

Chapter 14 - FIRE PREVENTION, PROTECTION AND CONTROL

ARTICLE I. - IN GENERAL

Sec. 14-1. - Fire code adopted.

The Minnesota Uniform Fire Code, as promulgated by the International Conference of Building Officials and the Western Fire Chiefs' Association, copies of which have been marked "the official copies" and are on file in the office of the clerk-administrator, is adopted as the fire code for the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion except the portions as shall be deleted or modified by this action. Every provision contained in the adopted codes is made a part of this Code as if fully set forth in this section.

(Code 1997, § 1120.01)

Sec. 14-2. - Terms in adopted code defined.

The following words, terms and phrases, when used in the adopted fire code, shall have the following meanings:

Corporation counsel means the attorney for the city.

Jurisdiction means the incorporated limits of the city.

Minnesota Uniform Fire Code means and applies only to those provisions of the Minnesota Uniform Fire Code adopted by reference in this section. Wherever in this chapter the term "uniform code" is used, it means and applies only to those portions of the uniform fire code as promulgated by the International Conference of Building Officials and the Western Fire Chiefs' Association.

State fire marshal means and includes only the chief of the fire department of the city, unless the context clearly indicates otherwise.

(Code 1997, § 1120.03)

Sec. 14-3. - Modifications and amendments to the state uniform fire code.

The state uniform fire code shall be amended and modified in the following respects for purposes of this chapter and shall be adopted by reference thereto:

- (1) *Authority of fire personnel to exercise powers of police officers.* The provisions of section 1.205 of uniform code shall be adopted by reference thereto.
- (2) *Authority and duty of police personnel to assist in enforcing this code.* The provisions of section 1.206 of the uniform code shall be adopted by reference thereto.
- (3) *Inspections in unsafe buildings.* The provisions of section 1.207(a) of the uniform code shall be adopted by reference thereto.
- (4) *Investigations.* The provisions of section 1.208 of the uniform code shall be adopted by reference thereto, and there shall be added to section 1.208(a) the following sentence: "The chief shall make a report in writing to the state fire marshal of all facts and findings relative to each such investigation."
- (5) *Right of entry.* The provisions of section 1.209 of the uniform code shall be adopted by reference thereto.

- a. *Orders, common notices and tags.* The provisions of section 1.210(b) of the uniform code shall be adopted by reference thereto.
- b. *Compliance.* The provisions of section 1.212 of the uniform code shall be adopted by reference thereto.
- c. *Records and reports.* The provisions of section 1.213(a) of the uniform code shall be adopted by reference thereto.
- d. *Alternate materials and methods.* The provisions of section 1.214(a) of the uniform code shall be adopted by reference thereto.
- e. *Board of appeals.* In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be created a board of appeals which shall consist of all members of the council. The fire chief shall be an ex-officio member and the clerk-administrator shall act as secretary of the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the fire chief with a duplicate copy to the appellant. The board may employ such experts as it may deem necessary for its work.
- f. *Compliance with recognized standards.* Whenever this Code is inapplicable for any reason to any situation involving the protection of persons and property from the hazards of fire and explosion, the materials, methods of construction, installations, or practices, or operations necessary to provide such protection shall, to a reasonable degree, be in accordance with nationally recognized and accepted standards, principles, and tests in generally recognized and accepted standards, principles, and tests in generally recognized and well established methods of fire prevention and control as set forth in the 16 volumes of the National Fire Codes, of the National Fire Protection Association (NFPA) which shall be adopted by reference as part of this Code as fully as if set forth in this section.
 1. Fire marshal regulation 34(a), (b), (c), and (e) shall be amended as follows:
 - (i) Application for permit. The provisions of section 1.302 of the uniform code shall be adopted by reference thereto.
 - (ii) Inspection required. The provisions of section 1.303 of the uniform code shall be adopted by reference thereto.
 - (iii) Retention of permits. The provisions of section 1.304 of the uniform code shall be adopted by reference thereto.
 - (iv) Destruction of signs. The provisions of section 1.308 of the uniform code shall be adopted by reference thereto.
 2. Fire marshal regulation 35(a), (b), (c), (d), (e), (i), (j), and (l) shall be amended as follows:
 - (i) In section 1.403, the definition of approved shall be retained.
 - (ii) In section 1.404, the definition of building code means the state building code and the uniform building code.
 - (iii) In section 1.404, the definition of bureau of fire prevention shall be retained.
 - (iv) In section 1.405, the definition of chief of the bureau of fire prevention shall be retained.

