



**SPECIAL MEETING AGENDA
CITY COMMISSION
JUNE 24, 2025
VIRTUAL MEETING
MANDAN CITY HALL
4:00 PM
WWW.CITYOFMANDAN.COM**

The public may access the LIVE meeting at:

[Join the meeting now](#)

Meeting ID: 247 560 899 386 8

Passcode: qp7vE35M

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. NEW BUSINESS

1. Consider approval of the Special B license applications for Bareknuckle Events on June 28 and July 2-4, 2025

E. RESOLUTIONS AND ORDINANCES

1. Introduction and First Consideration of Ordinance 1468 related to a Fireworks clarification

F. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- - Tuesday, July 1, 2025 at 5:30 p.m.
 - Tuesday, July 15, 2025 at 5:30 p.m.
 - Tuesday, Aug. 5, 2025 at 5:30 p.m.

G. ADJOURN



City Commission

Agenda Documentation

MEETING DATE: June 24, 2025
PREPARATION DATE: June 23, 2025
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Special B Liquor License for Bareknuckle Events

STATEMENT/PURPOSE:

To consider approval of the special b liquor license for Bareknuckle Events (aka Funatix Events)

BACKGROUND/ALTERNATIVES:

Two applications were received from Bareknuckle Events (aka Funatix Events) for Special B liquor licenses for the June 28 Mandan Rodeo Days kick-off concert and the July 2-4 Mandan Rodeo Days. The application fee has been received for both.

ATTACHMENTS:

1. Special B Liquor License App for Bareknuckle Events for June 28, 2025 Mandan Rodeo Days kick-off concert
2. Special B Liquor License App for Bareknuckle Events for July 2-4, 2025 Mandan Rodeo Days

FISCAL IMPACT:

n/a

STAFF IMPACT:

Minimal, for processing.

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

City Commission

Agenda Documentation

June 24, 2025

Subject: Consider approval of the Special B license applications for Bareknuckle Events on June 28 and July 2-4, 2025

Page 2 of 2

SUGGESTED MOTION:

I move to approve the Special B liquor license applications for Bareknuckle Events on June 28 and July 2-4, 2025.

CITY OF MANDAN

SPECIAL "B" LIQUOR PERMIT

Date of Application: 6/18/2025

Name of Licensee: Funatix Events

Address of Licensee: 201 W Front Ave Bismarck, ND 58504

E-mail Address of Licensee: nate@larksbaseball.com

Phone Number of Licensee: 701-557-7600

Address of public facility if used: 2428 Longspur Trail Mandan, ND 58554

State the purpose for which this permit will be used:

This permit will be used for the sale of liquor and beer during the concert to kick off Mandan Rodeo Days on June 28, 2025

Date(s) of requested (not to exceed 3 days) June 28, 2025

Time of day which the applicant desires the permit to be in effect: 4pm-12am

Does this organization have approval of the Mandan Park District for this application?

Yes ☒ No ☐

Nathan Mattox

Signature of Applicant

W. Schobinger

Received by

Date Received: 6/18/2025

Commission Approval: _____

\$100.00 per Event – Amount paid \$ 100 Receipt # 23349

CITY OF MANDAN
SPECIAL "B" LIQUOR PERMIT

Date of Application: 6/18/2025

Name of Licensee: Funatix Events

Address of Licensee: 201 W Front Ave Bismarck, ND 58504

E-mail Address of Licensee: nate@larksbaseball.com

Phone Number of Licensee: 701-557-7600

Address of public facility if used: 2428 Longspur Trail Mandan, ND 58554

State the purpose for which this permit will be used:

This permit will be used for the sale of liquor and beer during the Mandan Rodeo Days on July 2-4, 2025

Date(s) of requested (not to exceed 3 days) July 2-4, 2025

Time of day which the applicant desires the permit to be in effect: 4pm-12am

Does this organization have approval of the Mandan Park District for this application?

Yes ☒ No ☐

Nathan Malloy

Signature of Applicant

Luci Schabinger

Received by

Date Received: 6/18/2025

Commission Approval: _____

\$100.00 per Event – Amount paid \$ 100 Receipt # 2350



City Commission

Agenda Documentation

MEETING DATE: June 24, 2025
PREPARATION DATE: June 23, 2025
SUBMITTING DEPARTMENT: Fire Department
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Fire Chief
SUBJECT: Ord 1468 Clarification on Fireworks

STATEMENT/PURPOSE:

To introduce Ordinance 1468 related to a clarification on fireworks

BACKGROUND/ALTERNATIVES:

Staff discovered a discrepancy in our code of ordinances related to when residents can set off fireworks. It appears that Ord 1421 (approved Jan/Feb 2023) reversed the changes made in 2020 with Ordinance 1348.

