

Chapter 30

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. FIRE DEPARTMENT*

*State law reference—Firefighter training and education, Minn. Stats. ch. 299N.

Sec. 30-19. Established.

There is hereby established in the city a volunteer Fire Department.

(Code 1987, § 230.05)

Sec. 30-20. Firefighter's relief association authorized.

The members and officers of the Fire Department shall organize themselves into a firefighter's relief association, under rules, regulations, and bylaws subject to approval by the City Council.

(Code 1987, § 230.45)

Sec. 30-21. False alarms; refusal to obey Fire Chief.

It shall be unlawful for any person to neglect or refuse to obey any reasonable order of the chief at a fire, or to interfere with the Fire Department in the discharge of its duties.

(Code 1987, § 230.50)

Sec. 30-22. Fire Code Compliance Official.

The City Manager may designate a code compliance official from among the members of the Fire Department or building inspection department to perform duties as assigned by the Fire Chief through the issuance of notices, warning tickets or citations in lieu of arrest or detention.

(Code 1987, § 230.55; Ord. No. 7, 8-17-1987)

Secs. 30-23—30-45. Reserved.

ARTICLE III. FIRE CODE AND OTHER FIRE SAFETY AND FIRE PREVENTION STANDARDS

Sec. 30-46. Code adopted.

(a) The 2007 Minnesota State Fire Code, as adopted pursuant to the authority of Minn. Stats. § 299F.011, including appendix chapter D, is hereby adopted by reference as the fire code for the city. Such code, except as hereinafter amended or modified, is incorporated in this article as completely as if set out in full and includes Minn. Rules ch. 7511, and all amendments and changes adopted thereto. One copy of this Code shall be on file in the office of the City Clerk-treasurer.

(b) The 2007 Minnesota State Fire Code incorporates the 2006 Edition of the International Fire Code as promulgated by the International Code Council, Inc., and made a part of the Minnesota Rules.

(c) This article is adopted for the purpose of 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.

(d) If there is a conflict between or among any of the provisions or policies of the stated codes, standards or policies, the following orders of precedence shall apply:

- (1) This article.
- (2) Minnesota State Fire Code.
- (3) Standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved by the Fire Chief.

(Code 1987, § 390.05; Ord. No. 09-2007, 9-11-2007)

Sec. 30-47. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of appeals means the City Council.

Code official means the Fire Chief, fire marshal, code enforcement officer, or other designated authority charged by the City Council or the state building code with the duties of administration and enforcement of this Code, or a duly authorized representative. For purposes of enforcing this Code it also includes the state fire marshal and the state fire marshal representatives.

Jurisdiction means the municipal limits of the city.

(Code 1987, § 390.10; Ord. No. 09-2007, 9-11-2007)

Sec. 30-48. Penalties.

(a) Any person who shall violate any of the provisions of this article or standards hereby adopted or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein or therein, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, shall be guilty of an offense punishable as a misdemeanor for each and every such violation and noncompliance respectively.

(b) Notice of violations shall be given in writing and shall contain a reasonable time to comply as well as a statement explaining the right to appeal.

(c) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(d) The application of the penalties in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1987, § 390.15; Ord. No. 09-2007, 9-11-2007)

Sec. 30-49. Enforcement.

The Fire Chief, the code official or their representatives or other authority designated by the city is authorized to administer and enforce the provisions of this article.

(Code 1987, § 390.20; Ord. No. 09-2007, 9-11-2007)

Sec. 30-50. Recreational fires.

(a) *Regulated.* No person shall, commence, conduct or allow any recreational fire in violation of the conditions described in this section. The regulations contained in this section and the permit requirement in section 30-51 are not applicable for fires contained in a charcoal grill, camp stove, or other similar device.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Attendant means the same as a competent, unimpaired adult.

Burner means a firebox, a barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food.

Combustible material means things such as wood, paper and plastics.

Competent, unimpaired adult means a person over 18 years of age who is not under the influence of alcohol or other drugs, who shall be the responsible party for directly supervising a recreational fire and who shall be responsible for ensuring compliance with this section.

Fire Chief means the appointed Fire Chief or any individual designated by the Fire Chief to perform specific duties.

Recreational fire means a fire set for cooking or warming or other recreational purposes which is not more than three feet in diameter and two feet in flame height, and has a noncombustible separation between the fire area and adjoining combustible material such as bricks or stones and has had the ground twenty-five feet from the base of the fire cleared of all combustible material.

Starter fuels means dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles, commercially available products for use in starting charcoal grills and alcohols are permitted as starter fuels and as aides to ignition only. Propane gas torches or other clean burning devices causing minimal pollution may be used to start up a recreational fire. The term "starter fuels" does not include gasoline, diesel fuel, kerosene, and heating oil which are expressly prohibited

Wood means dry, clean wood from trees only such as twigs, branches, limbs, charcoal and cord wood. Burning wood that is green; leaves or needles; grass clippings; garden waste; wood that is rotten, oil soaked or treated with paint, glue or preservative; plywood, particle board, chip board, finished paneling, or painted, treated, or stained cardboard or paper is expressly prohibited.

