doors, ductwork for stairway pressurization, water or steam piping, sprinkler piping, standpipes, and metal conduit for fire alarm systems (NFPA 1: 14.3.1 #6).
 - i. In existing buildings, existing walls of lath and plaster, gypsum wallboard or masonry shall be kept in good repair to provide protection where a 1-hour fire resistance rating is required (NFPA 1 A.14.3.1 (2)).
 - d. An exit enclosure shall provide a continuous protected path of travel to an exit discharge (NFPA 1: 14.3.2).
 - e. An exit enclosure shall not be used for any purpose that has the potential to interfere with its use as an exit and, if so designated, as an area of refuge (NFPA 1: 14.3.3). This provision shall prohibit the use of exit enclosures for storage or for the installation of equipment not necessary for safety. The exit enclosure shall be

maintained free of fire hazards and shall not be used for any other occupancy other than for egress, refuge or access (NFPA 1: A.14.3.3).

4. **Means of Egress Reliability:**

- a. Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency (NFPA 1: 14.4.1).
- b. Any type of barrier to building egress shall be prohibited.
- c. Accumulations of ice and snow shall be kept clear from the exterior of exit enclosures, as it is an impediment to free movement (NFPA 1: A14.4.1).

5. **Furnishings and Decorations** (in exit enclosures):

- a. No furnishings, decorations or other objects shall obstruct exits, access thereto, egress therefrom, or visibility thereof NFPA 1: 14.4.2.1).
- b. No obstructions by barriers, railings, or gates shall divide the means of egress into sections, appurtenant to individual rooms, apartments or other occupied spaces. Where the Fire Chief / Fire Inspector finds the required path of travel to be obstructed by furniture or other movable objects, they shall be permitted to require that such objects be secured out of the way or shall be permitted to require that such railings or other permanent barriers be installed to protect the path of travel against encroachment (NFPA 1: 14.4.2.2).
- c. Mirrors shall not be placed on exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of egress (NFPA 1: 14.4.2.3).
- d. Every door and every principal entrance that is required to serve as an exit shall be designed and constructed so that the path of egress travel is obvious and direct. Windows that, because of their physical configuration or design and the materials used in their construction, have the potential to be mistaken for doors shall be made inaccessible by barriers or railings (NFPA 1: 14.4.2.4).

6. **Doors:**

- a. General: Doors shall meet the requirements of this Title and Section, with NFPA 1: 14.5 Doors, and with the NFPA 101 Life Safety Code.
- b. Any door in a means of egress shall be of the side-hinged or pivoted-swinging type, and shall be installed to be capable of swinging from any position to the full required width of the opening in which it is installed, unless otherwise exempted in NFPA 1 14.5.1.1.1 through 15.5.1.1.8 (NFPA 1: 14.5.1.1).
- c. Doors required to be of the side-hinged or pivoted-swinging type shall swing in the direction of egress travel (outward) where serving a room or area with an occupant load of fifty (50) or more (NFPA 1: 14.5.1.2).
- d. It shall be prohibited to prevent the functioning of designated fire doors by chocking or blocking them open.
- e. It shall be prohibited to barricade, chain shut or otherwise prevent the use any designated fire door or exit door, while the building is occupied.
- f. Designated fire exit doors in educational occupancies, assembly occupancies, office buildings, businesses and malls shall remain

unlocked when the building is occupied unless able to be opened from the egress side (inside) with panic hardware meeting the requirements of the NFPA 101 *Life Safety Code*. The Fire Chief / Fire Inspector shall have the authority to order doors to be unlocked and kept unlocked during business hours. There are exceptions for correctional and detention facilities.

- g. Any exit door for an occupancy of 100 or more persons shall be required to have panic hardware or fire exit hardware (NFPA 101: 13.2.2.2.3).
- h. Fire doors, as well as doors that are required to be solid core, shall NOT include louvers (NFPA 1: 12.8.3.3).
- 7. **Locks, Latches and Alarm Devices:** (Exceptions for correctional facilities)
 - a. Doors shall be arranged to be opened readily from the egress side (inside) whenever the building is occupied (NFPA 1: 14.5.2.1).
 - b. Locks, if provided, shall not require the use of a key, a tool, or special knowledge or effort for operation from the egress side (inside) (NFPA 1: 14.5.2.2).
 - c. Exterior doors shall be permitted to have key-operated locks from the egress side (inside), provided that the following criteria are met (NFPA 1: 14.5.2.4):
 - i. This alternative is permitted in chapters 12-42 of NFPA 101.
 - ii. A readily visible sign in letters not less than 1-inch high on a contrasting background that reads as follows is located on or adjacent to the door: THIS DOOR TO REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED.
 - iii. The locking device is of a type that is readily distinguishable as being locked.
 - iv. A key is immediately available to any occupant inside the building when it is locked.
 - v. The alternative provisions shall be permitted to be revoked by the fire Chief or fire Inspector for cause (or non-compliance) NFPA 1: 14.5.2.5).
 - vi. Where permitted in Chapters 12-42 of NFPA 101, key operation shall be permitted, provided that the key cannot be removed when the door is locked from the egress is to be made (inside) (NFPA 1: 14.5.2.6).
 - d. A latch or other fastening device on a door shall be provided with a releasing device that has an obvious method of operation and that is readily operated under all lighting conditions (NFPA 1: 14.5.2.9). Examples of such devices include knobs, levers, or panic bars capable of being operated with one hand, without special knowledge or procedures.
 - e. Devices shall not be installed in connection with any door on which panic hardware or fire exit hardware is required where such devices prevent or are intended to prevent the free use of the door for purposes of egress, except for delayed-egress and access-controlled egress doors permitted under NFPA 1: 14.5.3 and NFPA 101, if approved by the Fire department. (NFPA 1: 14.5.2.11). Examples of devices that shall be prohibited on panic hardware or fire exit hardware doors includes, but is not limited, to locks, padlocks, chains, hasps, or combinations thereof.

(NOTE: School events and bars or night clubs with cover charges are notorious for doing this. People pile up against the door as there is no way out.)

8. **Panic Hardware and Fire Exit Hardware:** (Exceptions for correctional facilities)
- a) Where panic hardware or fire exit hardware is required, it shall comply with the provisions of this Title and Chapter; and, with applicable provisions of the NFPA 1 Fire Code and NFPA 101 Life Safety Code.
 - b) Where a door is required to be equipped with panic or fire exit hardware, such hardware shall meet the following criteria (NFPA 1: 14.5.3.3.1):
 - i. It shall consist of a cross bar or a push pad, the actuating portion of which extends across not less than one-half (1/2) of the width of the door leaf.
 - ii. It shall be mounted as follows:
 - 1. New installations shall be not less than 34 inches, nor more than 48 inches, above the floor.
 - 2. Existing installations shall be not less than 30 inches, nor more than 48 inches, above the floor.
 - iii. It shall be constructed so that a horizontal force not to exceed 15 lbf actuates the cross bar or push pad and latches.
 - c) Only approved panic hardware shall be used on doors that are not fire doors. Only approved fire exit hardware shall be used on fire doors (NFPA 1: 14.5.3.3.2).
 - d) Required panic hardware and fire exit hardware, in other than detention and correctional facilities, shall NOT be equipped with any locking device, set screw, or other arrangement that prevents the release of the latch when pressure is applied to the releasing device (NFPA 1: 14.5.3.3.3).
 - e) Devices that hold the latch in the retracted position shall be prohibited on fire exit hardware, unless such devices are listed and approved for such purposes (NFPA 1: 14.5.3.3.4).
9. **Self-Closing Devices:**
- a) A door, specifically a fire door, required to be kept closed shall NOT be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with this Title and Section; and, with the applicable provisions of NFPA 1 and NFPA 101 (NFPA 1: 14.5.4.1). Specifically, doors required to be kept closed shall not be secured open with wedges, chocks, or kept blocked open by any means.
 - b) In any building of low or ordinary hazard contents as defined in 6.2.2.2 and 6.2.2.3 of NFPA 101, or where approved by the Fire Chief or Fire Inspector, doors shall be permitted to be automatic closing, provided that the following criteria are met (NFPA 1: 14.5.4.2):
 - i. Upon release of the hold-open mechanism, the door becomes self-closing.
 - ii. The release device is designed so that the door instantly releases manually, and, upon release, becomes self-closing, or the door can be readily closed.
 - iii. The automatic releasing mechanism or medium is activated by the operation of approved smoke detectors installed in

accordance with the requirements for smoke detectors for door release service in NFPA 72 *National Fire Alarm Code*®.

- iv. Upon loss of power to the hold-open device, the hold-open mechanism is released and the door becomes self-closing.
- v. The release by means of smoke detection of one door in a stair enclosure results in closing all doors serving that stair (NFPA 101: 7.2.1.8.2).

10. **Enclosure and Protection of Stairs:**

- a) All inside stairs serving as an exit or exit component shall be enclosed as per NFPA 1 Section 14.3 *Exits* and with NFPA 1: 7.2.2.5.1.1 (NFPA 1: 14.6.1).
- b) Inside stairs, other than those serving as an exit or exit enclosure, shall be protected in accordance with Section 8.6 of NFPA 101 (NFPA 1: 14.6.1.2).
- c) Usable Space, Storage: Enclosed, usable spaces, (i.e. storage), within exit enclosures shall be prohibited, including under stairs, unless the following criteria are met, below, as per NFPA 1: 14.6.3.2 (NFPA 1: 14.6.3):
 - i. The space is separated from the stair enclosure by the same fire resistance as the exit enclosure. (usually at least 1-hour)
 - ii. Entrance to the enclosed, usable space (storage), shall not be from within the stair enclosure (NFPA 101: 7.2.2.5.3.2)

11. **Capacity of Means of Egress:**

- a) Sufficient Capacity for Occupant Load: The total capacity of the means of egress for any story, balcony, tier, or other occupied space shall be sufficient for the occupant load thereof. (NFPA 1: 14.8.1.1) **Refer to NFPA 1: 14.8 and NFPA 101: 7.3.1.1 and the associated handbooks for guidance.**
- b) Occupant Load Factor: The occupant load in any building or portion thereof shall be not less than the number of persons determined by dividing the floor area assigned to that use by the occupant load factor for that use as specified in NFPA 1: Table 14.8.1.2 and Figure 14.8.1.2. Where both gross and area figures are given for the same occupancy, calculations shall be made applying the gross figure to the gross area of the building devoted to that use; and, the net area figure to the net portion of the building devoted to that use (as per NFPA 1: 14.8.1.2 and NFPA 101: 7.3.1.2.).

12. **Minimum Width of Corridors, Exit Passageways:** (NFPA 1: 14.8.3.3)

- a) The width of any means of egress shall be not less than that required for a given egress component in Chapter 7 or Chapters 12-24 of NFPA 101.
- b) New construction (2003 or later): Unless otherwise provided for in NFPA 1: 14.8.3.3 and NFPA 101, the required width of any means of egress shall be not less than 36 inches.
- c) In existing buildings (before 2003) the width of exit access shall be permitted to be not less than 28 inches. This shall not apply to doors, assembly occupancies as per Chapters 12-13 of NFPA 101, or to industrial equipment access as per Chapter 40 of NFPA 101.