Ordinance 1421 reads:

- *“The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.”*

However, in 2020 with **Ordinance 1348** the Commission made changes to the time for which fireworks can be discharged to:

- *“The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.”*

Since Ordinance No. 1421 was approved in 2023, it supersedes Ordinance No. 1348. Attorney Oster has drafted Ordinance No. 1468 which updates the language to what

was approved in 2020.

ATTACHMENTS:

1. Ordinance No. 1468 - Fireworks(19917554.1)
2. Ord 1421 Fire Code
3. Ord. 1348 Fireworks

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

Legal has reviewed the ordinance.

RECOMMENDATION:

Approve as presented.

SUGGESTED MOTION:

I move to approve Ordinance No. 1468.

ORDINANCE NO. 1468

An Ordinance to Amend and Re-enact
Chapter 56 of Section 10-2-10 of the Mandan Code of Ordinances
Relating to Fireworks

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

Sec. 10-2-10. – Amendments to International Fire Code.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

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

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.

Penalty:

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty dollars (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

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

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

By: _____
James Froelich, President, Board of
City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: June 24, 2025

Second Consideration and Final Passage: July 1, 2025

ORDINANCE NO. 1421

An Ordinance to Amend and Re-enact Sections 10-2-1 and 10-2-10 of the Mandan Code of Ordinances Relating to Fire Code

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

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

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

That a certain document, at least one copy of which is on file in the office of the City Administrator of the City of Mandan, being marked and designated as the *International Fire Code*, including Appendix Chapters A, B, C, and D, as published by the International Code Council, be and is hereby adopted as the code of the City of Mandan for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, 2021 edition, published by the International Code Council, on file in the offices of the City Administrator and Fire Chief are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. The International Fire Code as adopted and amended by the Board of City Commissioners of the City and the provisions of Chapters 10-1 and 10-2 shall be known as the Fire Prevention Code.

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

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

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

The 2021 edition of the International Fire Code adopted by the provisions of this chapter and all subsequent editions adopted by resolution of the Board are amended, changed, and altered as follows:

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

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

Chapter 1 Scope and Administration

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

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

102.6 Historic Buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan.

Section 103: Code Compliance Agency, is amended as follows:

Section 103.1 Creation of Agency.

Mandan Fire Department is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section 104: Duties and Powers of the Fire Code Official, is amended as follows:

104.7 Liability. The fire code official, member of the board of appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 105: Permits are amended as follows:

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

Section 105.7 Required Construction Permits, is amended as follows:

Section 105.7 Required Construction Permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105. The fire code official may utilize existing permitting and approval processes already established in Building Inspections, Engineering, or other departments.

Section 110 Violations, is amended as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Class B misdemeanor.

Section 112 Stop Work Order, is amended as follows:

112.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed

to perform to remove a violation or unsafe condition, shall be charged with a Class B misdemeanor.

Chapter 2 Definitions

Section 202 General Definitions, is amended as follows:

Commercial Motor Vehicles is amended to read as follows:

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

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

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

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

Occupancy Classifications Educational Group E, daycare facilities, is amended to read as follows:

Occupancy classifications Educational Group E, daycare facilities.

Educational group E.

Occupancy classifications Educational Group E, daycare facilities, is amended to read as follows:

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

Five or fewer children is amended to read:

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

Educational Group E.

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

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

Institutional Group I-4, daycare facilities, is amended to read:

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

Adult daycare.
Child daycare.

Classification as Group E is amended to read:

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

Five or fewer persons receiving care is amended to read:

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

Five or fewer persons receiving care in a dwelling is amended to read:

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

Care Facilities within a dwelling is amended to read:

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

Chapter 3 General Requirements

Section 308 Open Flames, is amended as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwelling*s.
2. Where buildings, balconies, and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas containers with a water capacity not greater than 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].
4. 1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of combustible material or injury to occupants:
 - 1.4 Open-flame devices for food warming.

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

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided that *approved* precautions are taken to prevent ignition of combustible material or injury to occupants:
 - 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
 - 1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
 - 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
 - 1.4 Open-flame devices for food warming.
2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.
3. Gas lights are allowed to be used provided that adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

Section 319.4 is hereby amended to read as follows:

319.4 Fire protection. Fire Protection shall be provided in accordance with Section 319.4.2.

Section 319.4.1 is hereby deleted in its entirety.

Chapter 5 Fire Service Features

Section 503 Fire Service Features, is amended as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all times. Parking of motor vehicles or otherwise obstructing a designated fire apparatus access road shall be prohibited and enforcement of such prohibition may be accomplished in the same manner as provided in Section 24-7-1 of the Mandan Code of Ordinances. A violation of this section is a Class B misdemeanor.