- (v) Electrical code means the National Electrical Code, National Fire Protection Association, and the current edition of the National Electrical Code.
 - (vi) In section 1.415, the definition of municipality means the city.
 - (vii) In section 1.421, the definition of spraying area shall be retained.
 - (viii) In section 1.424, the definition of vapor area shall be retained.
3. Fire marshal regulation 41(a) and (b) shall be amended as follows:
- (i) The provisions of article 11 of the uniform code shall be adopted by reference thereto.
 - (ii) The provisions of article 11 of the uniform code shall be adopted by reference thereto.
4. Fire marshal regulation 42(a) and (f) shall be amended as follows:
- (i) The provisions of section 13.010 of the uniform code shall be adopted by reference thereto.
 - (ii) The provisions of section 13.302 of the uniform code shall be adopted by reference thereto.
5. Fire marshal regulation 44(a), (d), (e), (f), and (m) shall be amended as follows:
- (i) The provisions of section 15.100(c) of the uniform code shall be adopted by reference thereto.
 - (ii) The provisions of section 15.202(b) of the uniform code shall be adopted by reference thereto.
 - (iii) The provisions of section 15.207(a) of the uniform code shall be adopted by reference thereto.
 - (iv) The provisions of section 15.207(d)3 of the uniform code shall be adopted by reference thereto.
 - (v) The provisions of section 15.710(e)1 and (f)1 of the uniform code shall be adopted by reference thereto.
6. Fire marshal regulation 45 shall be amended by adopting the provisions of article 20 of the uniform code except the provisions of sections 20.101, 20.102(a), 20.110, 20.112(b), and by adding thereto sections 20.113, 20.114, all of which shall hereafter read as follows:
- (i) Regulations for liquefied petroleum gases shall be the existing state fire marshal regulations concerning liquefied petroleum gases, in addition to article 20 subject to the following additions and amendments as follows:
 - (ii) Permits and reports of installations. No person shall install or maintain any LP gas container, or operate any tank vehicle which is used for the transportation of LP gas without a permit. Where a single container or the aggregate of interconnected containers, if over 120 gallons water capacity, the installer shall submit plans to the chief. A permit shall not be required for the outside installation or maintenance of portable containers of less than 120 gallon water capacity. A permit shall be required for the inside use of portable containers having a water capacity of 12 pounds (nominal five pounds LP gas capacity) in all occupancies other than group 1 as defined in table 5-A.

- (iii) Smoking and open flame devices.
 - A. The chief may require the posting of "NO SMOKING" signs. No person shall smoke within 25 feet of any LP gas container of 1,200 gallons capacity or less, nor within 50 feet of any such container over 1,200 gallons capacity.
 - B. No person shall install or maintain any open flame device outside of building within 25 feet of any LP gas container having a capacity of 1,200 gallons or less, nor within 50 feet of any such container having a capacity over 1,200 gallons, except direct fired vaporizers as covered in NFPA pamphlet 58, standard for the storage and handling of liquefied petroleum gases.
 - C. No person shall install or maintain any LP gas container with a capacity of 1,200 gallons or less within 25 feet of any open flame device, outside of buildings, nor shall any person install or maintain any such container with a capacity in excess of 1,200 gallons within 50 feet of any such open flame device.
 - D. All LP gas containers having a capacity of more than one pound which are sold, serviced or from which LP gas is dispensed shall be clearly labeled with a sign reading: "LP Gas Flammable," the lettering shall be the color red on a contrasting background. On containers of 500-gallon capacity or more, the letters shall be not less than six inches in height with a three-fourths inch stroke and shall be affixed to both sides of the tank or installation. Underground or mounded tank installations shall be posted at the point of transfer.
- (iv) Abandonment of liquefied petroleum gas equipment. Recommended abandonment procedures. All the following procedures shall have approval of the local jurisdiction:
- (v) Restrictions of liquefied petroleum gas use.
 - A. No solid devices, structures, obstructions, trees, shrubs, or other appurtenances shall be placed adjacent on liquefied petroleum gas storage facility so as to hinder or deter the application of water or firefighting operations by the fire department.
 - (1.) All approved liquefied petroleum gas storage facilities shall be placed on asphaltic concrete, blacktop, crushed rock, or equal surfaces to eliminate the maintenance and control of combustible vegetation, weeds and grass.
 - (2.) Polyethylene plastic or equal shall be placed under all surfaces.
 - (3.) Storage shall be limited to industrial, commercial, and major facilities subject to interruptible natural gas service providing requirements of section 20.105 shall be satisfactorily met.
 - (4.) Storage shall be prohibited in congested or heavily populated areas.
 - B. Use of liquefied petroleum gas on balconies or in multiple dwellings by tenants shall be prohibited.
 - (1.) Temporary use of liquefied petroleum gas during construction, remodeling or major renovations shall require a permit and shall be approved.

