



City of Bismarck ordinance: Bismarck Municipal Ordinances are created by action of the Bismarck City Commission pursuant to its Home Rule Charter authority under North Dakota law.

TITLE 4 - BUILDING REGULATIONS

Section 307.3 Extinguishment authority.

Amend to read: When any fire creates or adds to a hazardous situation, is offensive or objectionable due to smoke emissions, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the fire.

307.4.3 Portable Outdoor Fireplaces.

Amend to read: Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one-and two-family dwellings are exempt from distance requirement from structures and combustible materials.

Use of portable outdoor fireplaces shall be prohibited at all occupancy types, to include one-and two-family dwellings, when atmospheric conditions or local circumstances make sure fires hazardous. Use of portable outdoor fireplaces are banned when the fire index is at the very high or extreme level and any time during a red flag warning.

Section 308.1.4, Open-flame cooking devices.

Amend to read: Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

- Exceptions:
1. One- and two-family dwellings.
 2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
 3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity]. Devices using deep oil containers, (i.e. turkey fryers), are not included in this exception.

Title 08 - Health and Sanitation 8-07-04. Collection Regulations.

Outdoor Burning Activities Prohibited at All Times: A person may not burn or cause to be burned any paper, garbage, excelsior, straw, hay, leaves, brush, weeds, dry grass, shavings, rags, barrels, boxes, crates, lumber or other combustible materials or solid waste within the city, except in an incinerator approved by the state health department.

2021 International Fire Code (IFC)

307.5 Attendance.

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with [Section 906](#) with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.4.2 Recreational fires.

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.