Section 507.5.4 Obstruction is amended to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. An approved hydrant marker shall be installed immediately adjacent to the rear of the hydrant.

Chapter 8 Interior Finish, Decorative Materials, and Furnishings

Section 806.1.1 is amended by adding the following exception:

3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.

Chapter 9 Fire Protection and Life Safety Systems

Section 903 is amended as follows:

Section 903.3.1.1 is hereby amended by adding a second paragraph to read as follows: Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restrictions.

Section 903.2.8 Group R is amended to read as follows: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Single-family dwelling or a residential building that contains no more than two dwelling units.

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet.
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.3.1 Standards Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 903.3.1.1, 903.3.1.2, or 903.3.1.3 and other chapters of this code, as applicable.

Section 903.3.1.1.1 Exempt locations is amended by adding the following exception:

7. Elevator machine room and machinery spaces. Where sprinklers are not installed in elevator machine rooms, shunt trip required in accordance with IBC 3005.5 shall not be installed.

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

1. The building is of Type V construction, provided there is a roof, overhang 6 inches or greater, or deck above.
2. Exterior balconies, decks, and ground floor patios of dwelling units and sleeping units are constructed in accordance with Section 705.2.3.1, Exception 3 of the *International Building Code*.

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

Section 903.3.5 Water Supplies is amended to read as follows:

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for the design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. Underground water supply piping shall be constructed of a material allowed by Mandan Municipal Code and shall be allowed to extend into the building through the slab or wall, not more than 24 inches.

Section 905, Standpipe Systems, is amended as follows:

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

Exception: The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.

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

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

907.8.3 Smoke detector sensitivity. is hereby deleted in its entirety.

Chapter 10 Means of Egress

Section 1009.8.1 is hereby amended to read as follows:

1009.8.1 System requirements. Two-way communication systems shall provide communication between each required location and the fire command center or a central control point location *approved* by the fire department. Where the central control point is not constantly attended, a two-way communication system shall have a timed automatic telephone dial-out capability to a monitoring

location. The two-way communication system shall include both audible and visible signals.

Section 1011.1 Exceptions are hereby amended to read as follows:

1. Within rooms or spaces used for assembly purposes, stepped *aisles* shall comply with Section 1030.
2. A stairway complying with section 1011 except where in a B, F, M, S, or U that serves an area of 750 sf or less, and is not open to the public, that has a maximum riser height of 8 inches and a minimum tread depth of 9 inches, has a minimum width of 36 inches and has at least one handrail that terminates at the top and bottom riser and otherwise complies with section 1014.

Exception 3, 6 of Section 1011.5.2 is amended in part to read as follows:

3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 8 inches; the minimum tread depth shall be 9 inches;
6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8-inch riser height and minimum 9 tread depth.

Chapter 53 Compressed Gases

Section 5307, Compressed Gases not otherwise regulated, is amended as follows:

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

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

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

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

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

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

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

Exceptions:

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

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

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

Chapter 57 Flammable and Combustible Liquids

Section 5704, Storage, is amended as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited.—Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC, and MD.

Section 5704.2.13.1.4 is amended by adding the following Subsection 7:

7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

Section 5706, Special Operations, is amended as follows:

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

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids

Section 5806, Flammable Cryogenic Fluids is amended as follows:

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

Chapter 61 Liquefied Petroleum Gases

Section 6103 Installation of Equipment is amended as follows:

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

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

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

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

Section 6104.2 Maximum capacity within established limits. Within residentially zoned districts of the corporate boundaries of the City of Mandan, storage of liquefied petroleum gas used to supply a structure or for any other use shall not exceed a water capacity of 29 gallons. In all other districts, except for

Industrial, Agricultural, and Public districts (MA, MB, A, P), the maximum capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

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

Cross reference— Adoption of the International Fire Code, [§ 10-2-1](#).

By:

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

ORDINANCE NO. 1348

An Ordinance to Amend and Re-enact
Section 10-2-10 of the Mandan Code of Ordinances
Relating to Fireworks

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

Sec. 10-2-10. – Amendments to International Fire Code.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

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

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.

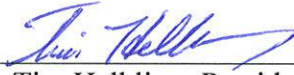
Penalty:

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty dollars (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to

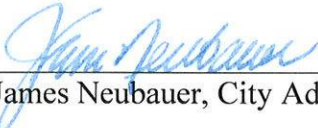
appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

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

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

By: 
Tim Helbling, President, Board of
City Commissioners

Attest:


James Neubauer, City Administrator

First Consideration: August 4, 2020

Second Consideration and Final Passage: August 18, 2020

Publication: September 1, 2020