

Chapter 14

FIRE PREVENTION AND PROTECTION*

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***Cross reference(s)**--Buildings and building regulations, ch. 6; air pollution and burning, § 12-131 et seq.; open fire refuse burning, § 12-153; fireplaces and outdoor cooking fires, § 12-154; construction fires, § 12-155.

State law reference(s)--Authority to provide for fire prevention and protection, M.S.A. § 412.221, subd. 17.

ARTICLE I. IN GENERAL

Secs. 14-1--14-20. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 14-21. State uniform fire code; incorporated by reference.

Pursuant to the provisions of M.S.A. § 471.62, the city incorporates by reference the state uniform fire code and chapter 7510 of the Minnesota Rules. The city shall apply the provisions of the state uniform fire code most recently adopted and promulgated by the state.

Secs. 14-22--14-40. Reserved.

**ARTICLE III.
OPEN FLAMES AND COOKING DEVICES; MULTIPLE DWELLINGS**

Sec. 14-41. 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:

Cooking device means any barbecue, rotisserie, roaster, oven or similar equipment used in food preparation.

Multiple dwelling means any residential structure other than a single-family dwelling, including a hotel or motel, and including type I and type II construction.

Open flame fire means any burning of fuel, and includes any torch, flare, decorative light, fondue or other heating, burning, or lighting equipment or device having an open flame.

Cross reference(s)--Definitions generally, § 1-2.

Sec. 14-42. Prohibited acts.

No person shall set, kindle, maintain or permit any fire, open flame, cooking device or light in any barbecue, torch or similar heating, burning or lighting equipment or device on any balcony, platform, patio or deck extension of a multiple dwelling of two or more stories including an apartment building or hotel/motel.

Secs. 14-43--14-70. Reserved.

ARTICLE IV. OPEN BURNING

Sec. 14-71. Purpose of article.

The purpose of this article is to establish permitted categories of open burn events within the city and to provide for a permitting process for open burning.
(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-72. 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:

Burners, formerly called burn barrels.

Camp fire has the same meaning as the term "recreational fire."

Nonrecreational open burning means fires under managed supervision for which a burning permit has been issued by the fire chief and, where required by state law, from the department of natural resources, but limited to the following:

- (1) Fires purposely set for the instruction and training of public and industrial firefighting personnel.
- (2) Fires set for the elimination of a fire hazard, which cannot be abated by any other practicable means.
- (3) Fires purposely set for forest, prairie grass conservation and game management purposes.
- (4) The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, road and highway right-of-way and in accepted agricultural land management practices.

Open burning and *open fire* have the same meanings as defined in the Minnesota Fire Laws, M.S.A. § 88.01, subd. 23.

Open burning permit means a permit issued by the fire chief.

Recreational fire has the same meaning as defined in the state Uniform Fire Code, M.S.A. § 299F.011.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 14-73. Prohibited; exemptions.

(a) Except as otherwise provided in this article, burners, open burning and recreational fires shall be prohibited within the city.

(b) The following open burning is permitted within the city, subject to the requirements of this section, by permit only:

- (1) Recreational fires.
- (2) Nonrecreational open burning.

Exemption to conduct fires under this section does not excuse a person from the consequences, damages or injuries which may result therefrom nor does it exempt any person from regulations promulgated by the state pollution control agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-74. Recreational fires.

Recreational fires shall be conducted in accordance with article 11 of the state uniform fire code, and as specified within the city recreational fire permit application.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-75. Burning permit required.

No person shall start or allow any open burning on any property in the city, including camp fires and recreational fires, without first having obtained an open burning permit.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-76. Application and fees.

Open burning permits shall be obtained by making application on a form issued by the city and by paying the permit fee established from time to time by resolution of the city council. The fire chief shall have the authority to waive the fee required under this section if the fire chief deems issuance of the permit to be in the best interest of the health, safety and welfare of the citizens of the city or to enable the regeneration of vegetation.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-77. Revocation of open burning permit.

The open burning permit is subject to revocation at the discretion of a department of natural resources forest/conservation officer, the city fire chief or the city fire warden. Reasons for revocation include, but are not limited to, a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-78. Burning or air quality alert.

No open burning will be permitted when the city or department of natural resources has officially declared a burning ban due to potential hazardous fire conditions or when the state pollution control agency (MPCA) has declared an air quality alert.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-79. Rules adopted by reference.

M.S.A. §§ 88.01--88.22 are adopted by reference and made a part of this article as if fully set forth in this section.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Sec. 14-80. Penalty for violation of article.

Any person violating any provision of this article is guilty of a misdemeanor.

(Ord. No. 2180-00, § 1(8-212), 11-6-2000)

Secs. 14-81--14-100. Reserved.

ARTICLE V. FIREWORKS

Sec. 14-101. Prohibited.

Except as otherwise provided in this article, no person shall have, keep, store, sell, offer for sale, give away, use, transport or manufacture any fireworks within the city.

(Ord. No. 2180-00, § 1(8-220), 11-6-2000)

Sec. 14-102. Displays.

(a) *Exception.* A fireworks display and associated temporary storage of fireworks is permitted within the city by permit issued by the fire chief.

(b) *Requirements.* Any person conducting a fireworks display or temporarily storing fireworks for a fireworks display permitted by the city must comply with the following:

- (1) The fireworks display must be supervised by a pyrotechnic operator certified by the state fire marshal.
- (2) The fireworks display and temporary storage must be in compliance with the uniform fire code and all applicable requirements of this Code and any other reasonable conditions required by the fire chief in issuing the permit.

(Ord. No. 2180-00, § 1(8-220), 11-6-2000)

Sec. 14-103. Permit; application and fees.

Fireworks display and temporary storage permits shall be obtained by making application on a form issued by the city and by paying the permit fee established from time to time by resolution of the city council. The fire chief shall have the authority to waive the fee required under this section if the fire chief deems issuance of the permit to be in the best interest of the health, safety and welfare of the citizens of the city.

(Ord. No. 2180-00, § 1(8-220), 11-6-2000)

ARTICLE VI. FIRE DEPARTMENT SERVICES

Sec. 14-104. Fee for Service.

Fees are established for hazardous material incidents, railroad right-of-way responses, and emergency management responses both inside and outside of the City. The fees are based on actual costs, including personnel and equipment. The fee shall be set from time to time by the City and included in the schedule of fees listed as Appendix A to the City Code.

(Ord. No. 2310-06, 1-23-06)