

TITLE 7

FIRE DEPARTMENT

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CHAPTER 1
FIRE DEPARTMENT

SECTION:

- 7-1-1: Department Establishment; Composition
- 7-1-2: Fire Chief
- 7-1-3: Firefighters' Relief Association
- 7-1-4: Prohibited Acts

7-1-1: **DEPARTMENT ESTABLISHED; COMPOSITION:** There is hereby established in the city, a fire department consisting of a Fire Chief, and other members as are needed to make the department operational. (Amended Ord. 42, 9-8-1977; Amended Ord. 490, 3-19-19)

7-1-2: **FIRE CHIEF:**

- A. Appointment: The Chief shall be appointed by the City Council to serve as a regular employee in the capacity of Chief, Fire Marshal, and Emergency Management Director. The Chief shall adhere to the personnel policies adopted by the city for regular employees. (Amended Ord. 490, 3-19-19)

- B. Duties:
 - 1. The Fire Chief will act as the department head of the fire department managing all personnel, equipment and facilities. The Fire Chief shall also act as the city's Emergency Management Director to assure the City of Andover is meeting the provisions of Chapter 12 of MN State Statute. (Amended Ord. 490, 3-19-19)

 - 2. Reports: The Fire Chief shall assure all required reports are completed and properly submitted to regulatory agencies as outlined by law. (Amended Ord. 490, 3-19-19)

 - 3. Training; Suspensions; Dismissals:
 - a. The Chief shall be responsible for the proper training and discipline of the members of the fire department and may suspend or dismiss any member for refusal or neglect to obey orders or violation of personnel policies. (Amended Ord. 490, 3-19-19)

 - b. The City Administrator shall be the final authority in determining the reasonableness of any dismissal.

7-1-3: **FIREFIGHTERS' RELIEF ASSOCIATION:** The members and officers of the fire department shall participate in a Firefighters' Relief Association. The insurance refund received from the MN Department of Revenue is to be used for the Firefighters' Relief Association according to their approved by-laws. (Amended Ord. 42, 9-8-1977; Amended Ord. 490, 3-19-19)

7-1-4: **PROHIBITED ACTS:** It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire or explosion without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the fire department in the discharge of its duties; and any person convicted of violating this section shall be guilty of a misdemeanor and shall be punished as defined by state law. (Amended Ord. 42, 9-8-1977; Amended Ord. 490, 3-19-19)

CHAPTER 2

FIRE CODE

SECTION:

- 7-2-1: Code Adopted
- 7-2-2: Definitions
- 7-2-3: Enforcement Official
- 7-2-4: Recreational Burning And Burn Permits
- 7-2-5: Violation; Penalties
- 7-2-6: Appeals

7-2-1: **CODE ADOPTED:** Pursuant to Minnesota Statutes, Section 299F.011, and as modified by Minnesota Rules, Chapter 7511, the Minnesota State Fire Code, one copy of which has been marked as the official copy and which is on file in the office of the City Clerk, is hereby adopted as the fire code for the City of Andover, Minnesota, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in the Minnesota State Fire Code, except as hereinafter amended, is hereby adopted and made a part of this chapter as if fully set forth herein. The scope of these regulations is intended to be consistent with Minnesota Statutes, Section 299F.011. (Ord. 277, 6-17-2003)

- (1) The City of Andover adopts by reference the following appendices to said Minnesota State Fire Code:

Appendix K – Fires or Barbecues on Balconies or Patios.

7-2-2: **DEFINITIONS:** The following definitions shall apply to this chapter:

CODE OR FIRE CODE: Where not more specifically enumerated, shall be construed to include the Minnesota State Fire Code, as adopted by the State of Minnesota pursuant to Minnesota Statutes, Section 299F.011 and any amendments thereto as adopted by the City of Andover, as well as other provisions of the City of Andover's adopted ordinances.