- (2.) Wheeled agricultural type liquefied petroleum trailers shall be prohibited for storage uses, including at construction sites.
 - (3.) Temporary liquefied petroleum gas storage shall be protected as specified in section 20.105. Where quantities are less than 2,000 gallons, the following considerations shall be provided:
 - (i.) Sub-lime insulative coatings;
 - (ii.) Lesser storage quantities through the use of allowable manifolded systems; or
 - (iii.) Use of alternate types of fuel.
 - (4.) At non-congested, sparsely populated and nonresidential construction sites, where the small quantities are desired for short periods of time, requirements as specified in subsection (c) of this section may be waived at the discretion of the fire chief.
- (vi) Existing storage facilities. Authorization shall be granted to the chief to resurvey, inspect, and evaluate existing storage facilities for the purposes of determining adequate or suitable fire protection, fire suppression, or life safety requirements. All recommendations for improvements, alterations, or modifications of existing systems shall be based on the following considerations:
- A. Storage location with respect to heavily populated or congested areas.
 - B. Fire department accessibility to storage facilities for placement of fire apparatus and application of firefighting hose streams.
 - C. Availability of fire flows.
 - D. Evaluation of fire department capabilities, i.e.:
 - (1.) Available manpower.
 - (2.) Available equipment and apparatus.
 - (3.) Fire department response times.
 - (4.) Ability of fire department to evacuate structures and residents.
 - E. Trends, fire service problems, and modern protective techniques.
 - F. Current installation features and protection levels afforded.
7. Fire marshal regulation 48(f) shall be amended as follows:
- (i) The provisions of section 27.302(c) of the uniform code shall be adopted by reference thereto.
8. Fire marshal regulation 51(a), (e), (f), and (g) shall be amended as follows:
- (i) Appendixes A, B, C, D, and E of the uniform code shall be adopted by reference thereto.
 - (ii) The provisions of appendix B, item 3(b) of the uniform code shall be adopted by reference thereto.
 - (iii) The provisions of appendix B, item 3(c) of the uniform code shall be adopted by reference thereto.

- (iv) The provisions of appendix B, item 4(a) of the uniform code shall be adopted by reference thereto.
- 9. A new section 13.317 shall be added to the uniform code to read as follows: Portable fire extinguishers, locations, types, inspection, and maintenance requirement.
 - (i) General requirement reference and sources: NFPA fire codes numbers 10, 10A, 101, 11, 11A, 12, 12A.
 - (ii) Multiple dwellings.
 - A. All areas throughout the building shall be protected. ABC "multipurpose" extinguisher to be placed in each required standpipe cabinet, minimum size: five pounds.
 - B. Alternate requirement: The provisions of M.S.A. § 299F.36.
 - C. One ABC "multipurpose" dry chemical extinguisher for boiler, furnace or electrical rooms, minimum size: ten pounds.
 - (iii) Retail; commercial establishments.
 - A. Retail sales areas. All areas to be protected at the rate of coverage of one ten-pound ABC multipurpose extinguisher for every 9,000 square feet; alternate extinguisher: 2½ gallon pressurized water, if conditions permit.
 - B. All boiler, furnace and electrical rooms shall be protected with minimum ten-pound ABC extinguishers.
 - C. Special consideration shall be provided in commercial kitchens with fixed fire protection systems.
 - (iv) All extinguishers shall be clearly identified with their class use.
 - (v) All extinguisher locations shall be clearly labeled or identified.
 - (vi) Maximum distances to be traveled to extinguishers shall be 75 feet.
 - (vii) Extinguishers under 40 pounds shall be installed with top of extinguishers not more than five feet above floor level.
 - (viii) Extinguishers over 40 pounds shall be installed with top not more than 3½ feet above floor level.
 - (ix) Extinguisher servicing.
 - A. All extinguishers shall be periodically checked, tested, and serviced not less than once a year.
 - B. Only qualified and licensed personnel shall be accepted as servicing agents.
 - C. Hydrostatic testing shall be performed in accordance with NFPA table 18—SA, NFPA handbook, pages 18—48 and NFPA table A-3, pages 10-23.
 - D. Extinguishers shall be serviced and refilled after each use.