- d) Where a single exit access leads to an exit, its capacity in terms of width shall not be less than the required capacity of the exit to which it leads (NFPA 1: 14.8.3.3.2).
 - e) Where more than one exit access leads to an exit, each shall have a width adequate for the number of persons it accommodates (NFPA 1: 14.8.3.3.3).
 - f) In educational occupancies (schools), exit access corridors shall have not less than 72 inches of clear width (NFPA 101: 15.2.3.2). Aisles in educational occupancies shall not be less than 30 inches wide (NFPA 101: 15.2.5.6).
13. **Number of Means of Egress:** (NFPA 1: 14.9.1)
- a) The number of means of egress from any balcony, mezzanine, story, or portion thereof shall not be less than two, unless specifically exempted in NFPA 101 *Life Safety Code* Chapters 11-42.
 - b) The number of means of egress from any story or portion thereof for an occupant load of more than 500 but no more than 1000 shall be not less than three (3) (NFPA 1: 14.9.1.2).
 - c) The number of means of egress from any story or portion thereof for an occupant load of more than 1000 shall be not less than four (4).
14. **Arrangement of Means of Egress:** (NFPA 1: 14.10)
- a) Exits shall be located and exit access shall be arranged so that exits are readily accessible at all times (NFPA 1: 14.10.1.1).
 - b) Exit access corridors shall provide access to not less than two (2) approved exits, unless otherwise provided in NFPA 101: 7.5.1.1.2.
 - c) Corridors shall provide exit access without passing through any intervening rooms other than corridors, lobbies, and other spaces permitted to be open to the corridor, unless otherwise provided for in accordance with NFPA 1: 14.10.1.2.1 or 14.10.1.2.2, (NFPA 1: 14.10.1.2).
 - d) Where more than one exit is required from a building or portion thereof, such exits shall be remotely located from each other and shall be arranged and constructed to minimize the possibility that more than one has the potential to be blocked by any one fire or other emergency condition (NFPA 1: 14.10.1.3.1). *For specifics, refer to the NFPA 1 Fire Code Handbook.*
 - e) Where two exits or exit access doors are required, they shall be placed at a distance from one another not less than one-half (1/2) the length of the maximum overall diagonal dimension of the building or area to be served; measured in a straight line between the nearest edge of the exit doors or exit access doors, unless otherwise provided in NFPA 1: 14.10.1.3.3 through 14.10.1.3.5 (NFPA 1: 14.10.1.3.2). *Refer to Figure A.14.10.1.3.2 (a) and (b) in the NFPA 1 Fire Code Handbook.*
 - f) Exit access shall be arranged so that there are no dead ends in corridors, unless permitted by, and limited to the length specified in, Chapters 12-42 of NFPA 101 (NFPA 1: 14.10.1.5)
 - i. In existing assembly occupancies, dead-end corridors shall not exceed 240 inches, or 20 feet (NFPA 101: 13.2.5.1.2).
 - ii. In educational occupancies, no corridor shall exceed 20 feet in length, unless sprinklered, in which case dead-end corridors shall not exceed fifty feet (NFPA 101: 13.2.5.2).

15. **Impediments to Egress:** (NFPA 1: 14.10.2)
- a) Access to an exit shall NOT be through kitchens, storerooms (other than that provided in NFPA 101: Chapters 36,37), restrooms, workrooms, closets, bedrooms or similar spaces, or other rooms subject to locking, (unless passage is permitted per NFPA 101 Chapters 18,19,22,23) (NFPA 1: 14.10.2.1).
 - b) Access to an exit shall NOT be through hazardous areas, as defined in NFPA 101: 13.2.2. (NFPA 101: 13.2.5.2).
 - c) Exit access and exit doors shall be designated and arranged to be clearly recognizable (NFPA 1: 14.10.2.2).
 - d) Hangings or draperies shall NOT be placed over exit doors or located so that they conceal or obscure any exit (NFPA 1: 14.10.2.2.1).
 - e) Mirrors shall NOT be placed on exit doors (NFPA 1: 14.10.2.2.3).
 - f) Mirrors shall NOT be placed in or adjacent to any exit in such a manner as to confuse the direction of exit (NFPA 1: 14.10.2.2.4).
16. **Illumination of Means of Egress:** (NFPA 1: 14.12)
- a) Exit paths and means of egress, including designated stairs, aisles, corridors, ramps, escalators, and passageways leading to an exit shall be illuminated anytime the building is occupied, in accordance with NFPA 1: 14.12 and NFPA 101: 7.8.1.1.
 - b) Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided by automatic motion sensor-type lighting switches in accordance with NFPA 101: 7.8.1.2.2. (NFPA 1: 14.12.1.2).
 - c) Sources of Illumination: (NFPA 1: 14.12.1)
 - i. Illumination of means of egress shall be from a source considered reliable by the AHJ (Fire Chief / Fire Inspector), like a public utility electric service. (NFPA 1: 14.12.1.1).
 - ii. Battery-operated electric lights, (solar lights), and other types of portable lamps or lanterns shall not be used for primary illumination of means of egress. Battery-powered lights shall be permitted to be used as an emergency source. (NFPA 1: 14.12.2.2).
17. **Emergency Illumination (Emergency Exit Lights and Lighting):**
- a) General: Emergency lighting for means of egress, where required by NFPA 1 Fire Code and NFPA 101 Life Safety Code; or, the Fire Chief / Fire Inspector; shall be installed, tested and maintained in accordance with NFPA 1:14.13, the NFPA 101 *Life Safety Code*, and to this Title and Section. Emergency lighting shall be wired in accordance with the NFPA 70 *National Electric Code*. All emergency lights installed shall be UL® listed. Batteries installed or replaced shall be as specified by the manufacturer, as per the owner's manual.
 - b) Emergency lighting facilities for means of egress shall be provided for the following occupancies and locations: (NFPA 1: 14.13.1)
 - i. Buildings or structures where required in NFPA 101 Ch. 11-42.
 - ii. Underground and limited access structures addressed in Section 11.7 of NFPA 101.
 - iii. High-rise buildings as required by NFPA 101.
 - iv. Doors equipped with delayed-egress locks.

- V. Stair shafts and vestibules of smokeproof enclosures in accordance with NFPA 1: 14.13.1.1 (5).
- c) Emergency lighting facilities for means of egress shall also be provided where required by the Fire Chief / Fire Inspector or AHJ.
- d) Periodic Testing: Periodic testing shall be done in accordance with manufacturer's instructions, Section 14.13.2 of NFPA 1, or in accordance with NFPA 101: 7.9.3.1.
- e) Where manual testing is required, it shall be conducted in accordance with NFPA 1: 14.13.2.1.1. as follows:
 - i. Functional testing shall be conducted at 30-day intervals for not less than 30 seconds.
 - ii. Functional testing shall be conducted annually for not less than 1 ½ hours if the emergency lighting system is battery powered.
 - iii. The emergency lighting equipment shall be fully operational for the duration of the tests required.
 - iv. Written records of visual inspections and tests shall be kept by the owner for inspection by the Fire Chief / Fire Inspector.

18. Marking of Means of Egress; EXIT and Directional Signs:

- a) Means of egress shall be marked and signed in accordance with this Title and Section; with NFPA 1 Section 14 and NFPA 101 *Life Safety Code*; and with applicable OSHA rules and regulations in 29 CFR Part 1910, subpart E - *Exit Routes and Emergency Planning*.
- b) Exits: Exits, other than main exterior exit doors that obviously and clearly are identifiable as exits, shall be marked by an approved sign that is readily visible from any direction of exit access (NFPA 1: 14.14.1.2).
- c) Exit Access: Access to exits shall be marked by approved, readily visible signs in all cases where the exit or way to reach the exit is not readily apparent to the occupants (NFPA 1: 14.14.1.5.1). Signs shall comply with NFPA 101 Chapter 7. Externally illuminated signs shall be in accordance with 7.10.6 of NFPA 101, and shall be able to be viewed at 100 feet.
- d) Visibility of EXIT and Directional Signs: Every exit and directional sign required by this Title and Section; or required by NFPA 101 or OSHA Standards, shall be located and of such size, distinctive color, and design that it is readily visible and shall contrast with decorations, interior finish, or other signs. No decorations, furnishings or equipment that impairs visibility of a sign shall be permitted. No brightly illuminated sign (for other than exit purposes), display, or object in or near the line of vision of the required exit sign that could detract attention from the exit sign shall be permitted (NFPA 1: 14.14.1.8).
- e) Directional signs (EXIT >): A sign complying with 7.10.3 of NFPA 101 with a directional indicator showing the direction of travel (to the closest exit) shall be placed in every location where the direction of travel to reach the nearest exit is not apparent (NFPA 1: 14.14.2).
- f) Sign Legend:

- i. Exit signs required by this Title and Section shall read as follows in plainly legible letters, in red, with a contrasting background: **EXIT**.
 - ii. International pictographs, as in NFPA 170, shall be permitted to be used, in addition to, but not in lieu of, EXIT or directional signs with text.
- g) Illumination of Exit & Directional Signs:
 - i. Every EXIT and directional sign required under this Title and Section shall be suitably illuminated by a reliable light source. Externally and internally illuminated signs shall be legible in both the normal and emergency lighting modes (NFPA 1: 14.14.5.1).
 - ii. Every sign required to be illuminated shall be continuously illuminated as required of Section 7.8 of NFPA 101, (except for flashing EXIT signs complying with NFPA 101: 7.10.5.2.2) (NFPA 1: 14.14.5.2.1).
- h) Externally Illuminated EXIT and Directional Signs:
 - i. Size: Externally illuminated signs, other than approved existing EXIT signs, shall read EXIT in plainly legible letters sized as follows: (NFPA 1: 14.14.6.1.1)
 - 1. For new signs, the letters shall not be less than 6 inches high, with the principal brush strokes not less than ¾ inch wide.
 - 2. For existing signs, the lettering shall not be less than 4 inches high.
 - 3. The word EXIT shall be of a width not less than 2 inches except the letter I, and the minimum spacing between letters shall not be less than 3/8 inch.
 - ii. Directional Indicators: Acceptable directional indicators shall be of an approved chevron type, shall comply with NFPA 101 7.10.6.2.1, and shall read as follows in regards to left or right orientation:
 - 1. EXIT>
 - 2. <EXIT
 - 3. <EXIT>
- i) Internally Illuminated EXIT and Directional Signs: (NFPA 1: 14.14.6.4)

Internally illuminated signs, shall be approved signs, listed in accordance with UL 924 *Standards for Emergency Lighting and Power Equipment*, with no exceptions permitted.
- j) Photo luminescent EXIT Signs: The face of a photo luminescent sign shall be continuously illuminated while the building is occupied. The illumination levels on the face of the sign shall be in accordance with its listing. The charging illumination shall be a reliable light source, such as that provided by a utility electric company. (NFPA 1: 14.14.6.4.2).

