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## **Article 8 - Fire Department**

### **8-100 Volunteer Fire Department Established**

There is hereby established a Volunteer Fire Department, to consist of a number of members to be established from time to time by resolution of the City Council. Until a resolution setting a different number shall be adopted, the department shall be composed of not less than 15 and not more than 50 members.

### **8-200 Joint Powers and Cooperative Agreements**

Upon approval by resolution of the City Council, the department may from time to time enter into cooperative agreements with fire departments of other jurisdictions.

### **8-300 Regulations**

The organization, membership eligibility, meeting procedures, disciplinary action, rules for personal conduct, apparatus and governance of the department shall be as established in written regulations to be approved by the City Council. No changes in the written regulations shall be permitted unless approved by the City Council. The City Administrator shall keep a complete copy of the most recent regulations available at all times for inspection or copying by any member of the public or firefighter.

### **8-400 Offices, Mandatory Resolution Changes**

Notwithstanding the Regulations of the department, the City Council shall have the authority to remove any officer, including the Chief, at any time. Further, the City Council may, by resolution require the amendment of the Regulations of the department, including the right to require total repeal thereof.

### **8-500 Relief Association**

The members and officers of the Volunteer Fire Department may organize a Firefighters Relief Association, subject to compliance with all state and federal regulations pertaining thereto, and further subject to the condition that all bylaws, eligibility rules and benefit funding be at all times subject to the review and control of the City Council.

### **8-600 Reporting**

The department shall keep a record of all calls responded to, and shall make a monthly written report to the City Council setting forth the details of each call, the number of members responding, and such other information as may be pertinent.

### **8-700 Adoption of Uniform Fire Code**

There is hereby adopted by reference by the City of Ham Lake, Anoka County, Minnesota, for the purpose of prescribing regulations governing

conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials in its most recent adopted version thereof and the whole thereof, and as same may be, in the future, amended, of which code not less than one (1) copy has been and is now filed in the office of the Clerk of the City of Ham Lake, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this code shall take effect, the provisions thereof shall be controlling within the limits of the City of Ham Lake.

## **8-800 Open Burning**

### **8-810 Definitions**

- A. Open Fire.** “Open fire” or “open burning” means fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.
- B. Campfire.** “Campfire” means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.
- C. Wildfire.** “Wildfire” means a fire requiring suppression action, burning any forest, brush, grassland cropland, or any other vegetative material.
- D. Cooking Fire.** A fire contained in a charcoal grill, camp stove or other device designed for the purpose of cooking.
- E. Heating Devices.** Furnaces or other devices which burn fuel oil, coal, natural gas, propane, wood, or used petroleum products, and which conform to all local, state and federal environmental and safety regulations, intended to provide heat.
- F. Prescribed Burns.** “Prescribed Burns” are deliberately set but controlled fires within a predetermined area, which fires are intended to incinerate decayed, dying, dormant, marginally active or otherwise unwanted vegetation for the purpose of regenerating the area for future enhanced vegetative growth.

### **8-820 Open Burning Prohibited**

From and after the effective date of this ordinance, except as herein otherwise provided, open burning shall be prohibited within the City of Ham Lake.

### **8-830 Exemptions**

Open burning of the types, and subject to the conditions as hereinafter stated shall be exempt from the prohibition of Article 8-820.

- A. CAMPFIRES or COOKING FIRES,** except during periods of time in which the City Council has, by resolution, imposed a total outside burning ban due to excessively dry conditions. Any such

resolutions shall be written form, and shall be effective when posted in not less than five conspicuous locations, including City Hall and the City Sign. Any such resolutions shall be effective until rescinded by City Council resolution, at which time the posted notices shall be removed.

- B. Fires under managed supervision, for which a written burning permit has first been obtained from the Fire Chief or designate.
- C. Fires of the following character:
  - 1. Fires purposely set for the instruction and training of public and industrial firefighting personnel.
  - 2. Fires set for the elimination of a fire hazard which cannot be abated by another practicable means.
  - 3. Fires purposely set for forest and game management purposes.
  - 4. The burning by City Staff of trees, brush, grass and other vegetative matter in the maintenance of municipal property.
  - 5. Prescribed Burns as defined in Article 8-810 (F) above, subject to the obtaining of and observance of a Permit as provided in Article 8-900 below.
- D. Fires contained within HEATING DEVICES.
  - 1. In any structure containing two or more vertically stacked residential 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 immediately adjacent to or within 15 feet of any unit.
  - 2. No person shall store any fuel, barbecue, torch or other similar heating or lighting chemicals or devices in either of the above places.
- E. Exemption to conduct fires 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 or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

**8-840 Permit**

The Ham Lake Fire Chief, or a person designated by the Ham Lake Fire Chief, shall be responsible to issue burning permits. Applications and permit forms shall be prepared by the Fire Chief. Fees for fire permits shall be as set from time to time by resolution of the City Council, but where a particular fire will, in the discretion and judgment of the Fire Chief, require supervision by Fire Department personnel, a surcharge may be added to defray the City's actual expense of such supervision. No permit for a fire issued by any person or agency other than the Fire Chief shall be valid.

