

## **CHAPTER 93: FIRE PREVENTION; BURNING REGULATIONS**

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***Cross-reference:***

*Fees, Charges, and Rates, see Ch. 34*

***OPEN BURNING REGULATIONS*****§ 93.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUILDING MATERIAL.*** Lumber, wood stakes, and other wood products, but shall not include composite shingles, tar paper, insulation, wallboard, wiring, or other similar smoke producing materials.

***DISPOSAL FACILITY.*** A facility or site permitted by the State Pollution Control Agency for the intermediate or final disposal of solid waste.

***GARBAGE.*** Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

***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.

***REFUSE COLLECTION SERVICE.*** A public or private operation engaged in solid waste collection and transportation.

***RUBBISH.*** Nonputrescible solid waste, such as paper, yard clippings, and other natural matter not including garbage.

***WETLAND.*** Natural marsh where water stands near, at, or above the soil surface during a significant portion of most years.  
(Ord. passed 10-19-95)

**§ 93.02 OPEN BURNING RESTRICTIONS.**

(A) No persons shall cause, suffer, allow, or permit open burning within the boundaries except under the following circumstance.

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

(1) A person 18 years or older must be present at any fire permitted under this section. Fires permitted pursuant to this section shall not be left unattended.

(2) No fire permitted under this section may create or maintain a condition that violates §§ 94.15 through 94.18, regarding public nuisances.

(3) Fires shall be no closer than 10 feet to the base of any structure, tree, shrub, or other combustible material, and shall be no closer than 20 feet to a property line.

(4) All fires permitted under this section shall be in a fire pit, fire ring, or other confined space specifically designed for a fire. Burn barrels are prohibited. Burning material must be entirely within the designed fire area. Under no circumstances shall any portion of the fire be larger than two feet in diameter or two feet off the surface of the ground.

(5) Persons violating this subchapter shall be guilty of a misdemeanor.  
(Ord. passed 10-19-95; Am. Ord. 98-3, passed 7-16-98; Am. Ord. 321, passed 8-17-00; Am. Ord. 444, passed 7-19-18) Penalty, see § 10.99

**§ 93.03 OPEN BURNING BY PERMIT.**

(A) Open burning may be conducted outside the boundaries if an open burning permit is obtained pursuant to this subchapter and the open burning is conducted in accordance with the requirements of this subchapter and the conditions of the permit.

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

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

- (2) Elimination of fire or health hazards which cannot be abated by any other practicable means;
  - (3) Activities in accordance with accepted forest or game management;
  - (4) Ground thawing for utility repair and construction;
  - (5) The disposal of trees, brush, grass, and other vegetative matter in the development of land and right-of-way maintenance;
  - (6) The disposal of diseased shade trees; and
  - (7) Activities in accordance with accepted agricultural practices.
- (Ord. passed 10-19-95)

#### **§ 93.04 BURNING BY PERMIT; 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 § 93.03(B) 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 a burning ban set by the Department of Natural Resources, or the city.
- (D) The recipient of the permit or his or her authorized representative shall be present for the duration of any fire authorized by the permit.
- (E) Prior notice shall be given to the city Fire Chief 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.

(5) No open burning shall take place within the boundary map.

(6) Oils, rubber, and other similar smoke producing materials shall not be burned or used as starting materials.

(7) The burning shall not be conducted within one mile of any airport or landing strip.

(8) Open burning shall be conducted under any other reasonable conditions the permit issuing authority may impose.  
(Ord. passed 10-19-95)

#### **§ 93.05 PERMIT AUTHORITY.**

The City Fire Chief or Assistant Fire Chief shall issue open burning permits for residents of the city.  
(Ord. passed 10-19-95)

#### **§ 93.06 PERMIT DENIAL.**

Any permit application submitted pursuant to this subchapter 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.

(Ord. passed 10-19-95)

#### **§ 93.07 PERMIT REVOCATION.**

Any permit is subject to revocation at the discretion of the City Fire Chief 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.

(Ord. passed 10-19-95)

#### **§ 93.08 LIABILITY.**

Exemption to conduct open burning or the granting of any open burning permit under any provisions of this subchapter does not excuse a person, corporation, or any entity from the consequences, damages, or injuries which may result therefrom, and the permittee assumes all such liability.

(Ord. passed 10-19-95)

#### **§ 93.09 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.

(Ord. passed 10-19-95)

#### **§ 93.10 VIOLATION.**

Any person, firm, or corporation who violates any of the provisions of this subchapter shall be punished as provided in § 10.99.