19. **No Exit:**

- a) Any door, passage, or stairway that is neither an exit nor a way of exit access and that is located or arranged so that it is likely to be mistaken for an exit shall be identified by a sign that reads **NO**

EXIT. Supplementary information such as BASEMENT, STOREROOM, CLOSET, UTILITY ROOM, etc. is permitted. (NFPA 1: 14.14.6.5.3.1).

- b) The NO EXIT sign shall have the word NO in letters 2 inches high, with a stroke width of at least 3/8 inch, the word EXIT in letters 1 inch high, below the word NO, unless the sign is an approved existing sign. (NFPA 1: 14.14.6.5.3.2).

- 20. **Secondary Means of Escape:** Where approved on secondary means of egress, security bars, grates, grills, or similar devices shall be equipped with approved release mechanisms that are releasable from the inside without the use of a tool, a key, special knowledge, or force greater than what it takes for normal operation of the door or window.

50.0707 Incinerators.

The use of incinerators shall be prohibited except by special permit from an authorized fire inspector.

50.0708 Miscellaneous Use of Torches/Welding Equipment.

- 1. General. Any person using a torch or other flame-producing device for removing paint from any building or structure within the scope of this section or for sweating pipe joints, cutting, heat welding seams, thawing pipes, building construction or demolition shall provide at least one approved minimum 2-A **rated** water type fire extinguisher, or minimum ½" diameter water hose connected to the water supply at the site where the burning is done.
- 2. Attendance. A fire watch shall be maintained in effect for at least ½ hour after each use of the torch or flame-producing device under paragraph 1, above.
- 3. Electric Welding. The provisions of paragraphs 1 and 2, above, shall apply to the uses specified in paragraph 1, above, applicable to electrical welding equipment.
- 4. Storage Requirements. Storage of fuel gases, oxygen and calcium carbide for gas welding and cutting shall satisfy the following minimum requirements.
 - a. All gas cylinders shall be secured to prevent falling; and
 - b. Cylinders stored outside shall be protected from accumulations of ice and snow.
 - c. Cylinders stored inside buildings shall be segregated from highly combustible materials and operations likely to cause an excessive rise in temperature or mechanical damage.
 - d. Inside storage of fuel gases and oxygen shall be separated by a minimum of 20 feet or by a ½-hour fire-resistive partition.
- 5. Hand Trucks. Hand trucks for portable gas welding and cutting equipment shall be provided with chains or steadying devices to prevent cylinders from being knocked over while being moved or while in use.

50.0709 Accumulation of Combustible Waste and Refuse.

June, 2020

1. General. Accumulation of litter or combustible or flammable waste may not be permitted to remain longer than 24 hours in any courtyard, vacant lot, alley, parking lot or open space unless in closed metal, noncombustible or other approved containers.
2. Vegetation.
 - a. Building/Property Owner Responsibility: On any land under the jurisdiction of the Turtle Mountain Tribe, it shall be the responsibility of the property owner, lessee, or person(s) managing or controlling such property to cut down and remove all weeds, grass over six inches (6") tall, vines, vegetation, or vegetative debris which could or does endanger property through the spread of fire.
 - b. The Fire Chief or Fire Inspector shall notify the property owner when they determine that such uncut weeds, grass, vines or other vegetation is a fire hazard.
3. Fire Hazard. No person owning or having control of any property shall allow any combustible waste material to accumulate in any area or in any manner that creates, or could create, a fire hazard to life and property. (NFPA 1: 19.1.2).
4. Storage Within Buildings for waste shall be as follows:
 - a) All combustible rubbish or waste material not stored in approved covered, metal or noncombustible containers and not located in rooms of at least one-hour rated fire-resistive construction shall be removed from the building at least once every 24 hours.
 - b) Oily waste and oily rags, when not in actual use, shall be kept in self-closing metal waste cans, set firmly on 3-inch legs or approved noncombustible containers and located at least 10 feet from any combustible materials.
 - c) All chemically-soiled wastes with the potential for spontaneous combustion shall be kept in self-closing metal waste cans until removed from the building.
 - d) Nuisance or Hazard. Storage of waste may not produce conditions which in the opinion and judgement of the authorized fire inspector will tend to create a nuisance or a hazard to ~~the~~ public safety.

50.0710 Handling of Storage of Combustible Materials.

1. Handling. Any person making, using, storing or having under their control any flammable or combustible materials shall, at the close of each day, cause all material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in a single portable metal bin of a size for one day's supply; in metal-lined, covered portable receptacles or bins; or in a hazard enclosure.

2. Inside Storage.

- a. Combustible storage in buildings shall be orderly, shall be more than 2 feet from the ceiling, and shall be so located as not to endanger exit from the building.
- b. A minimum of 18 inches clearance shall be maintained between the top of storage and ceiling sprinkler deflectors.
- c. Combustibles shall not be stored in boiler, mechanical or electrical equipment rooms (UFC1103.3.2.4).
- d. The clearance between stored materials and unit heaters, radiant space heaters, duct furnaces, and flues shall not be less than three feet (3 ft.) in all directions. (NFPA 1: 20.15.7.2.4).
- e. Clearance shall be maintained to lights or light fixtures to prevent ignition (NFPA 1: 20.15.7.2.5).
- f. Flammable and combustible materials shall not be stored in refrigeration machinery rooms (NFPA 1: 53.10.8.2).
- g. Combustible materials shall not be stored in enclosed usable space within fire exit enclosures, including under stairs, unless separated by the same fire rating as the fire exit enclosure (NFPA 1: 14.6.3).

3. Outside Storage.

- a) Outside storage shall be so located as not to constitute a hazard to adjacent buildings or property and shall be compact and orderly.
- b) Combustible material shall not be stored beneath a building or structure unless specifically constructed or protected for this purpose (NFPA 1: 10.17.4).

4. Dumpsters and Refuse Containers (NFPA 1: 19.2.1):

- a) Trash dumpsters and trash containers of 1.5 yd³ or more shall not be stored inside buildings or structures, unless the area is protected by an approved automatic sprinkler system and the area enclosed with a fire resistance rating of at least 1 hour.
- b) Dumpsters and large trash containers (1.5 yd³ or more) shall not be placed within ten feet (10 ft.) of any wooden buildings, combustible walls, combustible eaves, or any doorway, window, or other building opening through which a dumpster fire could extend into the building or structure (NFPA 1: 19.2.1.4).
- c) Dumpsters shall be regularly serviced (emptied) such that the container is not overflowing with trash, thereby creating a health and fire hazard.
- d) Dumpster sites shall be kept clear, for at least ten feet (10 ft.) in all directions, of tall grass, weedy undergrowth, shrubbery, or other flammable debris that could cause a dumpster fire to extend to nearby structures or neighboring properties.
- e) It shall be prohibited for any person to burn or cause to be burned any refuse or material within a trash dumpster, large trash container, or plastic recycling container within fifty feet of any residence, public building, Tribal facility, or in such a manner as to endanger lives or property. Such person starting, or causing to be started the fire, shall be appropriately charged as per Title 26, Chapter 19 *Fire Laws and Penalties*.

NOTE - Justification: A dumpster fire that was maliciously ignited about 2 am, against a wooden wall of a motel in Fort Smith, MT, spread throughout the motel and spread into the nearby grocery store and fishing tackle store. The fire was fought by three fire departments with no usable fire hydrants in the area. Three elderly tourists staying at the motel died in the fire. ATF was called in to investigate.

5. Burning Debris. Burning debris shall not be dumped at a waste disposal site or upon any property, except at a remote landfill site specifically for that purpose where fire extinguishing can be accomplished before compacting, covering or other disposal activity is carried out (NFPA 1: 19.1.5).
6. Transporting Burning Debris. Transporting burning waste or refuse shall be prohibited. (NFPA 1: 19.1.8.2).

50.0711 Cleanliness.

Every public building and place of employment, including connecting yard(s), court, passages, areas or alleys, shall be kept clean and orderly, and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter.

50.0712 Prohibition of Smoking.

1. General. Smoking or carrying of lighted smoking materials shall be prohibited in public buildings and places of employment where flammable materials are handled, sold or stored.
2. Designated Safe Locations. The authorized fire inspector may designate specific safe locations in any building, structure or place in which smoking may be permitted.
3. "No Smoking" Signs.
 - a. "No Smoking" signs shall be posted in each building, structure, room or place in which smoking is not permitted.
 - b. No person may obscure, remove, deface, mutilate or destroy a posted "No Smoking" sign.
 - c. No person may smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.
 - d. Noncombustible ashtrays shall be provided at locations where smoking is permitted. The ashtrays shall be of a design and construction to prevent smoking materials from falling out of the ashtray.

50.0713 Open Flame or Light.

1. General. No person may take an open flame into any room or area, or other place where flammable, highly combustible or explosive material is kept.
2. Open Flame Candles and Fixtures. Except as provided below, the use of open flame candles or open flame fixtures in public buildings and places of employment shall be prohibited. Exceptions to this shall be subject to the approval of the authorized fire inspector.
 - a. Open flame candles or open flame fixtures may be used in tribal buildings as part of a religious, fraternal, or ceremonial ritual.

- b. Candles may be used in restaurants, supper clubs and similar occupancies provided the candle is enclosed on all sides with glass or similar noncombustible material and the enclosure extends at least one inch above the tip of the flame.
- c. Open flame food warming candles may be used in restaurants, supper clubs and similar occupancies.

50.0714 Open Burning/Bonfires.

All persons shall obtain authorization from the local Fire and Rescue Department before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the applications of this Title for Dilapidated or Vacant Buildings.

50.0715 Dilapidated Buildings.

- 1. Any building which for any reason is especially liable to fire and which is located as to endanger other buildings or property shall be repaired and put in safe and sound condition or shall be torn down and all materials removed.
- 2. Conditions considered especially liable to fire shall include, but are not limited to, the following missing or rotten shingles or similar defects on the roof, loose, missing or rotten siding, unnecessary wall openings, broken plastering, holes in floors, ceilings or partitions, cracked or defective chimneys, and or other conditions determined hazardous by the authorized fire inspector.
- 3. Requirement to respond within 30 days.
Within 30 days of written notification, the owner of the dilapidated building as specified in paragraph (1) shall decide whether to repair or tear down the building. Within 30 days of decision, the building shall be repaired or torn down and all materials removed.

50.0716 Vacant Buildings.

- 1. Upon vacating or abandoning any premises, the owner shall remove any and all noxious and hazardous material or waste matter and the premises shall be left in a clean and neat condition.
- 2. Every person owning or in charge of or control of any vacant building shall remove all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade or otherwise secure all doors, windows and other openings.
- 3. Weedy Growth, Grass or Flammable Vegetation on Vacant Premises:
 - a) Building/Property Owner Responsibility: It shall be the responsibility of any person owning, leasing, in charge of or in control of any vacant building or abandoned structure, to abate, cut and remove all weedy growth, grass over six inches (6") in height, vines, brush, dead vegetation, and woody debris from the exterior of the building for a distance of at least thirty feet (30') from the vacant building and attached structures.