**8-850 Certain Provisions of State Law More Restrictive**

The following provisions of State law regarding certain types of fires and practices are specifically intended by the City to be regulated by City Code, more restrictive than permitted by statute:

- A. A permit is required for fires started when ground is snow-covered, notwithstanding Minnesota Statutes Chapter 88.16, Subd. 2(a);
- B. The use of burners as noted in Minnesota Statutes Chapter 88.16, Subd. 2 (d), is prohibited.

**8-860 What May Be Burned**

Except for Prescribed burns, the only materials which may be burned in any fire (except in HEATING DEVICES), whether or not a permit is required is wood. "Wood" means dry, clean fuel only such as twigs, branches, limbs, "presto logs", charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreation fires when cut into three

**8-870 Hazardous Conditions**

To prevent the potential spread of wildfires, the Fire Chief shall be authorized to report to the Commissioner of the Minnesota Department of Natural Resources (the "Commissioner") any conditions in the City in which roadside firebreaks as contemplated by Minnesota Statutes Chapter 88.05 may be desirable; the existence of fire hazards from dead or downed timber, as contemplated by Minnesota Statutes Chapter 88.06; the existence of slashings and debris, as contemplated by Minnesota Statutes Chapter 88.14; further, insofar as any of the above statutes authorize the Commissioner to designate a member or members of the Ham Lake Fire Department to act as the agent of the Commissioner in carrying out any remedial activities in connection with the above statutes, the Fire Chief shall be authorized to carry out such activity, PROVIDED, that if such activity requires the expenditure of funds which have not been budgeted for such purposes, approval by the City Council shall first be obtained.

**8-880 Adoption by Reference of Statutory Requirements**

Enforcement and Prohibitions Except as herein before specifically addressed or modified, the following provisions of state law are hereby adopted by reference:

- A. Minnesota Statutes Chapter 88.14, Subd. 4, 5, 6, 8, and 10;
- B. Minnesota Statutes Chapter 88.15, Subd. 2;
- C. Minnesota Statutes Chapter 88.17, Subd. 2, 3, 4, 5, 6, 7, 8 and 10;
- D. Minnesota Statutes Chapter 88.195, Subd. 1, 2, 3, 4 and 5.

**8-890 Additional Provision Relating to Permits**

- A. **Length of Permit.** A permit, once issued, shall be for such period of time as is stated on the permit, not to exceed fourteen (14) days.
- B. **Extension of Permit.** The Fire Chief may grant up to one extension of a permit, each for a time span equal to the duration of the initial permit, without requiring an additional permit fee.

- C. Revocation of Permit.** A permit may be revoked at any time in the discretion of the Fire Chief, by written notice to the permit holder. A burning ban imposed by any resolution of the City Council, or by any other authorized individual or agency, shall immediately and automatically revoke all outstanding fire permits.

## **8-900 Prescribed Burns**

### **8-910 Permits**

Permits for Prescribed Burns may be issued in the manner provided in Article 8-840, subject to the furnishing of the following information:

- A.** A drawing of the area of the proposed Prescribed Burn, at a scale of not less than one inch = 100 feet, displaying the perimeter of the Prescribed Burn, and also displaying the area within 500 feet of the Prescribed Burn, including the location and relative distances of all structures, vegetation types or commonly used areas of storage for personal property, including motor vehicles;
- B.** A description of the type of vegetation to be incinerated;
- C.** A listing of the burner's qualifications to set, control and extinguish a Prescribed Burn;
- D.** A description of the type of firefighting equipment and tools that will be on site during the Prescribed Burn, and the qualifications of the operators;
- E.** A description of the time of day for the burn, and the length of time needed to complete the burn;
- F.** A description of the post-burn measures intended to be employed to monitor, detect, prevent and/or extinguish any rekindling of the fire;

The Fire Chief shall determine whether or not to issue a Permit, and if the Permit is denied, the Fire Chief shall notify the applicant in writing of the specific reasons for denial. The Fire Chief may specifically deny a permit based on the lack of qualifications of the person seeking the permit to ignite, control and completely extinguish a Prescribed Burn.

