

# FIRES

## CHAPTER 162

H. B. No. 573  
(Muggli and Beede)

### ABATEMENT OF DANGEROUS CONDITIONS

#### AN ACT

To amend and reenact section 18-0115 of the North Dakota Revised Code of 1943, relating to abatement of conditions dangerous to persons.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 18-0115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**18-0115. Abatement Of Conditions Dangerous To Persons; Order; Failure To Comply Is A Misdemeanor.)** If the state fire marshal or a deputy fire marshal shall find in any building or upon any premises any condition which is a danger or a menace to the safety of life and limb of the occupants of that building or of adjacent building, such officer shall issue an order for the immediate removal or correction of the dangerous condition. Any owner, agent, or occupant upon whom an order of abatement issued under this section is served, who shall fail to comply with the order within the time specified therein, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Upon a second or subsequent offense such person shall be punished by a fine of not less than five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Approved March 4, 1957.

## CHAPTER 163

H. B. No. 688  
(Paulson)

## FIREMEN'S ASS'N REPORT OF MONEY RECEIVED

## AN ACT

To amend and reenact section 18-0308 of the North Dakota Revised Code of 1943, relating to report of use of money and examination by the state examiner.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 18-0308 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

**18-0308. Report Of Use Of Money.)** On or before the first day of July of each year, the president, secretary, and treasurer of the North Dakota firemen's association shall make to the state auditor a full and complete report, duly verified by the secretary, of the disposition of all moneys received; and the state examiner shall examine the books of the said association annually, the cost of said audit to be borne by the firemen's association.

Approved March 12, 1957.

## CHAPTER 164

S. B. No. 86  
(Kusler, Dewing and Erickstad)

## LIQUEFIED PETROLEUM GAS REGULATION

## AN ACT

To authorize the state fire marshal to prescribe uniform regulations for safety in the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank-truck or tank-trailer and the utilizing of liquefied petroleum gas for fuel purposes, and for the odorization of said gases used therewith; to provide for the marking of liquefied petroleum gas containers; and providing for penalty.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Definition.)** The term "liquefied petroleum gas" as used in this Act, shall mean and include any material which is composed predominantly of any of the following hydro-

carbons, or mixtures of the same: propane, propylene, butane (normal butane or isobutane), and butylenes.

**§ 2. Fire Marshal To Make Rules.)** The state fire marshal shall make and promulgate regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storage, handling, transporting by tank-truck, tank-trailer, and utilizing liquefied petroleum gases and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Said regulations shall substantially comply with the standards of the National Board of Fire Underwriters for the design, installation, construction of containers and pertinent equipment for the handling and storage of liquefied petroleum gases.

**§ 3. Penalty.)** It shall be unlawful for any person, firm association, or corporation, on or after the effective date of this Act to violate any of the provisions hereof or of the regulations of the state fire marshal made pursuant hereto. Any person, firm, association, or corporation violating any of the provisions of this Act, or said regulations made hereunder shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, or more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

**§ 4. Abatement.)** In addition to the penalties provided in section 3 of this Act, any person, firm or corporation who shall violate or remain in violation of any of the provisions hereof, or of any rule or regulation promulgated by the state fire marshal hereunder, may be directed and ordered by the state fire marshal or by the fire chief of any city, village or township, by notice in writing setting forth the facts relating to such violation to correct said violation. Such notice in writing shall be served personally upon said person or mailed by registered mail to the principal office of said person, firm or corporation or if an individual or individuals, to his or their residence. If such order is not complied with and such violation not corrected within twenty days of the date of service of said order, the state fire marshal, or fire chief of any city, village or township shall file in the district court of the county where such person or corporation may reside, or have his, their or its principal place of business or residence or where such violation occurs, a petition or complaint setting forth the facts relating to the making and serving of such order and

praying for an injunction or an abatement, and the court upon notice and proper hearing shall make such determination thereof as shall seem necessary and proper to correct the violation and secure enforcement of said abatement order. Every order issued by the officials hereinbefore mentioned under the provisions of this section shall be prima facie evidence of the truth of the matters and things therein set forth. The court may issue such temporary orders pending full hearing as may seem necessary and expedient. The procedures shall be as prescribed for the securing of an injunction or for the abatement of hazards in the laws of this state or under the rules and practices of the court.

Approved March 13, 1957.

