

Chapter 30 FIRE PREVENTION AND PROTECTION*

***Cross reference(s)**--Administration, ch. 2; buildings and building regulations, ch. 14; fire zone, § 14-51 et seq.; businesses, ch. 18; environment, ch. 22; fees, ch. 26; law enforcement, ch. 34; manufactured homes and trailers, ch. 42; sanitation, ch. 54; traffic and vehicles, ch. 70; utilities, ch. 74.

State law reference(s)--Municipal fire prevention, Minn. Stat. § 412.221, subd. 17.

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ARTICLE I. IN GENERAL

Secs. 30-1--30-25. Reserved.

ARTICLE II. FIRE DEPARTMENT*

*Cross reference(s)--Administration, ch. 2.

DIVISION 1. GENERALLY

Sec. 30-26. Established; composition.

There is established in this city a volunteer fire department consisting of a chief, an assistant chief, a fire marshal and not less than ten firefighters.

(Ord. No. 136, § 1, 11-30-88)

Sec. 30-27. Personnel.

(a) *Appointment and promotion.* All appointments to and promotions within the fire department shall be made on the basis of merit and ability, and all members of the fire department shall be qualified to perform their administrative and firefighting duties. The fire chief shall prepare such departmental regulations on personnel standards and procedures as are necessary to accomplish these objectives. The fire chief shall recommend appointment, promotion, suspension or removal of the members of the fire department, subject to the confirmation or approval of the council.

(b) *Qualifications.* The firefighters shall be able and competent to fulfill their duties. Any other limitations shall be in accordance with applicable state and federal law.

(c) *Physical examination.* Each candidate must undergo a thorough physical examination by a licensed doctor of

medicine selected by the department and submit a written report of such examination with his application for membership in the department. Such report shall contain a statement the examination negatived any evidence of myocarditis, coronary sclerosis, pneumonia or its sequel at the time of the examination. The report shall be retained and permanently kept in the files of the fire department.

(d) *Present members.* Persons who are members of the fire department on November 30, 1988, shall not be required to submit the report of a physical examination as set forth in subsection (c) of this section if such report from a previous examination is presently kept in the files of the fire department.

(e) *Compensation.* Members and officers of the fire department shall receive compensation in such amounts as the fire chief shall recommend from time to time, subject to the approval of the council.

(f) *Loss of membership.* To be in and remain in good standing in the fire department, each officer or member shall not be absent from more than three consecutive monthly drills or meetings, unless such absence is excused by the chief and the executive board. In addition, each member shall be required to maintain educational and training standards required by law. Failure to attend drills or meetings or the failure to maintain the educational and training standards is sufficient cause for removal of the member from the department.

(Ord. No. 136, § 5, 11-30-88)

Sec. 30-28. Fire marshal.

The responsibilities of the office of fire marshal shall rest with the fire chief. He may perform the following duties himself or delegate them to a subordinate who shall then have the responsibilities of fire marshal. It shall be the duty of the fire marshal to:

- (1) *Enforce ordinances.* The fire marshal shall enforce the ordinances and other laws pertaining to the prevention of fire, lessening of damages or injuries therefrom.
- (2) *Inspect premises.*
 - a. The fire marshal shall investigate, or cause to be investigated, the cause, origin or circumstances of each fire occurring within his jurisdiction by which property has been destroyed or damaged when the damage exceeds \$100.00, except that all fires of unknown origin shall be reported, and the fire marshal shall especially make investigations as to whether the fire was the result of carelessness, accident or design. The investigation shall be begun within two days of the occurrence of the fire. The officer making investigations shall forthwith notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish to the state fire marshal a written statement of all the facts relating on the cause and origin of the fire and such further information as may be called for by the state fire marshal.
 - b. During and within a reasonable time after a fire has been extinguished, the fire marshal may enter any building or premises where a fire has occurred and other buildings and premises adjoining or near thereto to investigate and gather evidence.
 - c. The fire marshal at all reasonable hours may enter into all buildings upon all premises within his jurisdiction for the purpose of examination, after proper consent from the occupant or owner, or pursuant to an appropriate search warrant.

Cross reference(s)--Administration, ch. 2.

Sec. 30-29. Relief association.