- b) Notice to Cut, Destroy or Remove: The local Fire Chief or Fire Inspector shall be authorized and empowered to notify in writing the owner, lessee, or person(s) in charge of or in control of such vacant building to abate or cut and remove or destroy any weedy growth, grass over six (6) inches in length, or other noxious growth and woody debris found growing, lying, on located adjacent to the vacant building or upon the driveway abutting the building, when determined by the Fire Chief or Fire Inspector to be a fire hazard or source of nuisance fires.
- c) Action Upon Noncompliance-Cost Assessed to Property: Should the owner of the property not respond within five (5) business days after receipt of the written notice, the Tribal Chairman, or his/her authorized representative, is authorized to abate the weedy growth on the property and either bill the owner or place a lien upon the property for the cost of abatement by the tribe.

50.0717 **Electrical Fire Hazards.**

1. General Requirements:

- a) All electrical appliances, fixtures, equipment, or wiring shall be installed and maintained in accordance with the latest edition of NFPA 70 *National Electrical Code* and with this Title and section.
- b) All appliances, fixtures, and applicable equipment shall be listed by *Underwriters Laboratories (UL)* ® or other nationally recognized testing agency.

2. Extension Cords:

a) General.

- i. Extension cords shall be listed by Underwriters Laboratories (UL®) or other approved nationally recognized testing agency.
- ii. The current-carrying capacity of the extension cord shall not be exceeded.
- iii. Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.
- iv. Extension cords may not be multiplied or plugged into one another, except for temporary wiring at construction sites complying with Article 305 of the National Electrical Code (NEC).

b. Application.

- i. Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.
- ii. Extension cords shall be permitted only with portable appliances, hand tools or fixtures.
- iii. Except for listed multi-tap extension cords with built-in over-current protection, each extension cord shall serve only one portable appliance, hand tool or fixture.

- iv. Extension cords shall not be attached to structures or extended through walls, ceilings, floors, under or through doors, or floor coverings.
- v. Extension cords shall not be subject to environmental damage or physical impact.
- vi. Extension cords may be used for temporary wiring at construction sites complying with Article 305 of the NEC.
- vii. The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance (NFPA 1: 11.1.5.3.2).
- viii. Extension cords shall be maintained in good condition without splices, deterioration, or damage (NFPA 1: 11.1.5.3.3).
- ix. Relocatable power tap cords shall not extend through walls, ceilings, or floors; under doors or floor coverings; or be subject to environmental or physical damage. (NFPA 1: 11.1.5.2.3).

3. Portable Electric Heaters:

- a) The Fire Chief / Fire Inspector shall be permitted to prohibit the use of portable electric heaters in occupancies or situations where such use or operation would present an undue danger to life or property (NFPA 1: 11.5.3.1).
- b) Portable electric heaters shall be designed so that they cannot be easily overturned (NFPA 1: 11.5.3.2) and shall be equipped with tip-over and over-heat protection (automatic shut-off).
- c) All portable electric heaters shall be UL® listed (NFPA 1: 11.5.3.3).
- d) At least three feet (3 ft.) of clearance shall be maintained, on all sides, from heaters, to any flammable or combustible materials
- e) Portable electric heaters shall be plugged directly into wall outlets rather than to extensions cords or power taps.
- f) Portable heaters shall be unplugged when the room or building is unoccupied.
- g) In any occupancy or building where a portable electric heater is in use, a fire extinguisher(s) shall be provided, rated for Type "C" fires involving energized electrical equipment.
- h) Portable electric heaters shall not be placed, unattended, in children's sleeping rooms.
- i) Portable electric heaters shall not be allowed to block or impede fire egress routes, corridors or exit doors.
- j) Portable heaters shall be prohibited in rooms or areas where highly combustible materials, flammable liquids, or flammable gasses are stored, or used.

4. Electrical fuse boxes, breaker boxes and switch-boards.

- a) A clear width of thirty inches (30") and a minimum height of seventy-eight inches (78") shall be maintained from the face of electrical boxes to an aisle or corridor and shall not be used for storage (NFPA 70: 110.26)
- b) Breakers shall be labelled as to their intended use.
- c) Breaker boxes shall be enclosed with the door kept closed except for servicing.
- d) The correct breakers and fuses shall be used, for the required ampacity that the circuit supplies.

- e) Only UL® listed fuses and breakers shall be used for repairs.

50.0718 Food Preparation Equipment.

1. Exhaust systems and automatic fire suppression systems provided for food preparation equipment shall be maintained, in accordance with NFPA 96 *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*; and in a manner so as not to create a hazardous condition.
2. In any commercial kitchen, a UL® rated Class K or A:K (kitchen) fire extinguisher, of an least 6 liter capacity, shall be provided where there is a potential for fires involving combustible cooking media (vegetable or animal oils and fats) (NFPA 1: 13.6.6.7) (NFPA 1: 50.4.12).
 - a. Maximum travel distance shall not exceed thirty feet (30 ft.) from the hazard to the extinguisher(s) (NFPA 1: 13.6.6.7.2).
 - b. The portable fire extinguisher shall not be located above or behind a cooking appliance, stove or deep fat fryer where flames could impede access to it.
 - c. The fire extinguisher(s) shall be installed, serviced, and maintained by a reputable fire extinguisher sales & service company, in accordance with NFPA 10 *Portable Fire Extinguishers*.
 - d. The Class K fire extinguisher shall be required, in addition to any required automatic fire extinguishing system (NFPA 1: 50.4.4.1).
 - e. Where an automatic fire extinguishing system is present, a placard identifying the use of the fire extinguisher as a secondary backup means to the automatic fire extinguishing system shall be conspicuously placed near every portable fire extinguisher in the cooking area. (NFPA 1: 50.4.4.2)
3. Deep Fat Fryers:
 - a. Location & Installation: All deep fat fryers shall be installed with at least a 16 inch space between the fryer and surface flames from adjacent stoves or cooking equipment (NFPA 1: 50.6.1.2.4).
 - b. Operating Controls: Deep fat fryers shall be equipped with a separate high-limit control in addition to the adjustable operating control (thermostat) to shut of fuel or electricity when the fat temperature reaches 475°F at one inch below the surface (NFPA 1: 50.6.2).
4. Automatic Fire Suppression Systems. Exhaust hoods and ducts in kitchens used for commercial purposes shall be protected by an approved automatic fire suppression system. Commercial purposes shall be defined as a for profit operation. (An exception will be made by an authorized fire inspector if he/she finds that the operation is determined to be a non-risk operation.) The suppression system shall comply with the following:
 - a. When the fire suppression system is activated, all gas and electrical sources serving cooking appliances, grease consuming appliances or fume incinerators and equipment associated with the hoods shall be automatically deactivated.
 - b. Such gas and electrical sources shall not be capable of reactivation except by manual means after the fire suppression system has been serviced and is again ready for action.
 - c. Cooking equipment shall not be operated while its fire extinguishing system or exhaust system is non-operational or is otherwise impaired (NFPA 1: 50.5.1.6).

5. Automatic/Manual Activation.

- a. Except as provided in paragraph (b), below, hood and duct suppression systems shall provide for both automatic and manual actuation of the system.
- b. Automatic fire sprinkler systems using water need not be provided with means for manual actuation.
- c. A manual station for actuation of the suppression system shall be located at or near one of the means of egress from the area but not nearer than 10 feet to the range hood and shall be securely mounted not less than 4 ½ feet nor more than 5 feet above the floor, unless otherwise specifically approved by the authorized fire inspector having jurisdiction.
 - i. The system shall be maintained at full operating capacity by the owner and shall be serviced every 6 months and all nozzles shall be accessible for cleaning and replacement.
 - ii. Hoods, grease removal devices, fans, ducts and other devices shall be inspected and cleaned semi-annually or more often as needed to remove grease and deposits of residues. The authorized fire inspector may require verification of cleaning and inspection in writing.

6. Fire Extinguishing Systems. Fire extinguisher systems shall be inspected semi-annually and checked for proper operation by a factory-authorized service representative. Inspections shall include a check that supply of extinguishing agent in the system is adequate, and all actuation components are operating satisfactorily.

- a. Fusible links shall be replaced at least annually.
- b. A copy of the semi-annual inspection report shall, upon request, be sent to the authorized fire inspector.
- c. Instructions for manually operating the fire extinguishing system shall be posted conspicuously in the kitchen, and employees shall be trained in operating procedures.

7. Fire Dampers. Any fire dampers, if employed, shall be tested semi-annually to insure proper functioning of all parts.

8. Unsafe Heating Appliances.

- a. Any existing stove, oven, furnace, incinerator, boiler or any other heat producing device or appliance found to be defective or in violation of code requirements may not be used. The authorized fire inspector shall order the discontinuation of use with a written notice to the owner, firm, agent or operator of the equipment to cease use immediately.

- b. The authorized fire inspector shall take appropriate action when inspection shows the existence of an immediate fire hazard or that a device or appliance imperils life.
- c. The defective appliance shall remain withdrawn from service until all necessary repairs or alterations have been made.

50.0719 Service Equipment Areas.

- 1. Illumination. Illumination shall be provided for all service equipment areas, motor control centers and electrical panelboards.
- 2. Clearance for infrastructure and electrical.
 - a. Clearance of not less than 36 inches shall be provided between all electrical service equipment and storage.
 - b. Clearances to heat producing equipment shall be provided as specified in the listing for the equipment.

50.0720 Tents and Air Supported Structures.

The requirements of this part shall apply to all tents, except those used exclusively for construction purposes.

- 1. Area Limitations and Setbacks.

No tent shall be erected to cover more than 75 percent of the premises on which it is located.
- 2. Setback to Property Line and Other Structures.
 - a. Tents used for assembly purposes which cover 1500 square feet or more of ground area shall be located at least 20 feet from any other structure or adjoining property lines.
 - b. Concessions and other tents not used for assembly purposes need not be separated from each other and may be located less than 20 feet from other structures.
- 3. Structural Requirements.

Poles and other members supporting tents shall be of sufficient size and strength to support the structure safely without exceeding the stresses.

- 4. Wind Load.
 - a. All tents shall be adequately guyed, supported and braced to withstand a wind pressure or suction of not less than 10 pounds per square foot.
 - b. The poles, guys, stakes, fastenings and similar devices shall be of sufficient strength and so attached as to resist a wind pressure of at least 20 pounds per square foot of projected area of tent.