(c) *Requirements.* The following general requirements shall apply to all recreational fires:

- (1) The recreational fire shall be attended by a competent, unimpaired adult at all times that smoke is produced from the fire.
- (2) Equipment to control and extinguish the fire shall be immediately available to the attendant at the site of the fire at all times during burning. This may include, hand tools, hose lines, and water buckets.
- (3) A means of summoning the Fire Department shall be available for use by the attendant.

FIRE PREVENTION AND PROTECTION

- (4) Only wood and starter fuels, as defined in subsection (b) of this section may be burned in a recreational fire.
 - (5) The recreational fire may not be started or continued in situations where prevailing winds or other factors create an unsafe condition or direct smoke toward other nearby residences.
 - (6) The recreational fire shall be located 25 feet from any structure or combustible material unless the fire is in an approved container and is not less than 15 feet (4572 mm) from a structure.
 - (7) Recreational fires may be conducted between 7:00 a.m. and 2:00 a.m.
- (d) *Prohibited conditions.* Recreational fires shall not be allowed, if any of the following conditions exist:
- (1) A fire hazard exists or develops during the course of the burn.
 - (2) Pollution or nuisance conditions develop during the course of the burn.
 - (3) The fire is left unattended, or the attendant is impaired.
 - (4) The fire is allowed to smolder with no flame visible and is unattended.
 - (5) Any of the conditions of this article are violated during the course of the burn.

(Code 1987, § 390.25; Ord. No. 09-2007, 9-11-2007, Ord. No. 14-2016, 12-04-2016)

Sec. 30-51. Burning restrictions.

(a) *Open burning prohibited.* In addition to the requirement contained in section 30-50, it shall be unlawful for any person to start or allow burning any open fire, except a recreational fire on any private property within the city or in certain exceptions as described section 30-51(e).

(b) *Rules adopted by reference.* Minn. Rules pts. 7005.0705—7005.0805 of the Minnesota Pollution Control Agency are hereby adopted by reference and made a part of this Code as if fully set forth herein.

(c) *Person designated to issue permits.* The Fire Chief or Deputy Fire Marshal are hereby authorized to issue permits under this section, and may establish reasonable permit conditions for open burning consistent with the rules adopted herein.

(d) Amendment to the state fire code, Section 105.6.30, are hereby adopted by reference and made a part of this Code as fully set forth herein, with the exception of deleting “Open Burning” as adopted by the state fire code, and replacing it with the following section (e):

(e) *Certain Open Fires Permitted.* An open burning permit may be issued for the following purposes:

- (1) Instruction and training of firefighting personnel.
- (2) Abatement of hazards that, in the opinion of the fire chief, cannot be abated by other reasonable means.
- (3) Management of vegetation by the jurisdiction, other governmental agencies, or other individuals that, in the opinion of the fire chief, show a valid need, and under the direction of the fire department.
- (4) Special events or ceremonies by recognized organizations, under the direct supervision of the fire department.

(Code 1987, § 390.27; Ord. No. 09-2007, 9-11-2007; Ord. No. 14-2016, 12-04-2016)

Sec. 30-52. Negligent fires.

Section 104.10 of the 2007 Minnesota State Fire Code is hereby amended by adding a new Section 104.10.2 to read as follows:

It shall be an offense punishable as a misdemeanor to negligently or carelessly start or cause to be started a fire which endangers the property of another or to negligently or carelessly allow a fire to extend beyond the limits of one's property or property within one's control. The term "property" shall include real and personal property.

(Code 1987, § 390.30; Ord. No. 09-2007, 9-11-2007)

Sec. 30-53. Permits.

Section 105 of the 2007 Minnesota State Fire Code pertaining to permits is hereby amended by adding the following provisions:

- (1) *Permit required.* No person shall engage in any activity, operation, practice or function listed below without first having obtained a permit from the code official, Fire Chief or his representative:
 - a. Installation, modification, changing configuration and/or removal of any fire protection systems.
 - b. Installation and removal of underground or aboveground tanks for the storage or use of flammable or combustible liquids, gas or any hazardous material.
 - c. Spray booths or spray areas involving spraying or dipping operations utilizing flammable or combustible liquids. Spray booths involving the application of powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds.
 - d. Refinishing and resurfacing operations utilizing flammable and combustible liquids.
 - e. Tents, canopies, and temporary membrane structures. A permit is required for the public use or the use in public areas of tents and membrane structures having an area over 400 square feet, and canopies in excess of 600 square feet, or when heat sources, cooking equipment, spark/ember producing processes or open flames are contained within or near the tent, canopy, or structure.
 - f. Carnivals, fairs, and other special events open to the public.
 - g. Smoke removal systems as required by the fire code.
 - h. Storage of explosives, black powder, and blasting agents.
 - i. An application for the use of explosives shall require a permit initially made at the city's designated police services. Exception: The Police and Fire Departments are not required to apply for a permit.
 - j. Sale of fireworks, fireworks displays and pyrotechnic special effects material.

