

CHAPTER 18-08 GENERAL PROVISIONS

18-08-01. Penalty for setting prairie fire. Any person who sets or causes to be set on fire any woods, marsh, prairie, hay, weeds, or any grass or stubble lands, except as hereinafter provided, is guilty of a class A misdemeanor.

18-08-02. Burning grass or stubble. A person may set any grass or stubble lands on fire at the time the person commences to break or plow such lands if, at the time the fire is set, there is a strip at least fifty feet [15.24 meters] wide of well-plowed or burned land completely encompassing the land where the fire is set.

18-08-03. Liability when lawfully set fire is permitted to spread. Repealed by S.L. 1975, ch. 106, § 673.

18-08-04. Accidental damage from lawfully set fire - Liability. If a fire which is lawfully set to burn grass or stubble land accidentally and without any negligence on the part of the person setting the fire gets beyond the person's control, the person is liable only in a civil action to the person damaged for the amount of the damage.

18-08-05. Setting fire to destroy grasshoppers lawful. Repealed by S.L. 1973, ch. 50, § 1.

18-08-06. Liability for unlawfully setting fire to destroy grasshoppers - Penalty for carelessness and negligence. Repealed by S.L. 1973, ch. 50, § 1.

18-08-07. Penalty for failure to extinguish camp or other fire. A person who makes a camp or other fire, or causes the same to be made, and leaves such fire without having thoroughly extinguished it, is guilty of a class B misdemeanor.

18-08-08. Occupant may recover damages caused by fire. In any action to recover damages under the provisions of this chapter, the person injured by the fire need not allege or prove title to the real property over which the fire has spread. It is sufficient in any such action to allege and prove that the person injured was in the occupancy or possession of the ranch, building, improvement, fencing, timber, or other property injured and claims the right to and occupies any such cattle range with cattle.

18-08-09. Misconduct at fires - Penalty.

1. Every person who, at any building fire, disobeys the lawful orders of a public officer or firefighter, or resists or interferes with the lawful efforts of any firefighter or company of firefighters to extinguish the fire, or acts in a manner calculated to prevent the fire from being extinguished, or forbids, prevents, or dissuades others from assisting to extinguish the fire, is guilty of a class A misdemeanor.
2. As used in this section, "building fire" means a fire in a dwelling, commercial building, or other building or structure used by humans as a residence or place of business, or as a storage or holding place for animals or goods.

18-08-10. Prohibiting sale, distribution, and possession of fire extinguishers containing certain toxic and poisonous vaporizing liquids. No person, firm, association, partnership, corporation, or limited liability company may sell, distribute, or purchase any fire extinguisher if the extinguisher contains any of the following liquids:

Carbon tetrachloride CCl₄

Chlorobromomethane CH₂BrC₁

Azeotropic chloromethane CM_7

Dibromodifluoromethane CBr_2F_2

1,2-Dibromo-2-chloro-1, 1,2-trifluoroethane $\text{CBrF}_2\text{CBrClF}$

1,2-Dibromo-2, 2-difluoroethane $\text{CH}_2\text{BrCBrF}_2$

Methyl bromide CH_3Br

Ethylene dibromide $\text{CH}_2\text{BrCH}_2\text{Br}$

Hydrogen bromide HBr

Methylene bromide CH_2Br_2

Bromodifluoromethane CHBrF_2

or any other toxic or poisonous vaporizing liquid. No fire extinguisher of a type not approved by the underwriters' laboratories or by the factory mutual laboratories may be sold or offered for sale within the state.

18-08-11. Penalty. Any person violating the provisions of section 18-08-10 is guilty of a class B misdemeanor.

18-08-12. Periodic fire inspection of state buildings and institutions.

1. The state fire marshal, or the state fire marshal's designee, shall inspect annually the state penitentiary, the James River correctional center, the Missouri River correctional center, the North Dakota youth correctional center, the state developmental center at westwood park, Grafton, the state veterans' home, and the state hospital. The inspection of all other state institutions and occupied state-owned buildings, except residential buildings, must be made by the state fire marshal, or the state fire marshal's designee, at least once every three years. The officer in charge of the institution or building shall prepare a response to the report based upon the findings of the fire inspection. Inspection and reporting under this section for residential buildings must be performed annually. The report, which must contain specifications of any violations, must be submitted to the responsible board, agency, or commission and a copy of the response to the report must be submitted to the state fire marshal by the officer in charge of the state institution or building. All violations in the report must be corrected within the current budget of the responsible board, agency, or commission, and action to correct the violations, unless good cause can be demonstrated to the attorney general, must be initiated within thirty days of receipt of the report by the responsible board, agency, or commission.
2. For purposes of this section, a "fire inspection" is a procedure performed in accordance with standards set forth in the state building code, the fire protection code of the local jurisdiction, or the code of the national fire protection association.
3. For purposes of this section, "residential building" includes all state-owned buildings used in whole or in part for providing overnight sleeping accommodations to one or more persons on a regular or occasional basis, except for single-family dwellings.