

CHAPTER 46 - FIRE PREVENTION

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FIRE PREVENTION**46.01 ADOPTION OF THE MINNESOTA STATE FIRE CODE.**

(a) Codes Adopted by Reference. The Minnesota State Fire Code, as adopted by the Commissioner of Public Safety pursuant to Minnesota Statutes Chapter 14, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety, through the Division of Fire Marshal, is hereby adopted by reference with the exception of the optional chapters. The Minnesota State Fire Code is hereby incorporated in this section as if fully set out herein.

(b) Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Fire Code. The code enforcement agency of this municipality is called the Bureau of Fire Prevention. This code shall be enforced by the Fire Chief for the City or his/her designated representative.

(c) Permits and Fees. The issuance of permits and the collection of fees shall be as authorized by the Minnesota State Fire Code. Permit fees shall be assessed in accordance with the fee schedule adopted by the City and set forth in Section 51.01 of this Code.

(1) Flammable and Combustible Liquid Installations. Permits shall be issued by the Fire Chief or his/her designated representative for all new flammable and combustible liquid installations. Permits shall only be issued after (i) all other regulatory agencies have granted their approval to the installation; (ii) plans have been submitted to the Bureau of Fire Prevention for review and retention; and (iii) the permit fee as set forth in Section 51.01 has been paid.

(2) Revocation of Permit. Permits may be revoked by the Fire Chief or his/her designated representative for due cause.

(d) Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statutes 299F.011). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time; when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of the prohibited conditions." Ord. No. 3586 09/02/03

46.02 OPEN-FLAME AND FUEL STORAGE PROHIBITED.

(a) Open Flame Prohibited. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure.

(b) Fuel Storage Prohibited. No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in subsection (a) above.

(c) Exceptions. Listed electric or gas fired grills that are permanently mounted or wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Fire Chief.

Ord. No. 3632 12/20/04

46.03 REQUIRED WATER SUPPLY FOR FIRE PROTECTION. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter

constructed or moved into or within the City. When any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Fire Chief. Ord. No. 3632 12/20/04

46.04 APPEALS. Any person aggrieved by an order, requirement, decision or determination made by the fire marshal or fire inspector pursuant to the Minnesota Uniform Fire Code may, within 10 days of the decision, appeal to the Board of Appeals in accordance with Section 22.24 herein.

46.05 POLICE POWERS AT FIRES. (a) The fire chief or an officer in command shall be severally vested with the usual powers and authority of police officers to command any person to assist in fighting any fire.

(b) No person shall refuse to comply with a command of the fire chief or any officer in command to assist in fighting any fire, refuse to obey any order or direction given by any person duly authorized by law to order and direct at any fire, resist or in any manner interfere with any officer, fireman or other person in the discharge of his duty at any fire, or conduct himself in a noisy or disorderly manner at any fire.

46.06 SERVICING FIRE EXTINGUISHERS AND FIRE EXTINGUISHING SYSTEMS. (a) Definition. The term "fire extinguisher or fire extinguishing system" as used in this section shall mean any device or equipment designed or intended for use in extinguishing fires and containing powder, chemical, liquid or gases which can be expelled under pressure for the purpose of suppressing or extinguishing a fire including devices installed for the protection of duct systems, grease removal devices and hoods. The term shall not include approved automatic sprinkler systems which comply with N.F.P.A. Standards.

(b) License Required. No person shall engage in the business of servicing, testing, maintaining, filling, refilling, charging or recharging a fire extinguisher or fire extinguishing system unless licensed by the City to do so.

Application for such license shall be made in writing to the Bureau of Fire Prevention on forms to be provided by the Bureau of Fire Prevention. The application shall state, among other things, the name of the person desiring the license and his place of business. No license shall be issued unless such person, or, where the applicant is a firm or corporation, a member of such firm or officer of such corporation at the time of making the application, is the holder of a valid existing certificate of competency certified by the Fire Prevention Bureau.