(Code 1997, § 1120.04)

Sec. 14-4. - Balconies and decks in multiple-family dwellings.

No open flame, charcoal or gas grill, oven, or any other device requiring oxidation to produce heat for cooking, or any other purpose, may be used at any time on any deck, balcony or other similar area in any multi-story, multiple-family dwelling within the city.

(Code 1997, § 1120.06)

Sec. 14-5. - Enforcement.

The chief of the fire department, or his authorized representative, shall enforce the provisions of this chapter and the chief may detail such members of the fire department as inspectors as shall from time to time be necessary; and he may recommend to the council employment of technical inspectors.

(Code 1997, § 1120.02)

Sec. 14-6. - Appeals.

Whenever the chief shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the board of appeals, as designated in this chapter, within 30 days from the date of the decision appealed.

(Code 1997, § 1120.05)

Secs. 14-7—14-30. - Reserved.

ARTICLE II. - OPEN BURNING

DIVISION 1. - GENERALLY

Sec. 14-31. - 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:

Agency means the state department of natural resources.

Commissioner means the commissioner of the state department of natural resources.

Delegated authority means the city authorized by the commissioner to issue open burning permits.

Enforcement officer means the city fire chief, fire marshal, or local city official.

Incorporated land means land within the city.

Land used for farming means land that is in agricultural use.

Non-attainment area means a geographic region that has been designated by the agency as violating a state ambient air quality standard or designated by the federal environmental protection agency as violating a national ambient air quality standard.

Open burning means the burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct, or chimney.

Owner or operator means a person who owns, leases, operates, controls, or supervises an open burning site, or who conducts open burning.

Practical means technically feasible, available within the general area where the material to be burned is located, and available at a cost that shall not be prohibitive for most users.

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but shall not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, or discharges which are point sources subject to federal permits, dissolved material in irrigation return flows; or source, special nuclear, or by-product material from atomic energy sources.

(Code 1997, § 720.01)

Secs. 14-32—14-50. - Reserved.

DIVISION 2. - PERMITS

Sec. 14-51. - Permits required; conditions of issuance; application process.

- (a) *Permits required.* No person shall conduct, cause, or permit open burning on incorporated land or in a non-attainment area without obtaining an open burning permit from the city. No person shall conduct, cause, or permit open burning at a permanent tree and brush open burning site or for instruction and training of firefighters without first having obtained an open burning permit from the commissioner.
- (b) *Permit conditions.* Before issuing a permit, the city shall find that the burning is shall be for one of the following purposes:
 - (1) Elimination of fire or health hazards;
 - (2) Disposal of vegetative matter for purposes of managing prairies or wildlife habitats;
 - (3) Ground thawing for utility repair and construction;
 - (4) Disposal of trees, brush, grass and other vegetative matter in the development and maintenance of land rights-of-way where chipping, composting, or other alternative methods are not practical;
 - (5) The disposal of diseased shade trees;
 - (6) Disposal of diseased or infested nursery stock, diseased bee hives or dunnage; and that the burning shall be conducted according to the requirements of this section. The city may impose other reasonable conditions in the permit on the conduct of the open burning if needed for the prevention of pollution or nuisance conditions. The burning shall be conducted during the dates established in the permit and conducted under the conditions of the permit.
- (c) *Application process.* After completing the application, the applicant shall submit the application to the city for its approval.
 - (1) The application process for permanent tree and brush open burning sites shall be as described in Minn. R.