- (2) *Fees.* The fees for such permits shall be in an amount established by the City Council by resolution or ordinance.

(Code 1987, § 390.35; Ord. No. 09-2007, 9-11-2007)

Sec. 30-54. Appeals.

Section 108 of the 2007 Minnesota State Fire Code is hereby deleted in its entirety and is replaced to read as follows:

- (1) Whenever the code official shall disapprove or refuse to grant a permit, or issue an order or notice as provided in the state fire code, or when it is claimed that the state fire code has been wrongly applied or interpreted, the aggrieved person may appeal the decision of the code official as provided in this section.
- (2) The aggrieved person must first request the code official to reconsider his decision. The request to reconsider must be made within ten days from the date of the code official's initial decision and must submit in writing the reasons for the request for reconsideration.
- (3) A person aggrieved by the final decision of the code official may appeal the decision to the board of appeals. The appeal must be in writing and made within ten days of the date of the final decision of the code official.
- (4) A person aggrieved by the decision of the board of appeals may appeal to the state fire marshal in accordance with Minn. Stats. § 299F.011, subd. 5.
- (5) All requests and appeals specified in this section shall be made in writing. An aggrieved party who does not appeal within the time limits specified shall be deemed to have waived his right to appeal and shall be bound by the latest decision in the appeal process.

(Code 1987, § 390.40; Ord. No. 09-2007, 9-11-2007)

Sec. 30-55. Premises identification.

Section 505.1 of the 2007 Minnesota State Fire Code is amended to read as follows:

- (1) Address numbers.
 - a. New and existing buildings shall have approved address numbers, a building number, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch.
 - b. Buildings which have a range of addresses for one building shall display the range of numbers or addresses from the lowest to the highest.
 - c. Buildings with multiple tenants/addresses shall place approved numbers or addresses on front and rear doors identifying each address in the manner required in this section.
 - d. Dwellings that are remote/auxiliary from the main dwelling shall display approved numbers or addresses on each dwelling in the

FIRE PREVENTION AND PROTECTION

manner required in this section and in such a manner as to be visible from either direction of travel on the road or street fronting the property.

- e. If any dwelling, business or building as required, is too remote from the fronting road or street to make it unreasonable to be seen from the fronting road or street, a sign or post with visible and legible approved numbers or addresses, or range of numbers or addresses from lowest to highest, shall be placed at the driveway entrance in such a manner that the numbers or addresses are visible from either direction of travel on said road or street.
- f. Addressing of residential and commercial properties that do not fall under the provisions of subsection (1)e of this section, and as such, are visible from the roadway they are fronting shall conform to the following:

<i>Building Setback (feet)</i>	<i>Minimum Height of Address Size (inches)</i>
0 to 40	4
41 to 60	6
61 or greater	8

- g. Approved numbers of addresses shall be placed on all construction sites in such a position as to be plainly visible and legible from the street or road fronting the property.
- (2) *Street or road signs.* Streets and roads, both public and private shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and shall be maintained until replaced by permanent signs.

(Code 1987, § 390.50; Ord. No. 09-2007, 9-11-2007)

Sec. 30-56. Fire hydrants.

Section 508.5.1 of the 2007 Minnesota State Fire Code is hereby amended to read as follows:

- (1) *Distances.* Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code official.
 - a. For buildings equipped throughout with an approved fire sprinkler system installed in accordance with NFPA 13 or NFPA 13R, the distance requirement shall be one fire hydrant within 100 feet of the Fire Department connection and 600 feet for all

other fire hydrants, unless otherwise approved by the Fire Chief or code official.

- b. In buildings with high piled combustible storage or buildings that are inherently hazardous in nature because of hazardous processes or which store, use, or handle flammable, combustible or hazardous materials, additional fire hydrants may be required by the code official.

- (2) *Exceptions.* For Group R-3 and Group U occupancies, the hydrant distance requirements shall be 300 feet.

(Code 1987, § 390.55; Ord. No. 09-2007, 9-11-2007)

Sec. 30-57. Hydrants.

Section 508.5.5 of the 2007 Minnesota State Fire Code is hereby amended to read as follows:

- (1) *Clear space around hydrants.* A six-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved by the code official or the Fire Chief.
- (2) *Accessible route.* An approved accessible route to the hydrant from a public access or way shall be provided and maintained.

(Code 1987, § 390.60; Ord. No. 09-2007, 9-11-2007)nn