Each license shall terminate on December 1 next succeeding the issuance of such license, unless sooner revoked or forfeited, and shall not be transferable or assignable.

The license fee, as set forth in Section 51.01 herein, shall be paid at the time of the filing of the application.

(c) Certificates of Competency; Fire Extinguishers; Classification. Certificates of competency to service, test, maintain, fill, refill, charge or recharge fire extinguishers shall be of three kinds: master, journeyman and special.

(1) A master certificate of competency shall authorize the holder thereof, when duly licensed, to engage in and carry on the business of servicing, testing, maintaining, filling, refilling, charging or recharging fire extinguishers.

(2) The journeyman certificate of competency shall authorize the holder of such certificate to work at the occupation of servicing, testing, maintaining, filling, refilling, charging or

recharging fire extinguishers under the supervision and direction of the person, firm or corporation licensed under the provisions of this section.

(3) A special certificate of competency shall authorize the holder of such certificate to service, test, maintain, fill, refill, charge or recharge fire extinguishers owned by his licensed employer for use on the employer's premises.

(d) Issuance of Certificates of Competency: Fire Extinguishers. A person desiring to obtain a certificate of competency shall make written application to the Fire Prevention Bureau on application forms to be supplied by the Fire Prevention Bureau. The Fire Prevention Bureau shall investigate the qualifications of each applicant, and shall subject each applicant to such reasonable uniform test or tests as it may deem necessary to determine whether each applicant has sufficient knowledge, training and experience to enable him to properly carry on the business of or work at the servicing, testing, maintaining, filling, refilling, charging or recharging of fire extinguishers. It shall issue to each applicant who satisfactorily passes examination the desired certificate of competency upon the payment by the applicant of the fee as set forth in Section 51.01 herein and shall issue renewals of such certificate from year to year upon the payment of the required fee therefor.

A certificate of competency shall expire on December 1 of each year. In the event any certificate of competency shall lapse for a period of one year or more, it shall be necessary for the person whose certificate has lapsed to pass a new examination as heretofore required.

(e) Certificate of Competency: Fire Extinguishing Systems: Application and Issuance. (1) A person desiring to obtain a certificate of competency to service, test, maintain, fill, refill, charge or recharge a fire extinguishing system shall make written application to the Fire Prevention Bureau on application forms to be supplied by the Fire Prevention Bureau.

(2) The Fire Prevention Bureau shall investigate the qualifications of each applicant and shall require proof of a current certificate issued by the manufacturer of such system or systems which the applicant contemplates servicing in lieu of a written examination.

(3) The applicant shall pay the fees as set forth in Section 51.01 herein.

(4) A certificate of competency shall expire on December 1 of each year.

(f) Numbering Certificates. A certificate of competency shall be identified with a number upon issuance and, immediately after servicing, testing, maintaining, filling, refilling, charging or recharging of a fire extinguisher or fire extinguishing system, the person so servicing, testing, maintaining, filling, refilling, charging or recharging shall clearly and legibly write or stamp on the card attached to the fire extinguishing system, the name of the licensee and the certificate of competency number of the person performing the work.

46.07 OPEN BURNING. (a) Prohibited. (1) Unless written permission is secured in advance from the designated City Fire Wardens, no person shall cause, suffer, permit or allow open burning as defined herein on real property under his control. (2) No person shall kindle a fire upon the land of another without written permission of the owner thereof or his agent.

(b) Definition of Open Burning. Open burning is defined as burning any matter, including, but not limited to, litter, refuse, garbage, leaves, paper or other combustible material outside of an appliance meeting the Minnesota State Building Code and Minnesota Department of Natural Resources regulations for that intended purpose.