---

## CHAPTER 165

H. B. No. 623

(Nygaard, Paulson, Johnston and Saugstad)

---

### RURAL FIRE PROTECTION

#### AN ACT

Relating to rural fire protection; to declare the necessity of creating rural fire protection districts; to prescribe the conditions under which such districts may be formed, organized and established; to provide for their organization, establishment, equipment and maintenance; to provide a procedure for the organization and formation of such districts and the determination of the boundaries thereof by county boards after a hearing by said boards; to provide for a public organization meeting; to provide for the election of officers and directors of such districts; to provide for regular annual and special public meetings of such districts; to define the powers of such districts and the boards of directors thereof; to provide a procedure for the levying of taxes to maintain and support such districts; to fix the maximum limits of indebtedness of such districts; to authorize incorporated cities and villages to contract with such districts for mutual fire protection or cooperation; to provide a procedure for the annexation to, or withdrawal from, such districts as prescribed; to authorize such districts to borrow money and issue evidences of indebtedness therefor; to authorize such districts to determine the rate of interest on warrants not paid for want of funds within a specified limit; to fix the maximum tax levy for the support of such districts at five mills; to provide a procedure for all such districts organized prior to the effective date of this Act to become established and operate under the provisions of this Act; to repeal sections 18-0601 through 18-0609, inclusive, North Dakota Revised Code of 1943, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Territory To Be Annexed; Petition.)** Whenever sixty percent of the freeholders residing in any rural territory,

equivalent in area to one township or more, elects to form, organize, establish, equip, and maintain a rural fire protection district, they shall signify such intention by presenting to the county auditor of the county or counties in which such territory is situated, a petition setting forth the desires and purposes of such petitioners. Such petition shall contain the full names and post office addresses of such petitioners; the suggested name of the proposed district, the area in square miles to be included therein, and a complete description according to government survey, wherever possible, of the boundaries of the real properties intended to be embraced in the proposed rural fire protection district. The petitioners shall also present to the county auditor a plat or map showing the suggested boundaries of the proposed district, and shall deposit with the county auditor a sum sufficient to defray the expense of publishing the notices required by sections two and three of this Act.

**§ 2. Petition; Hearing; Order.)** Upon the filing of such petition in the office of the county auditor, the county auditor shall determine and certify that such petition has been signed by at least sixty percent of the freeholders whose names appear on the current tax schedules in the office of the county auditor and who appear to reside within the suggested boundaries of the proposed district. He shall thereafter designate a time and place for said petition to be heard by the board of county commissioners. Notice of such hearing shall be given by publication two weeks in a newspaper of general circulation in the county, the last publication appearing at least seven days prior to said hearing; said notice shall be addressed to "all persons residing in or having any interest in real or personal property located within the following boundaries" and shall include a statement of the proposed boundaries as set forth in the petition; provided, that if the proposed district shall be situated within two or more counties, the county auditor of the county wherein the largest number of petitioners shall have signed, shall confer with the auditor or auditors of the other county or counties concerned and shall obtain a certificate as to the adequacy of the petitions pertaining to said county or counties, and thereafter he shall designate a time and place for a hearing before a joint meeting of the boards of county commissioners of all counties in which the proposed district is to be situated and shall give notice thereof by publication in the manner hereinbefore provided. At the time and place so fixed, the board or boards of county commissioners shall meet, and all persons residing in or owning taxable property within, the proposed district shall have an opportunity to be heard respecting the formation of such district or the location of the boundaries thereof. Thereupon

the board or boards of county commissioners shall determine whether the proposed district is suited to the general fire protection policy of the county, or each of such counties, as a whole, determine the boundaries of the proposed district, whether as suggested in the petition or otherwise, and make a written order of such determination which shall describe the boundaries of the district and be filed in the office of the county auditor or auditors of each county in which such district is situated.

**§ 3. Notice Of Hearing.)** Following the filing of the order of the board of county commissioners, the county auditor shall designate a time and place for a public meeting of all electors who are owners of any interest in real or personal property assessed for taxation in the district and who are residing within the boundaries of the district as fixed by the order of the board of county commissioners. Notice of such meeting shall be given by publication two weeks in a newspaper of general circulation in the county the last publication appearing at least seven days prior to said meeting; said notice shall be addressed "to all electors who are owners of any interest in real or personal property assessed for taxation in the district and who are residing within the following described boundaries", and shall include a description of the boundaries of the district as set forth in the order of the board of county commissioners; provided, that if the proposed district shall be within two or more counties, the county auditor of the county in which the greater portion of the district is to be situated shall fix the time and place for the public meeting and cause notice thereof to be published in each county in which the district is to be situated in the manner hereinbefore provided.