Members and officers of the fire department may organize a relief association in accordance with the statutes so made and provided. Before any benefits to be provided from the special fund of such association are or become effective, they must first be approved by the council. Any changes to bylaws or articles of incorporation of such association which affect benefits paid shall not be effective until approved by the council.

(Ord. No. 136, § 7, 11-30-88)

Sec. 30-30. Interference with department.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the chief at a fire, or to interfere with the department in the discharge of its duties; and any person guilty of violating this section shall be punished as provided in section 1-9.

(Ord. No. 136, § 8, 11-30-88)

State law reference(s)--False fire alarms, Minn. Stat. § 609.686.

Secs. 30-31--30-40. Reserved.

DIVISION 2. FIRE CHIEF*

***Cross reference(s)**--Administration, ch. 2.

Sec. 30-41. Appointment.

The fire chief shall be appointed by, and be responsible to, the council. The fire chief shall be appointed for an indefinite term and shall serve at the pleasure of the council.

(Ord. No. 136, § 2, 11-30-88)

Sec. 30-42. Duties.

The fire chief shall be the administrative head of the fire department. In such position, it shall be his duty to:

- (1) *Establish a management organization.* The fire chief shall organize the management of the department. He shall appoint an executive board to which he may delegate such duties as are deemed appropriate and not inconsistent with this article. The executive board shall consist of the officers of the department and three other members of the department.
- (2) *Control apparatus.* The fire chief shall control and be responsible for its care and condition.
- (3) *Prepare budget.* The fire chief shall prepare and submit to the council, at such time as the council may request, the proposed annual budget for the fire department.
- (4) *Prepare long-range plans.* The fire chief shall prepare plans, including short-term projections and long-term projections of needs. These plans shall be adjusted as changing conditions dictate and shall provide for the submission in the budget for operating expenses and capital expenditures.
- (5) *Reports.* The fire chief shall make such reports to the council and to state and federal authorities as required by law or as the council shall direct.

- (6) *Control assignments.* The fire chief shall control work assignments so as to properly utilize the working forces of the department.
- (7) *Training.* The fire chief shall insure proper training of the members of the fire department as required by law and the rules and regulations of the state fire marshal. Appropriate records shall be kept of such training so that the department may qualify to receive available fire state aids or other sources of public funding.
- (8) *Ancillary functions.* The fire chief shall perform such other duties as are necessary to properly administer the fire department or as may be assigned by the city council.

(Ord. No. 136, § 3, 11-30-88)

Sec. 30-43. Assistant chief.

In the absence or disability of the fire chief, the assistant chief shall perform all functions and exercise all authority of the chief.

(Ord. No. 136, § 4, 11-30-88)

Cross reference(s)--Administration, ch. 2.

Secs. 30-44--30-65. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 30-66. Adoption.

The provisions of Minn. Stat. § 299F.011, and the fire code promulgated thereunder, are expressly adopted.

(Code 1977, § 22.01)

Sec. 30-67. Enforcement.

The code adopted in this article shall be enforced by the fire department chief.

(Code 1977, § 22.02)

Sec. 30-68. Districts where storage of certain flammable liquids prohibited.

The limits in which storage of class 1 liquids in outside aboveground tanks is prohibited, and the limits in which bulk storage of liquefied petroleum gas is restricted are hereby established as all of the city, except that part platted and identified as the Tank Farm Addition, according to the plat thereof on file and of record in the office of the register of deeds in and for the county.

(Code 1977, § 22.03)

Sec. 30-69. Appeals.

If the fire chief disapproves an application or refuses a permit; or if it appears that this article does not apply, or has been misconstrued; the applicant may appeal the chief's decision to the council within 30 days from the date of the decision.

(Code 1977, § 22.05)

Sec. 30-70. Applicability.

No person shall:

- (1) Violate any provision of this article or the code incorporated into it.
- (2) Fail to comply with any lawful order of the fire chief when such order is necessary to enforce this article.
- (3) Build any structure in violation of any statement of specifications or plan submitted and approved

under this article, or in violation of any certificate or permit issued under this article, and from which no appeal has been made.

- (4) Fail to comply with any lawful order made under this article, as affirmed or modified by the council or a court of competent jurisdiction.