5. Certification of Flame Proofing. All tents used for assembly purposes or in which animals are stabled and all other tents used by the public in places of outdoor assembly shall be effectively flameproofed. The owner shall furnish a certificate or a test report by a recognized testing engineer or laboratory as evidence that such tents have the required flame resistance.
6. Fire Hazards.
 - a. The ground enclosed by a tent used in connection with a place of outdoor assembly and for a distance of not less than 10 feet outside such structure on all sides shall be cleared of all flammable material or vegetation which will transmit fire.
 - b. The premises shall be kept free from such flammable material during the period the premises are used by the public.
 - c. No smoking or unapproved open flame of any kind shall be permitted in any tent while occupied by the public. "No Smoking" signs shall be conspicuously posted in all tents open to the public.
 - d. Combustible and flammable liquids shall be isolated in accordance with NFPA 30.
7. Every tent occupied by the public shall have at least 2 standard exits located at or near opposite ends of the structure.
 - a. In tents used for assembly purposes, exits shall be provided on 3 sides if the capacity exceeds 600 persons and on 4 sides where the capacity exceeds 1000 persons.
 - b. Exits shall be uniformly distributed but in no case shall the line of travel to an exit be greater than 150 feet.
 - c. The total width of exits from a tent used for assembly purposes shall be not less than 44 inches per 100 persons. Exit openings shall comply in all respects with the requirements of NFPA 101.
8. Electrical Installations.
 - a. Electrical systems in all tents used as places of outdoor assembly shall be installed in accordance with the requirements of the NEC. All such systems shall be maintained and operated in a safe and workmanlike manner.
 - b. The electrical system and equipment shall be isolated from the public by proper elevation and guarding. All electrical fuses and switches shall be installed in approved enclosures. Cables laid on the ground or in areas traversed by the public shall be placed in trenches or protected by approved covers.
9. Fire Extinguishers. Portable fire extinguishers shall be installed as specified in NFPA 10.
10. Illumination; Exit Lights and Signs.

- a. All exits, aisles and passageways leading to exits in tents used as places of outdoor assembly shall be kept adequately lighted at all times when the structure is occupied by the public. Artificial illumination having an intensity of not less than 2.5 foot-candles at the floor line shall be provided when natural light is inadequate.
- b. Exit lights and signs complying with the requirements of NFPA 101, shall be provided in all tents used as places of outdoor assembly where more than 100 persons can be accommodated.

50.0721 Use and Display of Fireworks.

1. **Fireworks Use Restrictions.** The discharge, ignition or use of consumer fireworks and pyrotechnic devices shall be prohibited as follows:
 - a. Within 300 feet of a motor vehicle dispensing station, fuel pumps, propane distribution dispenser, or other area dispensing flammable and combustible liquids or gasses.
 - b. Within 300 feet of a bulk fuel dispensing station.
 - c. Within 300 feet of any consumer fireworks store, stand or warehouse.
 - d. In or near any forests, grasslands, or flammable brush during the months of April through May and September through October; or, at other times when the use of fireworks is prohibited by the Tribe due to wildland fire danger or drought conditions.
 - e. Within 50 feet of residential structures or buildings.
 - f. Within 300 feet of a school, police station, or government building.
2. **Public displays.** All professional fireworks displays intended for the public shall be required to have the Fire Department present. The public shall be kept back at least 300 feet from the ignition area.
3. **Indoor Pyrotechnic Displays Prohibited.** The ignition, discharge or use of any consumer fireworks and the use of any pyrotechnic device(s) for public display or special effects purposes shall be prohibited inside of any assembly occupancy (bar, night club, casino, music hall) or educational occupancy (school).

(https://en.wikipedia.org/wiki/The_Station_nightclub_fire)

NOTE: See next section for sales, handling and storage of consumer fireworks.

50.0722 Sale, Handling and Storage of Consumer Fireworks.

The sale, handling and storage of retail sales of consumer fireworks in both new and existing buildings, and permanent or temporary facilities shall comply with NFPA 1124 *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*; with Section 65.11 and applicable provisions of NFPA 1 *Fire Code*; and with this Title and Section.

1. **General Requirements for Retail Sales of Consumer Fireworks:**
 - a) [Professional] Display Fireworks and Pyrotechnic Articles: Retail sales of [professional] display fireworks and pyrotechnic articles, including the related storage and display for sale of such fireworks, shall be prohibited at a consumer fireworks retail store (NFPA 1: 65.11.2.2).

- b) Consumer Fireworks: Retail sales of consumer fireworks, including their related storage and display for sale of such fireworks, shall be in accordance with this Title and Section, with Section 65.11 of NFPA 1, and with applicable Federal laws, except for existing businesses, and such businesses shall be grandfathered in to maintain its business location as of June 25, 2020. (Reference NFPA 1: 65.11.2.2).
 - c) Prohibited Explosive Devices: Retail sales of certain explosive devices, prohibited by the Child Safety Act of 1966, including the related storage and display for sale of such devices, shall be prohibited at a consumer fireworks retail facility or store (NFPA 1: 65.11.2.3).
 - d) [Explosive] Pest Control Devices: The retail sales of [explosive] pest control devices, including their related storage and display for sale, shall be prohibited (NFPA 1: 65.11.2.4).
 - e) Noncomplying Fireworks: The retail sales of fireworks that do not comply with the regulations of the U.S. Consumer Products Safety commission as set forth in 16 CFR Part 1500 and 1507; and, the regulations of the U.S. Department of Transportation as set forth in 49 CFR Part 100 to 178, including their related storage and display for sale, shall be prohibited (NFPA 1: 65.11.2.5).
 - f) Life Safety: Any building or structure used for the retail sales of consumer fireworks, including their related storage, shall comply with NFPA 101 *Life Safety Code*® for mercantile occupancies, except as provided herein (NFPA 1: 65.11.2.6).
2. **Permit Requirements:**
- a) The Turtle Mountain Band of Chippewa Indians shall be authorized to require and administer a permit system for the sales, handling, and storage of consumer fireworks; and, for the construction, erection or operations of permanent or temporary buildings or facilities to sell, handle or store consumer fireworks.
 - b) A charge or fee for the permit(s) may be assessed and such funds shall revert back to the Turtle Mountain Fire & Rescue Department.
 - c) Gross failure or refusal to abide by fire safety provisions of this Title and Section shall be cause for revocation of such permit(s) and disqualification from future permits.
 - d) TERO fees and regulations may apply.
 - e) It shall be required for vendors of consumer fireworks sales, handling and storage facilities, to pass a fire and life safety inspection by the Turtle Mountain Fire & Rescue Department's authorizing official, before permits are issued.
3. **Fire Protection - Automatic Sprinkler System:**
- a) An automatic fire extinguishing system shall be required and shall be installed in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*, and shall be provided in permanent consumer fireworks retail facilities greater than six-thousand square feet (6,000 ft³) (NFPA 1: 65.11.5.1.1).
 - b) The waterflow alarm device shall be arranged to activate audible and visual alarms throughout the facility in accordance with NFPA 72® *National Fire Alarm Code*® (NFPA 1: 65.11.5.1.2).
4. **Fire Protection - Portable Fire Extinguishers:** The requirements for fire extinguishers in facilities selling, handling or storing consumer fireworks

shall be in accordance with NFPA 1: 65.11.5.2.1; NFPA 10 *Portable Fire Extinguishers*; and as follows:

- a) Specification: Portable fire extinguishers in facilities used for sales, handling and storage of consumer fireworks shall be specified as required for Extra (High) Hazard Occupancies in accordance with NFPA 10, *Standard for Portable Fire Extinguishers*. The minimum rated dry chemical fire extinguisher shall be 4A: 80BC rated (10# ABC).
- b) Minimum Number: Every consumer retail fireworks facility shall have not less than two (2) portable fire extinguishers as described below:
 - i. At least one water type (water, hand pump tank, foam) fire extinguisher of at least 2-1/2 gallons capacity, UL rated not less than 2-A.
 - ii. In addition to a water type fire extinguisher, at least one multipurpose type dry chemical fire extinguisher of at least 10 pounds capacity (10#ABC), UL rated not less than 4A: 80BC.
 - iii. Exception: In unheated warehouses or sheds (subject to freezing) storing consumer fireworks, a second 4A: 80BC UL rated (10# ABC) dry chemical fire extinguishers shall be required in lieu of a water type fire extinguisher.
- c) Location - Travel Distance:
 - i. Portable fire extinguishers for permanent consumer retail sales facilities and stores shall be located so that the maximum distance of travel does not exceed seventy-five feet (75') as specified in NFPA 10 *Standard for Portable Fire Extinguishers* (NFPA 1: 65.11.5.2.3.1).
 - ii. Portable fire extinguishers for temporary consumer retail sales facilities shall be located so that the maximum distance of travel does not exceed thirty-five feet (35') (NFPA 1: 65.11.5.2.3.2).

5. **Fire Alarms:**

- a) When required by the NFPA 101® *Life Safety Code*®, a fire alarm system shall be provided and maintained [in permanent consumer fireworks retail facilities] (NFPA 1: 65.11.5.3.1).
- b) In permanent consumer fireworks retail facilities greater than 3000 square feet and in Class B stores a public address system or a means for manually activating audible and visual alarm indicating devices throughout the facility in accordance with NFPA 72 *National Fire Alarm Code*®, shall be provided at a constantly attended location when the facility or store is occupied (NFPA 1: 65.11.5.3.2).
- c) Smoke Alarms: The Turtle Mountain Fire & Rescue Department shall be authorized to require Vendors to install and maintain UL® listed single station smoke alarm(s) in any building or facility, or portion or room thereof that sells, handles or stores consumer fireworks (that is not already equipped with a fire detection system). Exception: Unheated storage buildings subject to freezing and open fireworks stands. This is to ensure that a fire in a consumer fireworks sales, handling and storage facilities not equipped with a fire detection system as per NFPA 72 is more likely to be discovered while still small, thereby protecting the lives of employees, customers, and responding firefighters.

6. **Fire Department Access [to Fireworks Retail Facilities]:** Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a consumer fireworks retail facility shall be accessible within 150 feet of a public way or an approved fire apparatus access (NFPA 1: 65.11.6.1).
7. **Clearance to Combustibles:** The area located within thirty feet (30') of a consumer fireworks retail sales facility shall be kept clear of accumulated dry grass, dry brush, and combustible debris (NFPA 1: 65.11.6.2).
8. **Parking [near consumer fireworks sales facilities]:** No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within ten feet (10') of a consumer fireworks retail facility, except when delivering, loading, or unloading fireworks and other merchandise and materials used, stored, or displayed for sale in the facility (NFPA 1: 65.11.6.3).
9. **Fireworks Discharge:**
 - a) Fireworks shall not be ignited, discharged, or otherwise used within three-hundred feet (300') of a consumer fireworks retail facility or store (NFPA 1: 65.11.6.4.1).
 - b) At least one sign that reads as follows, in letters at least four inches (4") high on a contrasting background, shall be conspicuously posted on the exterior of each side of the consumer fireworks retail facility: **NO FIREWORKS DISCHARGE WITHIN 300 FEET** (NFPA 1: 65.11.6.4.2).
10. **"No Smoking" Signs:**
 - a) Smoking shall not be permitted inside of or within fifty feet (50') of the consumer fireworks retail sales area (NFPA 1: 65.11.6.5.1).
 - b) At least one sign that reads as follows, in letters at least two inches (2") high on a contrasting background, shall be conspicuously posted at each entrance or within 10 feet (10') of every aisle directly serving the consumer fireworks retail area in a store: **FIREWORKS - NO SMOKING** (NFPA 1: 65.11.6.5.2).
11. **Separation Distances [From Fireworks Facilities to Adjacent Structures]:**
 - a) New permanent consumer fireworks retail facilities shall be separated from adjacent permanent buildings and structures as per NFPA 1124 Table 7.7.1.1 or NFPA 1: Table 65.11.7.1.1 (NFPA 1: 65.11.7.1.1).

