Ordinance No. 2017-07

An Ordinance amending sections 910.005, 910.010, 910.015 and 910.020 of the Minnetonka City Code, relating to the city fire code

The City of Minnetonka Ordains:

Section 1. Section 910.005 of the Minnetonka City Code is amended to read as follows:

910.005. Definitions. Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows:

1. "Municipality" means the city of Minnetonka.
2. "Corporation counsel" means the city attorney.
3. "Chief of the bureau of fire prevention" means the fire marshal.
4. "City fire code" means the fire code adopted in sections 910.005 through 910.030.
5. "Portable outdoor fireplace" means a portable, outdoor, sold-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
6. "Recreational fire" means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Section 2. Section 910.010 of the Minnetonka City Code is amended to read as follows:

910.010. Adoption of Minnesota State Fire Code.

The stricken language is deleted; the underlined language is inserted.
The following are adopted and incorporated by reference as the city fire code:

1. **State fire code.** The 2015 state fire code, promulgated by the state department of public safety, as published in Minnesota Rules chapter 7511, subject to the amendments specified below, the 2007 Minnesota state fire code (MSFC) is adopted by reference as the city fire code for the city of Minnetonka.

2. **International Fire Code.** The 2012 edition of the International Fire Code (IFC) promulgated by the International Code Council, subject to the changes in this chapter 910 and in the state fire code. The MSFC adopts by reference the international fire code (IFC) promulgated by the International Conference of Building Officials and the Western Fire Chiefs Association.

3. **Appendices.** The following appendices of Minnesota Rules subpart 7511.7900, amendments to the appendices of the IFC, is adopted as part of this code: B (Fire Flow Requirements for Buildings), C (Fire Hydrant Locations and Distribution), D (Fire Apparatus Access Roads), F (Hazard Ranking), H (Hazardous Materials Management Plan [HMMP] and Hazardous Materials Inventory Statements [HMIS] Instructions), I (Fire Protection Systems-Noncompliant Conditions), and K (Fires or Barbecues on Balconies or Patios).

One copy of the MSFC state fire code and the IFC will be retained on file in the city clerk’s office.

Section 3. Section 910.015 of the Minnetonka City Code is amended to read as follows:


1. The limits referred to in MSFC section 3404 in accordance with section 5704.2.9.6.1 of the state fire code, in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited in the following zoning districts are as follows: zoning districts R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, PUD, and PID.

2. The limits referred to in NFPA Standard No. 158, as adopted by MSFC section 3801.1, in which storage of liquefied petroleum gases is restricted, are as follows: zoning districts R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, PUD, and PID.

The stricken language is deleted; the underlined language is inserted.
3. The limits referred to in MSFC section 3304, in which storage of explosives and blasting agents are prohibited, are as follows: zoning districts R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, PUD, and PID.

Section 4. Section 901.020 of the Minnetonka City Code is amended to read as follows:

910.020. Amendments to the MSFC Minnesota state fire code.

The Minnesota state fire code is amended as follows:

1. Section 307, "Open Burning and Recreational Fires," is amended to read as follows to include the following section:

307.1. General. A person must not kindle or maintain or authorize to be kindled or maintained a recreational fire unless conducted and approved in accordance with this section.

307.2. Burning Permit required. The person who will be responsible for the recreational fire must obtain a permit from the fire department prior to kindling a recreational fire. The permit holder is responsible for conducting, controlling and extinguishing the fire in compliance with the city fire code.

307.3. Extinguishment authority. The fire chief or designee has the authority to order extinguishment of any fire if: the fire creates or adds to a hazardous situation; the fire chief or designee determines that the smoke from the fire is unreasonably offensive or injurious to others; or, a required permit has not been obtained.

307.4.2. Recreational fires. Recreational fires must not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure must be eliminated prior to ignition. Fire pits must be located a minimum of 10 feet from any property line.

307.4.3. Portable outdoor fireplaces. Portable outdoor fireplaces must be used in accordance with the manufacturer's instructions and must not be operated within 15 feet (3048 mm) of a structure or combustible material.

The stricken language is deleted; the underlined language is inserted.
307.4.4. Materials burned. Wood burned in a recreational fire or portable outdoor fireplace must be a minimum of 3 inches in diameter. No trash, brush, leaves or treated lumber may be burned.

307.5. Attendance. Permitted fires must be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 of the state fire code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, must be available for immediate utilization.

(1) Except as provided below, a person must not set on fire, or cause or permit to be set on fire, any combustible material within the city, including grass, weeds, trees, other vegetation, wood, building materials or any structure, without first obtaining a burning permit from the fire marshal. An application for a permit must include a description of the material to be burned, the purpose of the burning, the area where the burning will take place, the time of the proposed burning, and the name and address of the person(s) who will be conducting the burning and who will be responsible for its control and extinguishing. If the purpose is other than a small recreational fire, the application must also contain justification for the burning.

(2) The fire marshal should generally grant an application for a small recreational fire but is not required to grant a permit for any other purpose. The fire marshal may deny any permit application, including one for a small recreational fire, when in the best interests of the public health, safety, and welfare. The fire marshal may consider such factors as atmospheric conditions, proximity of structures and other combustibles, the potential of fire spreading, and air quality. Any permit may be subject to conditions which, in the opinion of the fire marshal, are appropriate to protect the public health, safety, and welfare.

(3) A burning permit is not required for woodburning fireplaces and stoves that are located in buildings or for charcoal fires used solely for the preparation of food. A burning permit is also not required for the burning of tobacco in cigars, cigarettes, and pipes.

(4) A burning permit granted by the fire marshal does not relieve the permittee from any liability because of damage resulting from the fire.

2. Appendix K (Fires or Barbecues on Balconies or Patios) of the state fire code is amended to read as follows:

1.1 Open flame prohibited. In any apartment or condominium building two or more stories in height, no person may 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.

1.2 Fuel storage prohibited. No person may store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in any apartment or condominium building two or more stores in height, except as provided in this section 1.2. The following devices are allowed under the circumstances specified, provided that all devices must maintain an 18-inch clearance on all sides to combustibles:

1.2.1 Listed electric barbecue grills are allowed on balconies and patios provided they are permanently mounted and hardwired to the building's electrical system.

1.2.2 Listed natural gas fueled barbecue grills are allowed on balconies and patios provided they are permanently mounted and plumbed to the building's natural gas supply.

1.2.3 Listed propane fueled barbecue grills are allowed only on ground level. Propane cylinder storage is prohibited within 15 feet of the building.

1.2.4 Listed charcoal barbecue grills are allowed only on ground level and may not be used or stored within 15 feet of the building.

Section 3301.1.3 is amended to read:
The chief may seize, take, remove or cause to be removed and destroyed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this section.

6. Subpart 1 is amended to read:
Appendices A, B, C, D, E, F, G, H, I, and J of the Minnesota state fire code are deemed a part of this code and may be enforced as such.

Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 6. This ordinance is effective 30 days after publication.

The stricken language is deleted; the underlined language is inserted.
Adopted by the city council of the City of Minnetonka, Minnesota, on May 8, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction:  April 24, 2017
Date of adoption:  May 8, 2017
Motion for adoption:  Acomb
Seconded by:  Allendorf
Voted in favor of:  Allendorf-Acomb-Bergstedt-Wagner-Ellingson-Schneider
Voted against:  None
Abstained:  None
Absent:  Wiersum
Ordinance adopted.

Date of publication:  May 25, 2017

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on May 8, 2017.

David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.