

## Chapter 14

### Fire Prevention and Protection\*

#### 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.

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

#### Article III. Open Flames and Cooking Devices; Multiple Dwellings

Sec. 14-41. Definitions.

Sec. 14-42. Prohibited acts.

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

#### Article IV. Open Burning

Sec. 14-71. Purpose of article.

Sec. 14-72. Definitions.

Sec. 14-73. Prohibited; exemptions.

Sec. 14-74. Recreational fires.

Sec. 14-75. Burning permit required.

Sec. 14-76. Application and fees.

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

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

Sec. 14-79. Rules adopted by reference.

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

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

#### Article V. Fireworks

Sec. 14-101. Prohibited.

Sec. 14-102. Displays.

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

#### Article VI. Fire Department Services

Sec. 14-104. Fee for Service.

#### Article VII. Public Safety 800 MHZ Radio Building Coverage

Sec. 14-200. Adequate radio coverage.

Sec. 14-201. Exempt buildings.

Sec. 14-202. Amplification systems allowed.

Sec. 14-203. Testing procedures.

Sec. 14-204. Effective date.

-----

**\*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 campfires 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 firework 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 firework 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)

**Article VII. Public Safety 800 MHZ Radio Building Coverage****Sec. 14-200. Adequate radio coverage.**

Except as provided in section 14-201, no person shall construct any building, construct an addition to any building that increases the gross floor area of the building by more than 20 percent, change the occupancy classification of more than 50 percent of the floor area of any building or cause the same to be done to a building, if such building fails to support adequate radio coverage for the Minnesota Regional Radio Communications System, including but not limited to firefighters and police officers. For the purposes of this article, parking garages, parking ramps, stair shafts, elevators and stairwells are included in the definition of the term "building." For purposes of this article, adequate radio coverage shall be an average received field strength of no less than 93 dBm, or one percent BER, measured at 30 to 36 inches above the floor over 90 percent of the area of each floor including the basement in the building and other critical areas determined by the fire chief or the fire chief's designee such as fire command centers, stairwells, elevators, high hazard areas, basements and parking garages and ramps. Without an in-building radio system, only the received signal level standard must be achieved, as the talk-out path is equivalent to the talk-in path in this regional radio system. (Ord. No. 2625-21, 8-23-2021)

**Sec. 14-201. Exempt buildings.**

The requirements of section 14-200 shall not apply to:

- (a) Any single-family or duplex dwelling unit or accessory building.
- (b) Any building of less than 25,000 square feet in gross floor area.
- (c) Any building constructed of wood frame, provided that such building does not contain any metal construction or any below grade levels or below grade parking areas.

(Ord. No. 2625-21, 8-23-2021)

**Sec. 14-202. Amplification systems allowed.**

Buildings required by section 14-200 to support adequate radio coverage which cannot support the required level of radio coverage required by section 14-200 shall be equipped with approved bi-directional 800 MHz signal enhancement systems as needed. If amplification is used in the system, all required FCC authorizations must be obtained by the building owner prior to the use of the system. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a continuous period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

(Ord. No. 2625-21, 8-23-2021)

**Sec. 14-203. Testing procedures.**

The following testing procedures shall apply to each building or structure required by section 14-200 to support adequate radio coverage:

- (a) *Acceptance test procedure.* Prior to the issuance of a certificate of occupancy, the owner of the building shall arrange for testing conducted by individuals acceptable to the fire chief to ensure the building conforms with the requirements of section 14-200. Testing procedures shall conform to practices adopted and on-file with the building official.

- (b) *Annual tests.* When an in-building radio system is required to support the required level of radio coverage, the owner of the building shall arrange for testing conducted by individuals acceptable to the fire chief of all active components of the system, including but not limited to amplifiers, power supplies and backup batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one hour to verify that they will properly operate during an actual power outage. If within the one-hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one-hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose. All deficiencies found shall be corrected and testing repeated. All test results shall be submitted to the fire chief within 30 days of the test date.
- (c) *Five-year tests.* When an in-building radio system is required to support the required level of radio coverage in addition to the annual test, the building owner shall arrange for testing conducted by individuals acceptable to the fire chief to perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the original acceptance test. A radio test shall also be performed whenever there is a change in or to the building that may have an impact on coverage. Examples of the types of changes that may change radio coverage are interior remodeling that adds and/or changes partitions, removal of windows, and the addition of metalized treatment to window surfaces. The procedure described by practices adopted by the city shall be used for these tests. All test results shall be submitted to the fire chief within 30 days of the test date.
- (d) *Field testing.* Fire and police personnel, after providing reasonable notice to the owner or the owner's representative, shall have the right to enter onto the property to conduct testing to be certain that the required level of radio coverage is present.

(Ord. No. 2625-21, 8-23-2021)

**Sec. 14-204. Effective date.**

All provisions of this article shall be required for applicable buildings permitted for construction on or after January 1, 2022 to enhance public safety.

(Ord. No. 2625-21, 8-23-2021)