Separation Distance in Feet	Exterior Wall Fire Resistance Rating (hr)	Exterior Wall Opening Protection rating (hr)
< 10 feet	2 hours	1 ½
≤ 10 to < 60 feet	1 hour	¾
≥ 60 feet	0	0

- b) Existing Facilities: Existing permanent consumer fireworks sales facilities shall be separated from adjacent permanent buildings and structures by not less than ten feet (10') or shall be separated by a wall with a 1-hour fire resistance rating (NFPA 1: 65.11.7.1.2).
- c) Temporary Facilities: Temporary consumer fireworks retail facilities shall be located as specified in Table 65.11.7.2 of NFPA 1 or Table 7.7.2 of NFPA 1124 (NFPA 1: 65.11.7.2).

Separation From (ft):	<u>Buildings</u>	<u>Combustibles</u>	<u>Tents</u>	<u>Vehicle Parking</u>	<u>Stands</u>	<u>Storage</u>

<u>Tents</u>	20 feet	20 feet	20 feet	10 feet	20 feet	20 feet
<u>Stands</u>	20 feet	10 feet	20 feet	10 feet	5 feet	20 feet

13. Separation Distances [Fireworks Stores to Fuel Dispensing Stations]:

- a) Service Stations: Consumer fireworks retail sales facilities and stores shall not be located within fifty feet (50') of the following: (NFPA 1: 65.11.7.3.1)
 - i. Motor vehicle fuel-dispensing station dispensers (gas/diesel pumps).
 - ii. Retail propane-dispensing (LPG) station dispensers.
 - iii. Aboveground and storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas.
 - iv. Compressed natural gas (CNG) dispensing facilities.
 - v. This shall not apply to existing businesses, and such businesses shall be grandfathered in to maintain its business location as of June 25, 2020.
- b) Bulk Fuel Dispensing Stations: Consumer fireworks retail sales and storage areas shall not be located within three-hundred feet (300') of any aboveground bulk storage or bulk dispensing area for the following: (NFPA 1: 65.11.7.3.2)
 - i. Flammable or combustible liquid.
 - ii. Flammable gas.
 - iii. Flammable liquefied gas (Propane, LPG, CNG).
- c) Vehicle fuel tanks: Fuel tanks on vehicles or other motorized equipment shall not be considered bulk storage (NFPA 1: 65.11.7.3.3).

14. Portable Generators: Fuel storage for generators shall be in accordance with NFPA 1: 65.11.11.3 or NFPA 1124: 7.7.3.4) (NFPA 1: 65.11.3.4) and as follows:

- a) Portable generators supplying power to consumer retail sales facilities shall use only Class II or Class III combustible liquid fuels (diesel-power); except that portable generators shall be permitted to use Class I flammable liquids (gasoline, unleaded, ethanol, E-85) as fuel, provided the quantity of such fuel is limited to two (2) gallons (NFPA 1: 65.11.11.3.4).
- b) Generators shall not be located closer than twenty feet (20') from the consumer retail sales facility (NFPA 1: 65.11.11.3.2).
- c) Generator fuels shall be stored not less than twenty feet (20') from the consumer fireworks sales facility (NFPA 1: 65.11.11.3.5).
- d) The quantity of combustible liquid generator fuel shall be limited to not more than five (5) gallons (NFPA 1: 65.11.11.3.3) unless located not less than fifty feet (50') from the consumer fireworks retail facility (NFPA 1: 65.11.11.3.6).
- e) Fuel storage for portable generator use shall be required to be stored in UL/FM listed or approved flammable and combustible liquid "safety cans". Fuel containers shall be labelled according to their contents (i.e. UNLEADED or DIESEL).

15. Means of Egress.

- a) General: Means of egress in consumer fireworks retail facilities shall comply with the applicable requirements of NFPA 101 *Life Safety Code*, as amended by NFPA 1: 65.11.8 (NFPA 1: 65.11.8.1) and as follows:
 - b) Retail Stores Selling Consumer Fireworks: Means of egress in [general, grocery, convenience] stores where the retail sales of consumer fireworks are conducted shall [also] comply with NFPA 101 *Life Safety Code*, unless otherwise specified in NFPA 1: 65.11.8 (NFPA 1: 65.11.8.1.1).
 - c) Tents & Membrane Structures: Means of egress in tents and membrane structures used for consumer fireworks retail sales shall comply with [both] NFPA 101 and NFPA 102 *Standard for Grandstands, Folding and Telescopic Seating, Tents and Membrane Structures*, as modified by NFPA 1: 65.11.8 (NFPA 1: 65.11.8.1.2).
16. **Fire Safety and Evacuation Plans.**
- a) Approved fire safety and evacuation plans shall be prepared by the owner or operator of the consumer fireworks retail sales facility or store in consultation with the Turtle Mountain Fire & Rescue Department. (Ref. NFPA 1: A.65.11.8.2).
 - b) The required approved fire safety and evacuation plan shall be maintained in writing and maintained current (NFPA 1: 65.11.8.2.1).
 - c) The evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility (NFPA 1: 65.11.8.2.2).
 - d) An approved fire safety and evacuation plan shall not be required for temporary [outdoor] fireworks retail stands (NFPA 1: 65.11.8.2.3).
17. **Number of Exits [in retail consumer fireworks stores]:**
- a) Permanent Fireworks Stores: The minimum number of exits provided from the retail sales area shall not be less than three (3) or as determined in accordance with NFPA 101 *Life Safety Code* (NFPA 1: 65.11.8.3.1).
 - b) Convenience Stores & Temporary Sales: Retail sales areas within Class C [convenience] stores in which consumer fireworks retail sales are conducted; and, temporary consumer fireworks retail stands shall have a minimum of two (2) exits (NFPA 1: 65.11.8.3.2).
18. **Egress Travel Distance.**
- a) Exits provided for the retail sales areas of tents, membrane structures, canopies, and permanent consumer fireworks retail stores, including C-stores, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel, shall not exceed seventy-five feet (75') (NFPA 1: 65.11.8.4.1).
 - b) Exits provided for temporary fireworks retail sales stands shall be arranged so that the maximum egress travel does not exceed thirty-five feet (35').
19. **Aisles.** Aisles serving as a portion of the exit route in consumer fireworks retail facilities or within the consumer fireworks retail sales area of a store shall be maintained unobstructed at all times the facility is occupied, with a minimum clear width of forty-eight inches (48"). (Ref. NFPA 1: 65.11.8.5, NFPA 1: 65.11.8.5.1.1, NFPA 1: 65.11.8.5.1.2).
20. **Aisle Arrangements.**

Aisle arrangements in consumer retail fireworks stores and fireworks sold in convenience stores shall comply with the aisle arrangements in NFPA 1 65.11.8.5.3 and as follows:

- a) Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit (NFPA 1: 65.11.8.5.3.1).
 - b) Other required exits shall be located at, or within ten feet (10') of, the end of an aisle or cross aisle (NFPA 1: 65.11.8.5.3.2).
 - c) Aisles shall terminate at an exit, another aisle, or a cross aisle (NFPA 1: 65.11.8.5.3.3).
 - d) Dead-end aisles shall be prohibited (NFPA 1: 65.11.8.5.3.4).
21. **Doors and Doorways.** Doors and doorways in any store where consumer fireworks are sold shall comply with NFPA 1: 65.11.8.6 and as follows:
- a) Minimum Width: Egress doors shall not be less than thirty-six inches (36") in width (NFPA 1: 65.11.8.6.1).
 - b) Tents: Exit openings from tents shall have a clear opening width of not less than forty-four inches (44") NFPA 1: 65.11.8.6.2).
 - c) Panic Hardware Required: For other than temporary consumer fireworks retail stands where the interior is not accessible to the public, every egress door that has a latching device shall be provided with panic hardware complying with NFPA *Life Safety Code*® (NFPA 1: 65.11.8.6.4).
 - d) Doors to open outwards: Means of egress doors shall be of the side-hinge type and shall be arranged to open in the direction of egress travel [outwards] (NFPA 1: 65.11.8.6.5).
22. **Exit Signs and Emergency Lighting.** Exit signs and emergency lighting in any facility where consumer fireworks are sold or handled shall comply with NFPA 101 and as follows:
- a) Exits shall be marked by an approved exit sign in accordance with NFPA 101 *Life Safety Code*® (NFPA 1: 65.11.9.1.1).
 - b) Exit signs shall be required to be self-luminous or internally or externally illuminated (NFPA 1: 65.11.9.1.2). Exception: Tents or stands that are not open for business after dark (NFPA 1: 65.11.9.1.3).
 - c) Exit Routes to be illuminated: The means of egress, including the exit discharge, shall be illuminated whenever the facility is occupied in accordance with NFPA 101 *Life Safety Code*® (NFPA 1: 65.11.9.2.1).
 - d) Emergency Lighting: Emergency lighting shall be provided for consumer fireworks retail sales facilities and stores and shall comply with NFPA 101 *Life Safety Code*® (NFPA 1: 65.11.9.2.2). Exception: Tents or stands that are not open or accessible to the public after dark (NFPA 1: 65.11.9.2.3).
23. **Retail Sales Displays** [of Consumer Fireworks. Displays of consumer fireworks in any store shall comply with NFPA 1: 65.11.10 and as follows:
- a) To provide for [safe] visual access of the retail sales area by the employees and customers; partitions, counters, shelving, cases, and similar dividers shall not exceed six feet (6') in height above the floor surface inside the perimeter of the sales area (NFPA 1: 65.11.10.2). This shall include other merchandise or other fixtures in the fireworks display area (NFPA 1: 65.11.10.2.1).