A Permit may be revoked at any time by the Fire Chief for good cause, particularly for threats to public safety, which revocation shall be a summary revocation, subject to the right of the applicant to re-apply.

The Fire Chief can attach conditions to any Permit, including, without limitation, confining the fire to a specific window of time, requiring monitors with extinguishment equipment to be on site for a specific period of time, setting spatial limitations and distances on the activities, or mandating such other safety measures as are deemed appropriate for a given set of conditions.

**8-920 Places Ineligible for Permits or Commencement of Burning**

No Prescribed Burn shall take place during any period of time in which wind speed is expected to be greater than 10 miles per hour, or within 1000 feet of any stand outside of the Prescribed Burn Perimeter of grassland, brush, swamp, forest, thicket or other vegetation that is conducive to being ignited by sparks, flames, cinders or the heat from the Prescribed Burn. The decision as to the latter conditions shall be solely in the discretion of the Fire Chief, taking into account recent rain and moisture conditions.

**8-930 Permit Costs**

The cost of Permits shall be graduated, based upon the size of the proposed fire, the amount of staff time review needed, and any particular dangers that might be present requiring Fire Department personnel to either be present or on standby. The Fire Chief will prepare and maintain a schedule of fees to be ratified by Ordinance on an annual basis.

**8-940 Fire Call Costs**

The landowner shall be liable per se to the City for any municipal costs that must be expended for fighting any fire outside of the perimeter of a Prescribed Burn that was caused by a Prescribed Burn, regardless of any intervening factors. Each application for Permit for a Prescribed Burn shall contain language to this effect, to be signed by the landowner.

**8-950 Notification on Ignition and Extinguishment**

Immediately prior to igniting a Prescribed Burn, the person in charge of the Prescribed Burn shall notify the Fire Chief by telephone of the time of day of actual ignition, and immediately upon extinguishment, the person in charge of the Prescribed Burn shall notify the Fire Chief by telephone of the extinguishment of the fire.

**8-960 Designee of Fire Chief**

Where the term "Fire Chief" is used in this Article, it includes any designee of the Fire Chief.

**8-1000 Fire Sprinkling Systems**

**8-1010 Definition**

A Fire Sprinkling System is a network of pipes, charged with pressurized water, installed in a building or structure, and containing sensing devices which are intended to activate the release of water in the event of a fire in the building or structure. This definition includes existing systems, new systems, additions to existing systems, and repairs to existing systems.

**8-1020 Permit Required**

No Fire Sprinkling System shall be installed, repaired or altered in any building or structure unless a permit has first been obtained from the State Fire Marshal.

**8-1030 Permit Fee**

A fee shall be required for all such permits, the amount of which shall be established from time to time by the City Council.

**8-1040 Inspection and Plan Review**

**8-1041 Plans**

Prior to issuance of a permit, the applicant shall submit detailed plans for the system, including such data as may be required by the State Fire Marshal. The Building Official may request additional plan review by Fire Department Staff as a part of overall plan review, including the use of Fire Department Staff for inspection assistance.

**8-1042 Inspection of Completed Work**

- A. New Construction.** For new construction, inspection of the completed Fire Sprinkling System shall be a part of the Building Official's final building inspection. No certificate of occupancy shall be issued unless the Building Official is satisfied that the Fire Sprinkling System has been properly installed.
- B. Fire Sprinkling Systems Placed in Existing Building.** For newly installed Fire Sprinkling Systems in existing buildings, the applicant shall notify the City's Building Official when installation is complete. The Building Official shall make a final inspection, and if approved, shall give written notice of approval to the applicant. Until such written notice is received, no representation shall be made to any building occupant, tenant, insurance company or other third party that the building contains an approved Fire Sprinkling System.

**8-1050 Annual Inspection**

At least once each calendar year, every Fire Sprinkling System located within the City, regardless of when installed, shall be inspected and tested. A written set of inspection and testing requirements, uniform for all systems, shall be developed and furnished by the Fire Chief. It shall be the responsibility of the building owners to arrange for annual inspection and testing, and to furnish test results to the City's Fire Chief or designate. The Fire Chief shall maintain an inventory list of all Fire Sprinkling Systems which are located within the City, and shall monitor the annual inspection/testing, reporting any delinquent property owner to the City's Building Official. Upon notice that a given property owner has failed to provide proof of annual inspection/testing, the Building Official shall mail notice of the delinquency to the property owner, giving 30 days in which to cure the delinquency. Failure to so cure shall be a violation of this Code.