- (2) To obtain a permit for fire training, an application shall be submitted by the city fire department or other entity seeking to conduct fire training directly to the commissioner by May 15 of each year. The application shall describe the fire department's or other entity's annual training plans and identify the estimated number of structures that will need to be burned for training purposes.
- (d) *Information requests.* The city may request, and the applicant shall provide, any information additional to that required in the application form which the city needs to determine if the open burning can be conducted in compliance with state administrative rules
- (e) *Permittees.* The permit application shall be signed by all owners and operators, and the city shall designate all owners and operators as co-permittees when issuing the permit.

(Code 1997, § 720.04)

Sec. 14-52. - Permit denial.

The city shall deny a permit application submitted if:

- (1) A practical alternative method of disposal of the material is available, such as chipping or composting;
- (2) The burning cannot be conducted according to the conditions established in Minn. R.; or
- (3) A nuisance condition would result from the burning.

(Code 1997, § 720.05)

Sec. 14-53. - Permit revocation.

A permit shall be subject to revocation by if:

- (1) A practical method of disposal of the material is found;
- (2) A fire hazard exists or develops during the course of the burning;
- (3) The permittee violates Minn. R. or the regulation of the DNR;
- (4) Any of the conditions of the permit are violated; or
- (5) A nuisance condition has resulted from the burning.

(Code 1997, § 720.06)

Sec. 14-54. - Department of natural resources jurisdiction.

Designated department of natural resources officers or fire wardens shall be authorized to accept applications and issue, deny, enforce, and revoke open burning permits on behalf of the commissioner for locations within their jurisdiction.

(Code 1997, § 720.07)

Sec. 14-55. - Delegated authority.

The city may issue permits for open burning other than for fire training or permanent tree and brush burning conducted according to state law and rules, if delegated authority is obtained as provided in this division and pursuant to state law and rule. Permits shall be issued on a form approved by the commissioner and records shall be maintained of all open burning permits issued.

(Code 1997, § 720.09)

Sec. 14-56. - Liability.

The granting of an open burning permit or allowance of open burning without a permit shall not excuse a person from consequences, damages, or injuries which may result from the open burning.

(Code 1997, § 720.11)

Secs. 14-57—14-85. - Reserved.

DIVISION 3. - STANDARDS AND RESTRICTIONS

Sec. 14-86. - Open burning restrictions.

- (a) *Open burning without a permit.* Except as provided in this section, open burning without an agency permit shall be allowed only on unincorporated land in attainment areas, and only if the owner or operator conducts the burning for the purposes described in subsection (c) of this section, according to the conditions in this section, and prior notice shall have been given to the city fire chief.
- (b) *Open burning with a permit.*
 - (1) Owners or operators of permanent tree and brush open burning sites shall obtain permits under subsection 14-51 and shall be subject to the requirements of this section. Owners or operators who conduct open burning for the instruction and training of firefighters shall obtain permits under subsection 14-51 and shall be subject to the requirements of this section, except as otherwise provided in the permit issued by the commissioner, or this section.
 - (2) Owners or operators who conduct, cause or permit open burning on incorporated land or in a non-attainment area shall obtain permits under subsection 14-51, and shall be subject to the requirements of all of this section. Owners or operators who conduct, cause, or permit open burning in forest areas or on forest land defined as land which is at least ten percent stocked by trees of any size and capable of producing timber, or of exerting an influence on the climate or on the water; land from which the trees described above have been removed to less than ten percent stocking and which has not been developed for other use; shall obtain permits from the state department of natural resources if a permit is required by M.S.A. §§ 88.16 and 88.17 (permit required if a fire is used for the purpose of cleanup, clearing and improving land through the use of fire to any gross, stubble, peat, brush, raking of leaves, rubbish, garbage, branches, slashings or woods).
- (c) *Purposes for burning.* Open burning shall be allowed if conducted for the following purposes:
 - (1) Elimination of fire or health hazards that cannot be abated by any other practical means.
 - (2) Disposal of vegetative matter for purposes of managing forests, prairies, or wildlife habitats.
 - (3) Ground thawing for utility repair and construction.