- b) Where located along the perimeter [walls] of the retail sales area, the maximum height of sales displays shall be limited to twelve feet (12') (NFPA 1: 65.11.10.2.2).
 - c) In temporary sales stands where the interior is not accessible to the public, the maximum height of sales displays shall be limited to eight feet (8') (NFPA 1: 65.11.10.2.3).
24. **Flame Breaks.** Flame Breaks shall be required in consumer fireworks display areas to be constructed, arranged and located in accordance with NFPA 1: 65.11.10.3, in compliance with NFPA 1124 7.10.3 *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*®. Exception: Temporary consumer fireworks sales stands where the interior is not accessible to the public (NFPA 1: 65.11.10.3.10). Refer to Section 65.11.10.3 of the NFPA 1 *Uniform Fire Code Handbook*® as a guide.
25. **Covered Fuses.** Only consumer fireworks meeting the criteria for covered fuses as defined in Section 3.3 or 65.11.10.4.1 of NFPA 1 shall be permitted in a facility in which the retail sales of consumer fireworks are conducted (NFPA 1: 65.11.10.4). (Fuse not accessible unless the package(s) are punctured, torn, unsealed or broken open as per NFPA 1: 65.11.10.4.1).
26. **Sales in Stores.** Consumer fireworks displayed for sale in stores shall comply with the following (NFPA 1: 65.11.10.5):
- a) Such fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public.
 - b) Such fireworks shall be packaged fireworks merchandise.
 - c) Such fireworks shall be packaged and displayed for sale in such a manner that will limit travel distance of ejected pyrotechnical components if ignition of the fireworks occurs.
 - d) Where consumer fireworks meeting the requirements of C.3.1.2 or C.3.1.3 of NFPA 1124 for aerial devices and audible ground devices, respectively, are sold, such devices shall be displayed for sale in an area of the store that is physically separated from the rest of the store in such a manner that restricts entry of the public; and, the area shall be provided by not less than two (2) means of egress so located, that there is no common path of travel and the distance to reach an egress point does not exceed thirty-five feet (35').
 - e) Aerial devices shall be packaged and displayed for sale in such a manner that will limit travel distance of ejected pyrotechnic components if ignition of the fireworks occurs (NFPA 1: 65.11.10.6).
 - f) Combustible materials and merchandise shall not be stored directly above the consumer fireworks (NFPA 1: 65.11.10.7).
27. **Electrical Equipment.** All electrical equipment, wiring and installation in consumer fireworks facilities and stores shall comply with NFPA 70 *National Electrical Code*®, NFPA 1 *Uniform Fire Code*® 65.11.11.1 and with this Title and Section __ *Electrical Fire Hazards*.
28. **Heating Sources.** Heating units in consumer fireworks facilities and stores selling consumer fireworks shall comply with NFPA 1: 65.11.11.2 and as follows:
- a) Heating units shall be listed [UL] and shall be used according to their listing (NFPA 1: 65.11.11.2.1).
 - b) Temporary heating sources shall have tip-over and temperature-overheat protection (NFPA 1: 65.11.11.2.2).

- c) Open-flame and exposed-element heating devices shall be prohibited (NFPA 1: 65.11.11.2.3).
 - d) Adequate clearance shall be maintained from heaters and portable heating appliances. For portable heaters, the required clearance shall be a minimum of three feet (3'). Portable heaters shall be unplugged when the room is not occupied. Portable heaters shall not block or impede egress routes or doorways.
29. **Cooking Equipment.**
- a) Cooking equipment of any type shall not be permitted within twenty feet (20') of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks (NFPA 1: 65.11.11.4.1).
 - b) Open-flame cooking equipment of any type shall not be permitted within fifty feet (50') of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks (NFPA 1: 65.11.11.4.1).
30. **Operations - Means of Egress Kept Clear.** Means of egress including, but not limited to aisles, doors, and exit discharges, shall be kept clear at all times when the building or facility is occupied. (NFPA 1: 65.11.12.1.1).
31. **Housekeeping.**
- a) Consumer fireworks retail sales areas and storage rooms shall be kept free of accumulations of debris and rubbish (NFPA 1: 65.11.12.5.1).
 - b) Any loose pyrotechnic composition shall be removed immediately (NFPA 1: 65.11.12.5.2).
 - c) Vacuum cleaners and other mechanical cleaning devices shall not be used. (NFPA 1: 65.11.12.5.3).
 - d) Brooms, brushes and dustpans used to sweep up any loose powder or dust shall be made of non-sparking materials (NFPA 1: 65.11.12.5.4).
 - e) Consumer fireworks devices that are damaged shall be removed and not offered for sale (NFPA 1: 65.11.12.5.5).
32. **Training.** All personnel handling consumer fireworks shall receive safety training related to the performance of their duties (NFPA 1: 65.11.12.6).
- a) Fire Extinguisher Training and Incipient Level Firefighting Procedures.
 - b) Fire Evacuation Procedures.
 - c) Any required OSHA training under 29 CFR 1910.
 - d) Any required training as per the U.S. Department of Transportation.
33. **Under the Influence.** Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs (NFPA 1: 65.11.12.7).
34. **Sales to Minors.** Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person under the age of fourteen (14) years of age.
35. **Prohibited Sales during Fire Season.** The sale of consumer fireworks shall be prohibited during the normal Fire Season from April through May and from September through October; or, at any time that the sale and use of fireworks is prohibited by a tribally declared Drought Emergency or Burn Ban / Fire Emergency Declaration.
36. **Permitted Sale Season.** Fireworks may be sold June 1st through July 4 at 11:59 p.m. and between December 26th through December 31st at 11:59 p.m.

1. **General.** The planning, construction, maintenance, education and management elements for the protection of life and property from wildfire shall comply with this Section.
2. **Definitions.** Refer to NFPA 1144 Chapter 3. *Definitions* and to the ICC *International Wildland-Urban-Interface Code*®, Chapter 2. *Definitions*.
3. **Plans.** The plans for construction of any housing addition (along with planned water mains and fire hydrant locations) within or adjacent to wildland vegetation shall be submitted to the Turtle Mountain Fire & Rescue Department for review and approval (Ref. NFPA 1: 17.2).
4. **Extraordinary Fire Danger in Fire-Prone Areas.** During times of extraordinary drought or wildland fire danger in fire-prone areas, the Turtle Mountain Tribe / Tribal Chairman shall be authorized to take any of the following measures:
 - a) Restrict or regulate hazardous or fire-prone activities such as logging, welding or hot work, off-road travel, hunting, camping within hazardous areas.
 - b) Restrict entry of hazardous areas to the general public (except for owners or persons leasing the property and guests, utility repair workers, public officers, fire personnel and tribal/BIA employees in the performance of their duties).
 - c) Regulate, restrict, or prohibit any of the following in hazardous areas:
 - i. Smoking (except within a cleared area or inside a motor vehicle).
 - ii. Tracer bullets, explosives or blasting.
 - iii. Use / Sale of Fireworks, smoke bombs, sparklers, bottle rockets.
 - iv. Lighted or smoking material used in connection with apiaries for smoking bees.
 - v. Open-flame devices (of all kinds).
 - vi. Outdoor Fires (except for ceremonial fires within a cleared area).
 - vii. Incinerators, burn barrels and outdoor fireplaces.
 - viii. The use of chainsaws (unless equipped with spark arrestors and fire extinguishing equipment readily available).
 - ix. The use of ATV's, UTV's, or off-road vehicles; restrict them to established trails, and/or require spark arrestors, fire extinguisher(s) and/or fire extinguishing tools readily available when off-road.
5. **Clearance of Brush & Vegetative Growth from Electrical Transmission Lines.**
 - a) The utility company (Rural Electric Co-op) shall be responsible for clearance of brush and vegetative growth from electrical transmission and distribution lines in accordance with 17.3.5.1 of NFPA 1 and this Section. (Ref. NFPA 1: 17.3.5.1.1).
 - b) A combustible-free space around poles and towers shall consist of a clearing of not less than ten feet (10') in each direction from the outer circumference of the pole or tower (NFPA 1: 17.3.5.1.2). No person shall conduct any nearby controlled burning, unless this clearance is in place around poles and towers.
 - c) Trimming Clearance: At the time of trimming, clearances shall not be less than those established by NFPA 1: Table 17.3.5.1.3.1.

Line Voltage	Minimal Radial Clearance From Conductor
2400-72,000 volts	4 feet
72,001-110,000 volts	6 feet
110,001 - 300,000 volts	10 feet
300,001 or more volts	15 feet

- d) Electrical sub-stations shall be kept clear of weedy growth and vegetation.
- e) Electrical power line emergencies. The utility company shall perform the required work to the extent necessary to clear the hazard (downed trees, etc.) (NFPA 1: 17.3.5.1.5).
- f) Planting vegetation under or adjacent to energized electrical lines. No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within ten feet (10') of the energized conductors.

6. Roadways, fire-access roads and driveways.

- a) Brush Clearance. Areas within ten feet (10') on each side of portions of roadways, private roads, fire-access roads and driveways to be cleared of combustible vegetation and other combustible growth. Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, or similar plants used as ground cover, to be exempt, provided they do not form a means of readily transmitting fire. (NFPA 1: 17.3.5.3).
- b) Overhead clearance. On all roadways, fire-access roads, and private roads or driveways, there shall be at least fourteen feet (14') of overhead clearance shall be maintained for fire apparatus, to include tree limbs, brush, overhead utility lines, guy wires and other obstructions.
- c) Access Gates. On any gates blocking any roadway or fire-access road, as well as private driveways over 150-feet in length, fire access gates shall be at least 12 feet wide. On any padlocked gates, the Turtle Mountain Fire Rescue Department shall be supplied with a key, with permission to install their own access lock on the chain, lock combination, phone number to call for gate access, or other means for gate access. For non-compliant gates during a fire emergency, the Fire Department shall be authorized to gain entry by whatever means necessary, at the owner's expense.
- d) Fire-access roads to be kept open. Designated fire-access roads shall not be blocked shut, fenced off (without an access gate), excavated out, built upon, or blocked shut by any means. Vehicles and the like shall not be abandoned on fire-access roads.

7. Duty to Abate Hazardous Vegetation & Reduce Structural Ignition Hazards.

Persons owning, leasing, controlling, operating, or maintaining buildings or structures in, or upon, or adjoining wildland fire-prone areas shall, from April through October, be responsible for maintaining their "Defensible Space" in accordance with this Title and Section as follows:

- a) Immediate "Non-Combustible" Zone - Within 0-5 feet of primary structures (and any accessory structures within 30 feet):

- i. Remove all dead leaves, pine needles, dead or dried plant material, and vines from the roof, rain gutters, and foundation; from attached structures; and, from under or around attached wooden decks, porches, walkways, and fences (0-5 feet out).
 - ii. Relocate any firewood (at least twenty feet (20') away) from under or on wooden decks, porches, or building walls and foundations.
 - iii. Remove shrubbery, particularly *High-Combustibility Shrubs* (juniper bushes) from this zone.
 - iv. Fire-resistant plants and low-growing, well-spaced and well-tended flowers, and *low-combustibility* plants free of dead material shall be permitted in this zone (0-5 ft.).
 - v. Replace flammable pine bark or wood mulch (within 0-5 ft.) with landscape rock or non-flammable material.
 - vi. Store trash containers, fuel cans, and combustible materials (that could ignite from burning embers) away from structures or buildings.
 - vii. Trim back any limbs from nearby trees that are overhanging or within ten feet (10') of chimneys or roof lines.
 - viii. Repair or Replace broken window panes, decaying wood, missing roof shingles, unscreened roof eaves or vents, or other openings through which burning embers could ignite or enter the home or structure. Screen vents with 1/8-inch metal screen to prevent entry of burning embers, insects or rodents.
- b) Intermediate "*Lean. Clean and Green*" Zone - Within 5-30 feet of primary structures (> 120 ft³) and within 10 feet of outbuildings (<120 ft³), maintain a fire break around the structure as follows:
- i. Prevent surface fire to crown fire extension. Prevent surface to tree/shrub to structure ignition as follows:
 - 1) Prune side limbs and foliage within ten feet (10') of the ground on mature trees, and on smaller trees, 1/3 to 1/2 the height of the tree. Limbs should be cut no closer than 1/4- inch of the trunk to maintain the health of the tree.
 - 2) Remove understory trees and large shrubs in the 30-foot zone that are growing underneath of or within 10-feet of other trees. NOTE: For technical assistance and guidance on what trees to take out, contact the B.I.A. Forestry office.
 - 3) Prune and maintain shrubs (and similar sized ornamental trees) in the 30-foot zone; remove lower foliage at least 18 inches up from the ground and remove all leaf litter and dead vegetation on or under all shrubs and trees.
 - 4) Cut and remove brush, weeds, seedlings, saplings, vines and heavy litter from under tree canopies to prevent surface to crown fire extension.
 - ii. Remove all *High-Combustibility* shrubs (junipers) in the 30-foot zone within 20 feet of structures and from each other. *Low-Combustibility* ornamental shrubs/plants/trees that are

well-pruned, well-spaced - (2X the height of the tallest shrub), and free of dead foliage shall be permitted.