(Ord. passed 10-19-95)

### ***UNIFORM FIRE CODE***

#### **§ 93.30 ADOPTION OF UNIFORM FIRE CODE.**

There is hereby adopted by the City Council for the purposes of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the *Uniform Fire Code*, published by the International Fire Code Institute, being particularly the 1994 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this subchapter, three copies of which have been and are not filed in the office of the City Manager-Clerk and the same are hereby adopted and incorporate as fully as if set out at

length herein, and from the date on which this subchapter shall take effect, the provision thereof shall be controlling within the city limits.

### § 93.31 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(A) The *Uniform Fire Code* as adopted and amended herein shall be enforced by the Fire Marshal in the fire department of the city which is hereby established and which shall be operated under the supervision of the Chief of the fire department.

(B) The chief (or Fire Marshal) in charge of the Bureau of Fire Prevention (or other designated agency) shall be appointed by the City Council on the basis of examination to determine his or her qualifications.

(C) The Chief of the fire department shall recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

### § 93.32 DEFINITIONS.

(A) Wherever the word ***JURISDICTION*** is used in the *Uniform Fire Code*, it is the City of Milaca.

(B) Where the party responsible for the enforcement of the *Uniform Fire Code* is given the title of ***FIRE MARSHAL***, add the following definition:

***FIRE MARSHAL*** is the chief of the Bureau of Fire Prevention.

### § 93.33 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the *Uniform Fire Code*, in which the storage of flammable or combustible liquids is restricted are hereby established as follows: within the corporate limits of the city.

**§ 93.34 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS PROHIBITED.**

The limits referred to in Section 8204.2 of the *Uniform Fire Code*, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: within the corporate limits of the city.

**§ 93.35 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.**

The limits referred to in Section 7701.7.2 of the *Uniform Fire Code*, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: within the corporate limits of the city.

**§ 93.36 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED.**

The limits referred to in Section 5204.5.2 of the *Uniform Fire Code*, in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: within the corporate limits of the city.

**§ 93.37 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS ARE TO BE PROHIBITED.**

The limits referred to in Section 3-1.5 of the *Uniform Fire Code* Standard 80-3, in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: within the corporate limits of the city.

**§ 93.38 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED.**

The limits referred to in Section 8001.1.1 of the *Uniform Fire Code*, in which the storage of hazardous materials is prohibited or limited is hereby established as follows: within the corporate limits of the city.



**§ 93.39 APPEALS.**

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Council within 30 days from the date of the decision appealed.

**§ 93.40 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.**

The City Manager, the Chief and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *Uniform Fire Code*. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

**§ 93.41 PENALTIES.**

(A) Any person who violates any of the provisions of the *Uniform Fire Code* as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively be guilty of a misdemeanor, punishable as provided in § 10.99. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**§ 93.42 REPEAL OF CONFLICTING ORDINANCES.**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this subchapter or of the *Uniform Fire Code* as adopted and amended herein are hereby repealed.

**§ 93.43 VALIDITY.**

Should any section, paragraph, sentence or work of this subchapter or of the *Uniform Fire Code* as adopted and amended herein be declared for any reason to be invalid, it is the intent of City Council that it would have passed all other portions of this subchapter independent of the elimination herefrom of any such portion as may be declared invalid.

***STATE FIRE CODE*****§ 93.50 FIRE CODE ADOPTED.**

The Minnesota State Fire Code, 2015 Edition, is hereby adopted and is made a part of this code as if set out in full herein.  
(Ord. 436, passed 4-19-18)

**§ 93.51 OPEN FLAME.**

No person shall kindle, maintain, or cause any fire, open flame, or burning charcoal on any rental property with four or more units on the balcony or rental property garage, or on the ground within 15 feet of the perimeter of any rental property building or rental property garage. Used charcoal must be stored in an enclosed airtight metal container with tight fitting lids to prevent spontaneous combustion.  
(Ord. 436, passed 4-19-18)

**§ 93.52 FIRE DEPARTMENT LOCK BOXES AND BUILDING ENTRY KEYS.**

Pursuant to § 506 of the State Fire Code, all residential rental properties shall have at least one Fire Department key box, as approved by the fire code official or Fire Chief. Owners are required to purchase, install, maintain, and provide keys for the entry into each structure. Newly constructed buildings shall have an approved key box installed and keys secured to the Fire Department prior to issuance of the certificate of occupancy. Residential rental properties with fewer than four units, in which the dwelling unit is accessed directly and not through a secured common area, shall not be required to provide a Fire Department key box.  
(Ord. 436, passed 4-19-18)

**§ 93.53 TITLE.**

This subchapter shall be known as the City of Milaca Fire Code.  
(Ord. 436, passed 4-19-18)

**§ 93.54 PENALTY.**

A violation of this subchapter shall be a misdemeanor and subject to the maximum penalty permitted by law. Each day of violation, and each individual violation, shall constitute a separate offense.  
(Ord. 436, passed 4-19-18)