- (4) Disposal of trees, brush, gross, and other vegetative matter in the development and maintenance of land and rights-of-way where chipping, composting, or other alternative methods are not practical.
 - (5) Consistent with state statutes regarding municipal shade tree ordinances, the disposal of diseased shade trees such as diseased elm trees and diseased oak trees including the above-ground parts thereof shall be properly disposed of by such methods including burning, burying, chipping and utilization.
 - (6) Disposal of diseased or infested nursery stock, diseased bee hives under M.S.A. § 19.56.
 - (7) The disposal of burnable building material such as unpainted or untreated lumber, wood shakes, or other unpainted or untreated wood products generated by construction, where recycling, reuse, shipping, or other alternative disposal methods are not practical.
 - (8) Other reasons authorized or required by state law or regulations.
- (d) *Conditions.* Open burning shall be conducted according to the following requirements:
- (1) The prevailing wind at the time of the burning shall be away from nearby residences and occupied buildings.
 - (2) The burning shall be conducted as far away from a road as possible and controlled so that a traffic hazard shall not be created.
 - (3) The burning shall be conducted consistent with article 11.101(b) of the state uniform fire code.
 - (4) The burning shall not be conducted within one mile of an airport or landing strip unless the affected airport or landing strip is notified prior to burning.
 - (5) The burning shall not be conducted during the duration of an agency-declared air pollution alert, warning, emergency, or significant harm episode.
 - (6) The person conducting the open burning shall give notice to the local authority, and to the local department of natural resources representative when the open burning is within an area under department of natural resources jurisdiction, prior to any open burning. The notice shall include the time and location of the fire.
 - (7) Propane gas torches or other clean gas burning devices causing minimal pollution shall be used to start the burning.
 - (8) The person conducting the open burning shall be present at the burn site from the commencement of the burning until the fire is completely extinguished and, if a permit is required, shall have a copy of the permit at the burning site at all times.
 - (9) Fires shall not be allowed to smolder with no flame present, except when conducted for the purpose of managing forests, prairies, or wildlife habitats.
 - (10) Fires set or allowed to burn for the purpose of managing forests, prairies, or wildlife habitats shall be managed according to a prescribed burn plan approved by the managing agency.

(Code 1997, § 720.02)

Sec. 14-87. - Prohibited burn materials.

- (a) *Generally.* No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as

tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters.

- (b) *Hazardous wastes.* No person shall conduct, cause, or permit open burning of hazardous waste.
- (c) *Industrial solid waste.* No person shall conduct, cause, or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment.
- (d) *Demolition debris.* No person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building shall not be defined as a commercial structure.
- (e) *Salvage operations.* No person shall conduct, cause, or permit salvage operations by open burning.
- (f) *Motor vehicles.* No person shall conduct, cause, or permit the processing of motor vehicles by open burning.
- (g) *Garbage.* No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food.
- (h) *Burning ban.* No person shall conduct, cause, or permit open burning during a burning ban put into effect by the city, county or state.

(Code 1997, § 720.03)

Sec. 14-88. - Fire training.

- (a) *Structure burn training.* Except for owners or operators conducting fire training in specialized industrial settings pursuant to applicable federal, state, or local standards, owners or operators conducting open burning for the purpose of instruction and training of firefighters with regard to structures shall follow the techniques described in the National Fire Protection Association Code 1403, Standard on Live Fire Training.
- (b) *Restrictions.* Flammable or combustible liquids should not be burned during fire training unless liquid fuels or arson investigation training is being conducted. The use of small amounts of uncontaminated diesel fuel or kerosene for ignition of live burn fires shall not be prohibited.
- (c) *Liquid fuels training.* Fire training shall be conducted according to the conditions in subsections (c)(1) through (3) of this section when liquid fuels are burned.
 - (1) The fuel shall be completely contained within a limited structure, such as a cement- or metal-lined container.
 - (2) The amount of fuel to be burned shall be the minimum amount necessary to conduct the training.
 - (3) If fuel is released from the lined structure, or if oil or groundwater contamination is suspected to have resulted from the burn, the spill shall be reported and recovered as required under M.S.A. § 115.061.
- (d) *Conditions.* Fire training shall be conducted according to Minn. R., except as specifically authorized by the permit issued by the commissioner.

(Code 1997, § 720.08)

Sec. 14-89. - Recreational fires.