JURISDICTION: Wherever the term "jurisdiction" is used in the Minnesota State Fire Code, it shall be held to mean the City of Andover. (Ord. 277, 6-17-2003)

7-2-3: **ENFORCEMENT OFFICIAL:** The Chief of the fire department (hereinafter for convenience of reference "Chief" or "Fire Chief") or his authorized representatives shall enforce the provisions of this chapter. The Fire Chief may detail such members of the fire department as inspectors as shall from time to time be necessary. (Ord. 277, 6-17-2003)

7-2-4: **RECREATIONAL BURNING AND BURN PERMITS:** The Fire Chief and/or his authorized representative will administer and regulate recreational fire and burning permit rules as established by fire department policies. Failure to obtain the proper permits and/or violations of those rules may be enforced under this code and subject to penalties as defined for a misdemeanor violation. (Ord. 277, 6-17-2003)

7-2-5: **VIOLATION; PENALTIES:**

- A. Unless otherwise stated herein, any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Chief or his authorized representative or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor violation. 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 day 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. (Ord. 277, 6-17-2003)

7-2-6: **APPEALS:** Whenever the Fire Chief or his/her representative shall disapprove or refuse to grant a permit, or issue an order or notice as provided in the Minnesota State Fire Code or Andover Fire Regulations, or when it is claimed that the code or regulations have been wrongly applied or interpreted, the aggrieved person may appeal the decision of the Fire Chief as follows:

- (1) The aggrieved person may file a written appeal to the Fire Chief within ten days from the letter, notice or order.

- (2) The person aggrieved by the decision of the Fire Chief may file a written appeal with the City Administrator. The appeal to the City Administrator must be made within thirty days from the date of the

Chief's decision.

- (3) The person aggrieved by the decision of the City Administrator may file a written appeal with the City Council. The appeal to the City Council must be made within thirty days from the date of the decision of the City Administrator.
- (4) The person aggrieved by the decision of the City Council may appeal to the State Fire Marshal in accordance with Minnesota Statute Section 299F.011, Subdivision 5.

CHAPTER 3

OPEN BURNING

SECTION:

- 7-3-1: Definitions
- 7-3-2: Permitted Burning; Conditions
- 7-3-3: Violation; Penalty

7-3-1: **DEFINITIONS:**

BURNING PERMIT: A written permit issued by the City Fire Chief authorizing open burns, and setting conditions therefore for open burning that does not meet the definition of a Recreational Fire. Burning permits require an inspection and approval to burn, prior to burning. (Amended Ord. 490, 3-19-19)

CONTROL EQUIPMENT: Any device, approved by the Minnesota Pollution Control Agency, which has the function of controlling or abating the emission of air contaminants to the atmosphere.

OPEN BURNING: Burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through any adequate control equipment. Open burning requires a permit and is subject to approval. Open burning requires a permit when burning permitted combustibles is larger than three foot by three foot in diameter. (Amended Ord. 490, 3-19-19)

PERSON: An individual, corporation, association, society or firm.

RECREATIONAL FIRE: A wood burning fireplace and/or fire used solely for outdoor enjoyment and/or food preparation no larger than three foot in diameter and protected within a noncombustible ring, pit or portable fire pit. (Ord. 237, 11-4-1997; Amended Ord. 490, 3-19-19)

7-3-2: **PERMITTED BURNING; CONDITIONS:**

A. Burning Permitted; Conditions: Open burning of the types and subject to the conditions as hereinafter stated shall be exempt from the prohibition of Section 7-3-2 of this chapter:

1. Recreational Fires:

- a. Recreational fires are allowed, but are subject to the following limitations:
- b. Hours And Number Of Days: Burning will be allowed from noon (12:00) until one o'clock (1:00) A.M. Sunday through Saturday. Recreational fires will not be allowed for more than three (3) consecutive days at the same property or location. (Amended Ord. 490, 3-19-19)
- c. Supervision: The fire shall always be supervised by a responsible adult who understands the rules for burning, and who can also use the extinguishing equipment that must be present. An attendant shall supervise the burning material until the fire has been completely extinguished. Shovels, buckets of water, a fire extinguisher and a garden hose are considered proper equipment for extinguishment. (Amended Ord. 490, 3-19-19)
- d. Size: Recreational Fires can be no larger than three feet by three feet (3' x 3') in diameter and flames can be no higher than three feet (3'). Fires larger than this requirement are not permitted without an approved permit. (Amended Ord. 490, 3-19-19)
- e. Fire Ring: The fire must be contained within a noncombustible "fire ring" and/or pit at least twenty-five feet (25') away from an occupied structure. (Amended Ord. 490, 3-19-19; Amended Ord. 495, 8-5-19)
- f. Portable Fire Pit/Place: A portable fire pit, approved for its use, shall be no closer than ten feet (10) to an occupied structure. Portable fire pits burning combustible materials shall have a noncombustible surround protecting ashes and embers from escaping the pit while in use. Fire pits/places using natural gas or propane are not required to have the surround but shall maintain a distance of ten feet to an occupied structure.

(Amended Ord. 490, 3-19-19; Amended Ord. 495, 8-5-19)

- g. Wind Speed: The wind speed must be below ten (10) miles per hour to conduct a recreational fire or permit burn. (Amended Ord. 490, 3-19-19)
- h. Prohibited Starting Materials: Flammable/combustible liquids shall not be used to ignite a fire. (Amended Ord. 490, 3-19-19)
- i. Burning Ban: If a statewide or local burning ban is in effect, all recreational fires shall be prohibited. Those responsible for conducting an open burn shall bear the responsibility to assure the conditions are in favor of burning and not a threat to human life or property damage. (Amended Ord. 490, 3-19-19)
- j. Permitted Materials: Only clean, dried wood (similar to what is burned in a living room fireplace) or charcoal is permitted to be burned. Absolutely no grass, leaves, or brush can be burned. (Amended Ord. 490, 3-19-19)
- k. Prohibited Materials: The following are prohibited materials and cannot be burned at any time.
 - (A) Tires, rubber or rubber products.
 - (B) Chemically treated lumber.
 - (C) Railroad ties, telephone poles.
 - (D) Plastic pesticide or herbicide containers.
 - (E) Chemicals of any kind.
 - (F) Plastic liners in seed, feed, or pesticide bags.
 - (G) Any plastic containers or other household waste.
 - (H) Tarpaper, shingles, or other asphalt materials.
 - (I) Insulation.
 - (J) Composition board or sheetrock.
 - (K) Construction materials.
 - (L) Wiring, insulation on wiring, or cable.

(M) Hazardous waste (including household hazardous waste).

(N) Commercial or institutional structures.

(O) Paint or paint filters.

(P) Used motor oil or other petroleum-based liquids.

(Q) Vehicles, motors, or parts of vehicles or motors.

(R) Furniture or appliance.

(S) Other items or materials as determined by the Fire Chief to not be appropriate.

- I. Violations of any of the above rules will result in the immediate extinguishment of the fire. These and any other violation of the open burning laws could result in loss of the right to have recreational fires and may result in a citation and/or fee. (Amended Ord. 490, 3-19-19)

2. Managed Fires: Fires under managed supervision, for which a written burning permit has first been obtained from the Fire Chief where necessary, is limited to the following (Amended Ord. 490, 3-19-19):

- a. Fires purposely set for the instruction and training of public and industrial firefighting personnel.
- b. Fires set for the elimination of a fire hazard that cannot be abated by any other practicable means. (Ord. 237, 11-4-1997)
- c. The burning of trees and brush. The fee for such permit shall be in such amount as set forth in the cities adopted fee schedule. (Ord. 237, 11-4-1997; amd. 2003 Code; Amended Code 490, 3-19-19)
- d. Any exemption hereafter adopted by the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources. (Amended Ord. 490, 3-9-19)

- B. Liability For Damages: Exemption to conduct a fire or burn 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 Minnesota Pollution Control Agency, MN Department of Natural Resources or any other governmental unit

exercising jurisdiction in matters of pollution or fire hazard regulation.
(Amended Ord. 490, 3-19-19)

7-3-3: **VIOLATION; PENALTY:** Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as defined by state law. (Ord. 237, 11-4-1997)