(c) Outdoor Fireplace or Fire. This section does not prohibit the use of an outdoor fireplace or outdoor fire used exclusively for cooking, warmth or a recreational purpose. Outdoor fireplaces, barbecues or fires shall not be used for the burning of litter, refuse, garbage, leaves, paper, etc. The material to be burned shall be contained within an outdoor fireplace, barbecue or noncombustible fire ring

and shall be limited to a pile no larger than three feet in diameter by two feet high. Fires within such ring and outside of an outdoor fireplace or barbecue shall be a minimum distance of 100 feet from all structures and not more than 150 feet from a 20 foot wide access for fire apparatus.

The use of commercially manufactured wood burning appliances shall be allowed provided such appliance is equipped with a spark arresting screen and is located a minimum distance of 20 feet from an occupied structure and 10 feet from any other structure. The appliance shall be constantly attended while in use. Only unfinished wood shall be burned in such appliance and the burning shall be done in such a manner so that dense smoke and noxious fumes are not created.

(d) Bonfires. Bonfires are defined as the open burning of cut trees, vegetation or lumber for recreational purposes. Unless written permission is secured in advance from a City Fire Warden, no person shall cause or allow any bonfires to occur. Authorization of such permission is subject to the following conditions:

(1) The location of the fire is not less than 100 feet from any structure and adequate protection is made to prevent the fire from spreading to within 100 feet of any structure.

(2) Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have buckets, shovels, garden hose or a fire extinguisher available to prevent the spread of the fire.

(3) The Fire Chief may prohibit any bonfire when atmospheric conditions or local circumstances make such fires hazardous.

(4) Bonfires shall be no larger than six (6) feet in diameter.

(5) Fuel for bonfires shall consist of unfinished wood only. There shall be no burning of upholstered furniture, trash, tires, plastic or any other material that may violate Minnesota Department of Natural Resources regulations.

(6) Bonfires shall NOT be started with the use of flammable or combustible liquids.

(7) The Fire Chief shall be notified in advance of all bonfires.

(8) All precautions to protect the safety of the participants shall be taken.

Ord. No. 2883 07/20/87. Ord. No. 2981 07/03/89. Ord. No. 3187 10/18/93. Ord. No. 3460 08/07/00.

46.08 SMOKE DETECTION DEVICES. (a) Definition. Smoke detector shall mean an approved listed device which senses visible or invisible particles of combustion.

(b) Notify Owner or Manager. An occupant of an apartment or dwelling unit shall inform the owner or manager of the apartment or dwelling unit of a nonfunctioning smoke detector within 24 hours of discovering that the smoke detector is not functioning. Failure to notify the owner or manager shall be deemed to be a misdemeanor.

(c) Disabling Smoke Detector. An occupant of an apartment or dwelling unit who willfully disables a smoke detector or causes it to be nonfunctioning is guilty of a misdemeanor. If the apartment or dwelling unit is occupied by more than one tenant, each tenant shall be held accountable.

Ord. No. 3238 02/21/95.

46.09 SPRINKLER SYSTEMS. (a) Definitions. Sprinkler systems shall mean a specialized fire protection system designed to detect and control fires and includes sprinklers, piping, valves and all

material and accessories described and referenced in the current edition of the National Fire Protection Standards 13, 13D and 13R.

Combined Water System shall be a water main that supplies water for both a fire sprinkler system or standpipe system and for domestic use. This water main is supplied from the municipal water system and enters a building. After entering a building, a tap for domestic use is made.

(b) Control Valves. All control valves for sprinkler systems shall be listed and shall be indicating valves as required by the National Fire Protection Association (NFPA). There shall be control valves on both the upstream and downstream side of check valves on water supplies to sprinkler systems.

(c) Domestic Taps. When domestic taps are made to the fire service water main, the tap shall be prior to the first control valve to the sprinkler system.

(d) Waterflow Alarms. Sprinkler systems with more than 20 sprinklers shall have a listed waterflow alarm mounted on the exterior of the building. The waterflow alarm shall include both audible and visual alarms and it shall be located directly over the fire department connection whenever practical.

(e) Inspection Notice. A minimum of 24 hours notice is required when making arrangements for inspections of newly installed sprinkler systems. Ord. No. 3256 06/05/95.