- (a) Fires set for recreational, ceremonial, food preparation, or social purposes shall be allowed and shall not require an agency permit. The material to be burned shall be limited to a pile no larger than three feet in diameter by three feet high. Only unpainted and untreated wood, coal, or charcoal shall be burned.
- (b) No recreational fire shall be located closer than 25 feet from any building, structure, or combustible material, and no closer than ten feet from any property line. Recreational fires shall be attended to at all times and extinguished completely before being left unattended. Combustible materials are things such as wood, paper, and plastics. A hose connected to a water supply, fire extinguisher or other means of extinguishments sufficient to fully extinguish the fire shall be provided at all times while the fire is burning. No recreational fire will be permitted without adult supervision.

(Code 1997, § 720.10)

Sec. 14-90. - Permanent tree and brush open burning sites.

- (a) *Permanent sites.* The commissioner shall issue permits authorizing continuous use of a site for open burning.
- (b) *Tree and brush burning only.* Only trees, tree trimmings or brush shall be permitted to be burned at a permanent open burning site.
- (c) *Alternatives to burning.* Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method such as shipping, composting, or other method, shall be permitted to be burned at a permanent open burning site.
- (d) *Location.* A permanent open burning site shall not be located within:
 - (1) 1,000 feet of an occupied building unless written permission is obtained from the building owner and occupant;
 - (2) 1,000 feet of a public roadway;
 - (3) One mile of an airport or landing strip unless written permission is obtained from the affected airport or landing strip;
 - (4) 3,000 feet of a stream, river, lake, or other water body unless berms or other measures are used to ensure that ash or organic material does not enter the water body; or
 - (5) A wetland.
- (e) *Site operation.* A permanent open burning site shall be developed and operated according to the following:
 - (1) A qualified attendant shall be on duty at all times when the site is open for disposal of material to be burned and for the duration of any fire on the site.
 - (2) Access to the site shall be controlled through a gate that shall be locked when the attendant is not on duty.
 - (3) A permanent sign indicating the times of operation, rates, the penalty for nonconforming dumping, and other pertinent information of use to the public shall be posted at the site entrance.
 - (4) Burning and ash storage areas shall be designated and maintained.
 - (5) Surface water drainage shall be diverted around and away from the burning and ash storage areas.

- (6) Burning shall be conducted according to the conditions in Minn. R. and the regulations of the DNR.
 - (7) Prior notice shall be given to the local authority of the time and duration of each burn.
 - (8) Fugitive ash emissions shall be controlled and ash residue shall be collected periodically and disposed of in a permitted solid waste land disposal facility or other method allowed by applicable statutes and rules.
 - (9) The fire shall not be allowed to smolder with no flame present.
 - (10) Fugitive dust emissions from access roads and the site shall be controlled.
- (f) *Site termination.* A permanent open burning site shall be terminated in compliance with subsections (f)(1) through (4) of this section.
- (1) All unburned materials shall be removed and disposed of through burning at another permitted burn site or by other method allowed by applicable statutes, rules, and ordinances.
 - (2) All ash shall be removed to a permitted solid waste land disposal facility or disposed of by other method allowed by applicable statutes, rules, and ordinances.
 - (3) Areas affected by burning shall be covered with soil and seeded to prevent erosion and to restore the site to a natural condition.
 - (4) A sign shall be posted informing the public that the site has been closed, and listing the closest disposal site alternative.
- (g) *Application process.* Applicants for a permanent open burning site permit shall submit a complete application on a form provided by the commissioner. This application shall be submitted at least 90 days before the date of the proposed operation of the permanent open burning site. The application shall be submitted to the commissioner and shall contain:
- (1) The name, address, and telephone number of all owners of the site proposed for use as the permanent open burning site;
 - (2) If the operator for the proposed permanent open burning site is different from the owner, the name, address, and telephone number of the operator;
 - (3) A general description of the materials to be burned, including the source and estimated quantity;
 - (4) A topographic or similarly detailed map of the site and surrounding area within a one mile circumference showing all structures that might be affected by the operation of the site; and
 - (5) Any other information relevant to the operation of the site, or as requested by the commissioner.
- (h) *Permittees.* The permit application shall be signed by all owners and operators of the proposed permanent open burning site, and the commissioner shall designate all owners and operators as co-permittees when issuing the permit.

(Code 1997, § 720.12)