(Code 1977, § 22.06)

Secs. 30-71--30-90. Reserved.

ARTICLE IV. OPEN BURNING

Sec. 30-91. Adoption of rules.

Open burning in the city is to be regulated by the provisions of this article and the provisions of Minnesota Rules, parts 7005.0700 to 7005.0820 (formerly APC8), Open Burning. Minnesota Rules, parts 7005.0700 through 7005.0820 are hereby adopted by reference pursuant to Minn. Stat. § 471.62, and are incorporated in this article as completely as if set out in full. The clerk shall mark one copy of the then current Minnesota Rules as the official copy, and keep the same on file in the city offices for use and examination by the public. The clerk shall furnish a copy of the Minnesota Rules and this article at cost to any person upon request.

(Code 1977, § 30.00)

Sec. 30-92. Penalty.

Violation of any of the provisions of this article shall be petty misdemeanors. The third violation, and all subsequent violations within one year, shall constitute a misdemeanor.

(Code 1977, § 30.06)

Sec. 30-93. Open burning permits.

Upon determining that all necessary precautions have been taken to protect that all necessary precautions have been taken to protect life and property, the office designated by the council and approved by the state pollution control agency may issue an open burning permit for any purpose for which open burning under permit is authorized by the state regulation. The permit shall be subject to the restrictions imposed by the regulations and such other restrictions as may be imposed by the officer issuing the permits, so as to protect the public health, safety and welfare in the particular case. Any permit application shall be denied in cases provided by the Rules and by this article. The permit is subject to revocation as the Rules and this article provide. An open burning permit issued under this article does not excuse the permittee from the consequences, damages or injuries that may result therefrom.

(Code 1977, § 30.01)

Sec. 30-94. Leaf burning.

Between September 15 and December 1 of each year the open burning of dried leaves is permitted within the city subject to the restrictions of law and this section, notwithstanding any other provision of this article. No leaf burning shall take place during an air pollution alert, warning or emergency declared by the state pollution control agency. No leaf burning shall take place when the officer issuing the permit shall declare an alert, warning or emergency by reason of the threat of air pollution, fire danger and any other hazards or nuisance conditions. No leaf burning shall take place during a high wind or when a traffic hazard might be created thereby in any nearby street; nor shall any leaf burning take place without a responsible attendant.

(Code 1977, § 30.02)

State law reference(s)--Open burning of leaves, Minn. Stat. § 116.082.

Sec. 30-95. Recreational fires.

Fires set for recreational, ceremonial, food preparations or social purposes are permitted, provided only wood, coal or charcoal is burned.

(Code 1977, § 30.03)

Cross reference(s)--Parks and recreation, ch. 50.

Sec. 30-96. General precautions against fire.

(a) *Kindling of fire on land of others restricted.* No person shall ignite or burn any material, whether pursuant to permit or otherwise, upon the land of another without the permission of the owner thereof or his agent.

(b) *Burning on public property.* No person shall ignite or burn any material, whether pursuant to permit or otherwise, on any publicly owned or controlled lot or parcel of land, public bridge, street, sidewalk, or other public place which has not been set aside by the council for such purpose.

(c) *Location restricted.* No person shall ignite or maintain any material, whether pursuant to permit or otherwise, or authorize any such fire to be ignited or maintained on any private land unless the fire is contained in an approved waste burner located safely not less than 15 feet from any structure, or unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure.

(d) *Attendance of fire.* Any fire, whether pursuant to permit or otherwise, shall be constantly attended by a competent person until such fire is extinguished.

(e) *Compliance with all laws.* All burning authorized by this article shall comply with the requirements of the state department of natural resources and the state pollution control agency.

(Code 1977, § 30.04)

Sec. 30-97. Approved waste burners.

An approved waste burner for the purposes of this article shall be constructed of fire-resistant material, have a capacity of at least three bushels, be maintained with a minimum burning capacity of at least two bushels, and have a cover which is closed when in use and openings in the top or sides of one-inch maximum diameter. No combustible material shall be nearer than three feet to the burner or incinerator when in use.

(Code 1977, § 30.05)

Cross reference(s)--Solid waste, § 54-26 et seq.