High Combustibility (fire-prone) Plants include the following:

- ✓ Volatile resins, oils or waxes that ignite easily and burn intensely.
- ✓ Narrow leaves or needles (often evergreen).
- ✓ Waxy or fuzzy leaves.
- ✓ Accumulations of fine, twiggy, dry or dead material on the plant or on the ground under the plant.
- ✓ Loose, papery or thick bark.

- iii. Keep the 30-foot zone brushed out and mowed (including in back of the house and trimmed up against structures, under trees, and under parked vehicles) to a height of four inches (4") or less.
 - iv. Rake up and remove leaf litter or pine needles on the ground, especially that which is over two inches (2") in depth.
 - v. Remove dead wood or branches on the ground, not to include neatly stacked firewood (as below).
 - vi. Firewood shall not be stacked within 20 feet of primary structures during "fire season". (Firewood sheds or lean-to's are desirable and shall be permitted as long as they are no closer than 20 feet to other structures).
 - vii. Combustible rubbish, abandoned vehicles, used tires, waste or discarded materials shall be removed from the 30-foot and 100-foot zones.
 - viii. Thin remaining trees and large shrubs so that there is at least ten feet (10') between tree crowns and from tree crowns to primary structures. *NOTE: For technical assistance and guidance on what trees to take out, contact the B.I.A. Forestry office.*
- c) Extended "Fuels Reduction" Zone - 30-100 feet from structures; or, to property line (whichever is less). Provide a fuel break within 30 feet to 120 feet of a structure as follows:
- i. Prune side limbs and foliage within ten feet (10') of the ground on mature trees, and on smaller trees, $\frac{1}{3}$ to $\frac{1}{2}$ the height of the tree. Limbs should be cut no closer than $\frac{1}{4}$ -inch of the trunk to maintain the health of the tree.
 - ii. Remove understory and crowded trees and large shrubs in the 30 and 100-foot zone(s) that are growing underneath of or within 10-feet of other trees. *NOTE: For technical assistance and guidance on what trees to take out, contact the B.I.A. Forestry office.*
 - iii. Thin remaining trees and large shrubs so that there is at least ten feet (10') between tree crowns within 60 feet of structures and at least six feet (6') between tree crowns 60-100 feet from structures.
 - iv. Cut and remove brush, weeds, seedlings, saplings, vines and heavy leaf litter in the 100 foot zone and cut as necessary to a height of six-inches (6") or less, including under tree canopies, to prevent surface to crown fire extension.

- v. Remove woody debris, *hazardous trees, weeds, dead and downed trees, and accumulations of branches, dead wood and limbs from the 30 and 100 foot zones (Except for neatly stacked firewood and brush/woody debris that is neatly stacked/piled with a 10' cleared area for burning before or after fire season **NOTE: See Burn Permit requirements under Title 26 chapter 1910).** *Contact Forestry if assistance is required with removing hazardous trees.
- vi. Dispose of any slash or dozer piles, Combustible rubbish, abandoned vehicles, used tires, waste or discarded materials from the 30-foot and 100-foot zones.

7. Vehicle Parking Areas.

- a. Vehicle parking areas on public and private property shall be maintained free of dry grasses and fine fuels that could be ignited by hot exhaust systems or firebrands (NFPA 1144: 5.11).
- b. Vehicles, trailers, camping trailers, and motorized equipment shall not be parked or left abandoned in hazardous areas of tall grass, brush or combustible vegetation. The Fire Chief or Fire Inspector shall be authorized to require the vehicle(s) to be removed, or the area cleared or mowed of all dry grasses, brush and fine fuels.

8. Dumping in Wildland Areas.

- a. Waste Material. Waste material shall not be placed, deposited or dumped in wildland areas (forests, parks, grasslands); in, on or along trails, fire-access roads, roadways or highways; or, against structures in wildland-urban interface areas (2006 IWUIC A106.1) Exception: Tribally-approved public and private dumping areas.
- b. Ashes and coals: Ashes and coals shall not be placed, deposited or dumped in wildland areas (forests, parks, grasslands), or within any area of flammable vegetation. Exceptions: In the hearth of an established fire pit, camp stove or fireplace; When the ground is snow-covered; Where ashes are buried or covered with dirt at least 25 feet from flammable vegetation (2006 IWUIC A106.2).

9. Propane Tanks. The storage, use and handling of Liquefied Propane Gas (LPG) storage tanks shall comply with the requirements of NFPA 1 *Fire Code* ® Chapter 69; NFPA 58 *Liquefied Petroleum Gas Code*®; and shall have the following minimum clearances:

- a. A ten ft. wide (10') cleared fire break on all sides to bare mineral soil, gravel/rock, concrete, grass cut to less than 4-inches in height, or combination thereof; and,
- b. No flammable material for an additional ten feet (10') around their exterior.
- c. Any out-building storing propane gas cylinder(s), either empty or full, shall have clearance, as above (a-b). **NOTE:** This refers to sheds where propane tanks are stored as used on camping trailers, gas BBQ grills, stoves, etc. An empty cylinder can be just as dangerous in a fire, as a full one.

10. **Building Design, Location and Construction in Wildland Areas.** This shall apply to any new structures, structures newly relocated, or newly renovated.
- a. Separation distances between primary and accessory structures on each lot or home site; and, primary and accessory structures on adjacent lot(s) shall not be less than thirty feet (30') (NFPA 1144: 5.1.3.1). Exception: existing structures already in place and those of fire-resistant construction.
 - b. Roof Materials: The use of wood-shake shingles for building construction in wildland or wildland-urban-interface areas shall be prohibited.
 - c. Roof gutters, downspouts, and connectors shall be non-combustible (NFPA 1144: 5.3.2).
 - d. Vents and vent openings shall be screened with a corrosion-resistant, noncombustible wire mesh with a screen opening not to exceed nominal 1/8-inch size; or equivalent vents listed as complying with ASTM E2886 *Test Method for Evaluating the Ability of Exterior Vents to Resist the Entry of Embers and Direct Flame Impingement* (NFPA 1144: 5.3.3).
 - e. Eaves shall be enclosed with exterior fire-resistant treated wood, ignition-resistant or noncombustible materials, or materials exhibiting resistance to wildfire penetration as per ASTM E2957-15. (NFPA 1144: 5.3.4).
 - f. Exterior Windows, windows within exterior doors, and skylights shall be of tempered glass, multilayered glazed panels, glass block, or have a fire-resistance rating of not less than 20-minutes (NFPA 1144: 5.7.1).
 - g. Exterior Window Screening shall be installed and maintained using noncombustible (metal) mesh to minimize the collection of embers (firebrands) and their entry through open windows (NFPA 1144: 5.7.2).
 - h. Mobile and Manufactured Homes. Permanently located mobile and manufactured homes with an open space beneath, shall have a skirt of noncombustible materials (metal), fire-retardant treated wood, or other ignition-resistant material (NFPA 1144: 5.10.1).
 - i. Garden Hose Spigots. Any structures in wildland areas, equipped with indoor plumbing, shall be equipped, on opposite sides of the structure, with exterior freeze-proof garden hose (3/4" GHT) spigots, supplied by not less than 5/8-inch inside-diameter piping. (NOTE: Firefighters and residents have used these to save houses during wildfire outbreaks. Fire hydrants in the rural areas are few and far between. When the tank on the fire truck runs out of water and has to return, garden hoses could be the only means to defend rural structures, especially when multiple houses are threatened at the same time.)

50.0724 Training.

Fire extinguisher training ~~will~~ shall be conducted annually for all employees.

- 1. For all employees, the training shall include general principles of fire extinguisher use, location of extinguishers, and hazards involved with incipient stage fire-fighting.

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2. For employees expected to use a fire extinguisher to fight a fire, hands-on training shall also be provided.

50.0725 Enforcement and Regulation.

1. The provisions of this Title shall be administered by the Fire and Rescue Department and in some situations Indian Health Service Environmental Services Division (ESD), or its successor.
2. The Fire and Rescue Department shall periodically review, promulgate regulations and other guidance, and update this Fire Safety as needed, but not less than annually.

50.0726 Life Safety Code.

1. Personnel conducting inspections shall be certified in the Life Safety Codes by the NFPA. Fire inspectors shall be responsible for having all public buildings and places of employment inspected for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.
2. Annual Inspections and related requirements
 - a. All occupancies will be inspected annually.
 - b. A written report of findings and recommendations will be sent to the on-site manager and program director within 14 days of the inspection.
 - c. The on-site manager will submit a written plan of action to the fire inspector with a timeline for corrections of violations within 30 days of the receipt of the inspection report.
 - d. Follow-up or impromptu inspections will be conducted at the discretion of the fire inspector.
 - e. Copies of inspection reports shall be on file in the Fire Inspector's office at the individual locations.
 - f. All records shall be maintained for 5 years.

50.0727 Noncompliance with the Life Safety Code.

1. Any authorized Fire Inspector, acting according to policies established by the Nation, may inspect tribal buildings and grounds for fire safety.
2. No person may refuse access to any authorized Fire Inspector who requests access for the purpose of inspection, and who presents appropriate credentials.
3. No person may obstruct, hamper, or interfere with such an inspection.

50.0728 Fire Inspector and Fire Chief Authority to Enforce this Title.

1. Any person or entity who violates a provision of this Title may be issued a citation by any authorized Fire Inspector and or Fire Chief according to current or future judicial policies established by the Tribe to collect forfeitures.

2. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
3. The Court may assess a forfeiture for a minimum of \$50.00 or no greater than \$1,000.00 for violations of this Title.
4. Every day the person or entity fails to observe and comply with an order of the authorized Fire Inspector or Fire Chief will constitute a separate and distinct violation of such orders.

50.0729 Authority to Issue Citations under Title 26.

The Fire Chief or Fire Inspector are authorized to issue citations under Title 26.19 as necessary for enforcement.

50.0730 Memorandum of Understanding.

The Tribe may from time to time enter into agreements with other governments and agencies and may bestow upon those agencies the authority enforcement authority as necessary to effectuate the purpose of this Title.

50.0731 Severability and Repeal.

1. The provisions of this Title are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.
2. Any prior versions of this law are repealed if they are inconsistent with the provisions of this code.

50.0732 Budgeting of funds.

The Tribe shall budget funds to effectuate the purpose of this Title.

50.0733 Rules and Regulations.

The Tribe shall enact rules, regulations, and forms to effectuate the purpose of this Title.