

**CHAPTER 90: FIRE PREVENTION**

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**§ 90.01 PURPOSE**

This is an ordinance adopting the Minnesota State Fire Code, 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 of Cambridge; providing for the issuance of permits and collection of fees. Optional appendix chapters shall not apply unless specifically adopted in this ordinance.

**§ 90.15 CODES ADOPTED BY REFERENCE**

The Minnesota State Fire Code, as adopted by the Minnesota Commission of Public Safety pursuant to Minnesota Statutes Chapter 299F.011, 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 Fire Marshall Division is hereby adopted by reference including Appendix Chapters E, F, H, I, and L.

**§ 90.16 DEFINITIONS**

**Designated Fire Official.** Fire chief, fire marshal, or other designee who provides fire protection or public safety services to the city.

**Open Burning.** The burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney, except a recreational or camp fire as defined herein. Mobile cooking devices such as charcoal grills, wood smokers, manufactured hibachis, and propane or natural gas devices are not considered open burning devices.

**Recreational/Camp Fire.** A fire set in accordance with this chapter with an approved starter fuel and is no more than three feet in diameter contained within a recreational fire site for recreational, ceremonial, or social food preparation.

**Recreational/Camp Fire Site.** An area of no more than a three-foot diameter circle (as measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either natural rock, cement, brick, tile, blocks, or ferrous metal. Burning barrels are not a recreational fire site as defined herein.

**Running Fire.** An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.

**Starter Fuels.** Dry, untreated, unpainted, kindling, branches, or charcoal fire starter. Paraffin candles are permitted as a starter fuel and an aid to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open burn.

**Vegetative Materials.** Dry leaves, dry grass clippings, twigs, branches, tree limbs, and other similar materials. Paper and cardboard are not considered vegetative materials.

**Wood.** Dry, clean fuels, twigs, branches, limbs, manufactured fireplace logs, charcoal, or cord wood. "Wood" does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue, or preservatives.

**Diseased Shade Tree.** Any tree infected by Dutch elm disease, Emerald Ash Borer (EAB) infestation, or oak wilt disease or any tree control program established by the Minnesota Department of Agriculture.

**Fire Protection Contract.** A contract between the city and a town or other city for the city to provide fire service.

**Fire Service.** Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

**Fire Service Charge.** The charge imposed by the city for receiving fire service.

**Motor Vehicle.** Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

**Mutual Aid Agreement.** An agreement between the city and a town or other city for the city's fire department to provide assistance to the fire department of a town or other city.

## § 90.17 OPEN BURNING

**(A)** *Adoption of state law by reference.* The provisions of Minnesota Statute Chapter 88, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, permits, and all other matters pertaining to open burning are hereby adopted by reference and are made a part of this article as if set out in full. It is the intention of the city council that all future amendments of Minnesota Statute Chapter 88, are hereby adopted by reference or referenced as if they had been in existence at the time this article was adopted.

**(B)** *Open burning restrictions.* No person shall cause, suffer, allow or permit open burning.

**(C)** *Open burning by permit.* Open burning may be conducted if an open burning permit is obtained pursuant to this section and is conducted in accordance with the requirements of this section and the conditions of the permit.

**(D)** *Permit applications.*

(1) *Application.* Application for open burning permits may be made in cases where fires are proposed to be set for the following purposes:

(a) Bona fide instruction and training of firefighting personnel and for the testing of fire extinguishing equipment;

(b) Elimination of fire or health hazards which cannot be abated by any other practicable means;

(c) Activities in accordance with accepted forest or game management;

(d) Ground thawing for utility repair and construction;

(e) The disposal of trees, brush, grass, and other vegetative matter in the development of land and right-of-way maintenance;

(f) The disposal of diseased shade trees;

(g) Activities in accordance with accepted agricultural practices;

(h) The disposal of building material generated by construction;

(i) The disposal of building material generated by the demolition of noncommercial or non-institutional structures;

(j) The open burning of dried leaves between September 15 and December 1, provided that no open burning of leaves shall take place during an air pollution alert, warning or emergency declaration by the Minnesota Pollution Control Agency.

(2) *Restrictions.* A burning permit shall be issued on a prescribed form to the applicant if the burning is for one of the purposes set forth in subsection (1) and the applicant agrees that all burning shall be conducted under the following circumstances:

(a) The prevailing wind at the time of the burning shall be away from nearby residences;

(b) The burning shall be conducted as far away as practical from any highway or public road and controlled so that a traffic hazard is not created;

(c) The burning may not be conducted during the duration of an air pollution alert, warning, or emergency;

(d) The recipient of the permit or his or her authorized representative shall be present for the duration of any fire authorized by permit;

(e) Prior notices shall be given to the local Department of Natural Resources Forest Officer and the city's designated fire official of the time and location of any fire authorized by the permit;

(f) Open burning for ground thawing shall be conducted in accordance with the following additional restrictions:

1. Fuels and starting materials shall be of a kind which do not generate appreciable smoke.

2. Coke used for ground thawing within 500 feet of dwellings or occupied buildings shall contain less than 1% sulfur;

3. Ambient air quality standards for sulfur dioxide and carbon monoxide shall not be exceeded at occupied residences other than those located on the property on which the burning is being conducted;

4. Propane gas thawing torches or other devices causing minimal pollution shall be used when practicable;

(g) Open burning of materials pursuant to subsections (1) (e), (f), (g), (h), (i), and (j) shall be conducted in accordance with the following additional restrictions:

1. The location of the burning shall not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted;

2. Oils, rubber, and other similar smoke producing materials shall not be burned or used as starting materials;

(h) Open burning of materials pursuant to subsection (1) (i) shall also only be conducted under controlled burning methods approved by the Director;

(i) The burning is conducted under such other reasonable conditions as the permit issuing authority may impose.

(3) *Permit issuers.* In addition to the Minnesota Pollution Control Agency, the city's designated fire official are authorized to accept applications and issue open burning permits.

(4) *Permit denial.* Any permit application submitted pursuant to this regulation shall be denied if:

(a) A reasonable, practical alternative method of disposal of the material is available; or

(b) A nuisance condition would result from the burning.

(5) *Permit revocation.* Any permit is subject to revocation at the discretion of the Director, a Department of Natural Resources Forest officer, the designated fire official of the city, or the permit issuer, if:

(a) A reasonable practical method of disposal of the material is found;

(b) A fire hazard exists or develops during the course of the burning; or

(c) Any of the conditions of the permit are violated.

(E) *Liability.* Exemption to conduct open burning or the granting of an open burning permit under any provisions of this regulation does not excuse a person from the consequences, damages, or injuries which may result therefrom.

(F) *Conflicting laws.* Nothing in this regulation shall be construed to allow open burning in those areas in which open burning is prohibited by other laws, regulations, or ordinances.

(G) *Recreational/camp fire.* A recreational fire is allowed without an open burning permit under the following restrictions:

(1) No more than one recreational fire is allowed on any property at one time;

(2) Fires shall not be allowed to smolder with no flame present and must be extinguished completely before quitting the occasion;

(3) Recreational burning times are from 9:00 am until midnight;

(4) The fire is conducted by a person at least 18 years of age tending to the fire at all times;

(5) Recreational fire sites shall not be located closer than 25 feet to any structure or combustible material;

(6) The fire burns using only dry, clean wood, producing little detectable smoke, odor, or soot beyond the property line;

(7) Fire extinguishing equipment such as an operable fire extinguisher, buckets, shovels, or garden hoses must be readily available and located within 10 feet of the recreational fire site;

(8) No recreational/camp fire is allowed when wind speeds exceed 15 miles per hour based on weather channel reports for sustained winds at the time of the fire;

(9) A recreational/camp fire must burn cleanly in a manner that does not cause objectionable smoke beyond the property line, as determined by the fire official or a police officer;

(10) The adult tending to the recreational/camp fire must respect weather conditions, neighbors, burning bans, and air quality requirements so that nuisance, health, or safety hazards will not be created.

#### **§ 90.18 APPEALS**

Wherever the Designated Fire Official disapproves an application or refuses to grant a permit applied for, or when it is claimed the provisions of the code do not apply or the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Designated Fire Official to the City Council of the city within 30 days from the date of the decision appealed.

#### **§ 90.19 EMERGENCY PROTECTION FIRE SERVICE FEES**

(A) *Purpose and intent.* This is adopted for the purpose of authorizing the City of Cambridge to charge for fire service as authorized by Minnesota Statutes 366.011, 366.012, and 415.01, as they may be amended from time to time.

(B) *Parties affected.*

(1) Anyone who receives fire service as a result of a motor vehicle accident or fire.

(2) Owners of property in towns or cities to which the city provides fire service pursuant to a fire protection contract.

(C) *Fire call rates.* The City Council shall set fire call fees in the City of Cambridge Licenses, Fees, and Permits ordinance which is approved annually.

(D) *Billing and collection.*

(1) Parties requesting and receiving fire services will be billed directly by the city. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which requires the action of the fire department, the designated fire department staff member shall determine whether the party shall be billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(2) Parties billed for fire service will have 30 days to pay. The city will bill the responsible party three times within the first 90 days if the fee is not paid. If the fire service charge is not paid by that time, it will be considered delinquent, and the city will send a notice of delinquency.

(3) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.

(4) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor for collection with property taxes. The city must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

(E) *Mutual aid agreement.* When the city fire department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.

(F) *Application of collections to budget.* All collected fire charges will be city funds and used to offset the expenses of the city fire department in providing fire services.

**§ 90.20 FIRES OR BARBECUES ON BALCONIES OR PATIOS**

(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 unless the building has a fire suppression system.

(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 (A) of this section.

(1) *Exception.* Listed electric or gas-fired barbecue grills that are permanently mounted and 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 designated fire official.