**§ 4. Organization; Board Of Directors.)** At the time and place fixed by the county auditor for the public meeting as provided in section three, the electors who are owners of any interest in real or personal property assessed for taxation in the district and who are residing within the boundaries of the district shall have the opportunity to decide by majority vote of those present whether the organization of the district shall be completed. Permanent organization shall be effected by the election of a president, a vice-president, a secretary-treasurer, and a board of directors consisting of five residents of the district, three of whom shall be elected officers. All officers shall be elected for two years and hold office until their successors have been elected and qualified, except that at the first election the vice-president and one director shall be elected for one year terms; provided, that if the district shall embrace more than one township each township shall be represented on the board of directors. All officers shall serve without pay.

**§ 5. Regular Meeting To Be Held.)** A regular meeting of the electors who are owners of any interest in real or personal property assessed for taxation in the district and who are residing within the boundaries of a district shall be held in the first quarter of each calendar year and special meetings may be called by the board of directors at any time. Notice thereof shall be given by the secretary-treasurer by one publication in a legal newspaper of general circulation in each county in which such district is situated. The meeting shall be held not less than seven days nor more than fourteen days after the date of publication of such notice.

**§ 6. Powers Of Board Of Directors.)** The board of directors shall have the following general powers:

1. To determine upon a general fire protection program for the district;
2. To make an annual estimate of the probable expense for carrying out such program;
3. To annually certify such estimate to the proper county auditor in the manner provided by section seven;
4. To manage and conduct the business affairs of the district;
5. To make and execute contracts in the name of and on behalf of the district;
6. To purchase or lease such fire fighting equipment, supplies, and other real or personal property as shall be necessary and proper to carry out the general fire protection program of the district;
7. To incur indebtedness on behalf of the district within the limits prescribed by section eight, and to authorize the issuance of evidences of such indebtedness permitted under section eight, and to pledge any real or personal property owned or acquired by the district as security for the same;
8. To organize, establish, equip, maintain and supervise a volunteer fire department or company to serve the district; and
9. Generally to perform all acts necessary to fully carry out the purposes of this Act.

**§ 7. Fire Protection Policy To Be Determined.)** The board of directors shall have the power and duty to determine upon a general fire protection policy for the district and shall annually estimate the probable expense for carrying out such con-

templated program. Such estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June 30 of each year, who shall levy a tax not to exceed five mills upon the taxable property within said district for the maintenance of the fire protection district for the fiscal year as provided by law. Said tax shall be:

1. Collected as other taxes are collected in the county,
2. Deposited with the county treasurer, or county treasurers if more than one county be included in such district,
3. Placed to the credit of the rural fire protection district so authorizing the same, and
4. Be paid out upon warrants drawn upon the fund by authority of the board of directors of the district, bearing the signature of treasurer and the countersignature of the president of the rural fire protection district.

In no case shall the amount of tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense including the amount of principal and interest upon the indebtedness of the district for the ensuing year.

**§ 8. Indebtedness Of District Limited.)** No district shall become indebted for more than ten thousand dollars, nor for an amount that may not be payable from ten annual maximum tax levies as authorized by section seven. Within the limits herein authorized, the district shall have power to borrow money at a rate not in excess of six percent per annum and to issue appropriate evidences of indebtedness thereof which shall be registered with the county treasurer.

**§ 9. Funds Collected To Be Deposited With County Treasurer.)**

1. All funds collected on behalf of the district through the levy of taxes,
2. All donations, contributions, bequests, or annuities, and
3. All borrowed money received by or on behalf of the district shall be deposited with the county treasurer to the credit of the district fund and shall be drawn out only upon proper order as provided in chapter 11-25, North Dakota Revised Code 1943 as amended.

Such claim voucher shall be authorized by the board of directors and shall bear the signature of the treasurer and the countersignature of the president of such district. The secre-



tary-treasurer of the district shall, at each annual public meeting of the district, present a financial report concerning the affairs of the district.

**§ 10. Rural Fire Department May Enter Into Contract.)**

Any rural fire protection district may elect to enter into a contract with another rural fire protection district to consolidate or cooperate for mutual fire protection and prevention purposes, or may enter into a contract with an incorporated city or village for fire protection service or fire protection cooperation, upon terms suitable to all concerned, and power to make such contracts is hereby conferred upon such city or village in addition to such powers as have been heretofore provided by law.

**§ 11. Territory To Be Annexed.)**

1. Any territory which:
  - a. Is equivalent in area to six sections or more,
  - b. Is outside the limits of any incorporated city, village, or rural fire protection district, and
  - c. Is adjacent to the boundary of an existing rural fire protection district may be annexed to such district in the manner hereinafter provided.
2. The proceedings for the annexation, referred to in subsection 1 of this section, may be initiated by the presentation to the auditor of a petition signed by sixty percent or more of the electors who are owners of any interest in real or personal property assessed for taxation in the territory to be annexed and who are residing within the boundaries of such territory stating the desires and purposes of such petitioners. The petition shall contain a description of the boundaries of the territory proposed to be annexed. It shall be accompanied by a map or plat and a deposit for publication costs.
3. The county auditor shall consult the tax schedules in the office of the county auditor and determine and certify whether or not such petition complies with the requirements of subsection 2 of this section and that the persons signing the same appear to reside within the boundaries described by such petition. Thereafter, the county auditor shall forward such petition, map or plat, and certificate to the board of directors of the district concerned.
4. Within thirty days after receiving the petition, map or plat, and certificate of the county auditor, in accordance with subsection 3 of this section, from the county auditor, such board of directors shall transmit the same to

the proper county board, accompanied by a report in writing approving or disapproving the proposal contained in said petition, or approving such proposal in part and disapproving it in part.

5. If the report of the board of directors, referred to in subsection 4 of this section, disapproves the proposal, the petition shall be rejected. If the report is favorable to such proposal, either in whole or in part, the board of county commissioners shall promptly designate a time and place for a hearing upon the petition and shall give notice thereof in the manner prescribed by section two. At such hearing, any person owning taxable property or residing within the boundaries of the existing district or the territory to be annexed, shall have the opportunity to be heard respecting the proposed annexation.
6. The board of county commissioners shall, at or shortly after the hearing referred to in subsection 5 of this section, determine whether such territory should be annexed to the existing district and shall fix the boundaries of the territory to be annexed. The determination of the board of county commissioners shall be set forth in a written order which shall describe the boundaries determined upon and shall be filed in the office of the county auditor; provided, that no area shall be annexed to an existing rural fire protection district contrary to the recommendation of the board of directors of such existing district.

**\*§ 11 (a). Boundaries Of Rural Protection District.)** The boundaries of any rural fire protection district organized under the provisions of this Act may be changed in the manner prescribed by sections two and three, but the changes of boundaries of any such district shall not impair or effect its organization or its right in or to property; nor shall it impair, affect or discharge any contract, obligation, lien, or change for or upon which it might be liable had such change of boundaries not been made.

**\*Note:** The bill as passed included two sections, both numbered "11". For the purpose of distinguishing between these sections, one such section has been designated "11(a)".

**§ 12. County Auditor To Set Date For Hearing.)** The county auditor of each county in which any rural fire protection district or districts have been organized under the provisions of this chapter, prior to the effective date of this Act, shall forthwith designate a time and place for a hearing before the county board of such county and shall give due notice thereof in the manner prescribed by section three. At the time and place so fixed the board of county commissioners shall

meet and all persons interested shall have opportunity to be heard. Thereupon, the board of county commissioners shall consider the general rural fire protection policy for the county as a whole and shall determine the boundaries of said district or districts, whether as existing prior to such determination or otherwise, and shall make a written order of such determination which shall be filed in the office of the county auditor. Thereafter, such district or districts shall be deemed to be organized and operating under the provisions of this Act. Nothing herein contained shall impair, affect, or discharge any previously existing contract, obligation, lien, or change of said district or districts.

**§ 13. Rate Of Tax Fixed.)** The rate of tax for functions pursuant to this chapter shall not exceed for the purchase of rural fire fighting equipment in rural fire districts which may be organized upon petition of sixty percent of the freeholders, comprising an area of one or more townships, or for the purpose of assisting and contributing to the purchase and upkeep of fire fighting equipment in adjoining cities or villages, not more than five mills per dollar valuation upon the property in such rural fire district.

**§ 14. Repeal.)** Sections 18-0601 through section 18-0609, inclusive, of the North Dakota Revised Code of 1943 are hereby repealed.

**§ 15. Effect Of Invalidity Of Part Of This Act.)** If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

**§ 16. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 18, 1957.