**8-1051 Required Systems**

For any system which fails in a building in which a Fire Sprinkling System was required at the time of building construction, or for other reasons,

repairs to the system shall be made within 10 days after notice to repair is mailed by the City's Building Official. Until repairs are complete, the building owner shall post the notice required in Article 8-1052. If repairs have not been completed within the required time, then no further usage of the building shall be permitted until and unless repairs are completed.

**8-1052 Non-Required Systems**

If any system in a building which did not require a Fire Sprinkling System at the time of construction, or which otherwise does not require a Fire Sprinkling System, repairs shall be optional with the property owner, but the owner shall immediately place and maintain the following notice in a conspicuous place near each building entrance. The notice shall be provided by the City, at a cost equal to the City's cost:

***NOTICE***

THIS BUILDING CONTAINS A NON-FUNCTIONING FIRE SPRINKLING SYSTEM. IN THE CASE OF FIRE, DO NOT RELY ON THE EXISTENCE OF SPRINKLER HEADS FOR YOUR PERSONAL SAFETY.

**8-1060 Installers and Inspectors**

All persons or companies doing installation, testing or inspection work on any Fire Sprinkling Systems in the City shall be licensed by the Minnesota State Fire Marshall, and shall have registered to do business with the City. Registration shall be by notification to the Fire Chief, who shall maintain a list of approved installers/inspectors, and who shall be responsible to verify the credentials of all person or companies desiring to register with the City.

**8-1100 Smoke Detectors**

**8-1110 Definitions**

- 8-1110.1 **Administrative Authority.** "Administrative Authority: means the City Building Inspector.
- 8-1110.2 **Alarm Signal.** "Alarm Signal" means an audible signal indicating a fire condition.
- 8-1110.3 **Dwelling Unit.** "Dwelling Unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation.
- 8-1110.4 **Smoke Detector.** "Smoke Detector" means a device that detects visible or invisible products of combustion and sounds an audible alarm.

**8-1120 Installations of Smoke Detectors**

It is the responsibility of the owner of every existing occupied residential dwelling unit to install smoke detectors in each living unit. These smoke detectors must be either the ionization or photoelectric type capable of sensing visible or invisible particles of combustion and providing an approved alarm signal to the sleeping areas.

1. Smoke detectors must be installed outside of each separate sleeping area and in the immediate proximity of the bedrooms and must be on each additional level of the dwelling unit including basements and excluding unfinished crawl spaces and unfinished attics.
2. For family units with split levels which are defined as adjacent levels with less than one full story between levels, a smoke detector is required outside of each separate sleeping area and in the immediate vicinity of the bedrooms, and on every other floor level without an intervening door.
3. Where smoke detectors are installed as part of an approved fire protection system, the requirements for single station smoke detectors may be set aside. An approved system is defined as a combination of devices that meet the requirements of this chapter and is installed in accordance with national Fire Protection Association Standard 720E and 74.

#### **8-1130 Placement of Smoke Detectors**

Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm signal in the dwelling unit loud enough to be heard in the sleeping areas and/or bedrooms. In dwelling units, smoke detectors shall be mounted on the ceiling or wall of a corridor or area giving access to rooms used for sleeping purposes. Ceiling mounted smoke detectors shall be located as close to the center of the ceiling as possible, but not within six inches of a wall. As an alternate, smoke detectors may be mounted on a wall within 12 inches of the ceiling, but not closer than six inches from the intersection of the wall and ceiling.

#### **8-1140 Equipment**

Any device, combinations of devices or equipment required by this Section are to be listed and installed in conformance with the Building Code and this Section and approved by the Administrative Authority for the purpose for which they are intended. This list may be subsequently amended by the Administrative Authority as necessary. Such approval is permanent, unless the Administrative Authority subsequently finds that the equipment is hazardous, unreliable, or otherwise detrimental to public health or safety. In which case the Administrative Authority may suspend or revoke approval and may in any such case determine whether replacement of existing installation is required.

#### **8-1150 Permitted Smoke Detectors**

1. In existing dwellings battery operated smoke detectors will be permitted.
2. Smoke detectors for the deaf and/or hearing impaired.
  - a. Where a living unit is occupied by a deaf and/or hearing impaired person, a smoke detector must provide an approved signal.

**8-1160 Maintenance of Smoke Detectors**

1. In single family dwellings, owner occupied, the occupants are responsible for the operation and maintenance of the detector(s).
2. Change in occupancy. After January 6, 1992, at every change of occupancy of a dwelling unit connected with a sale of the unit, it is the duty of the grantor, i.e., the seller before occupancy to provide all smoke detectors as required by this section. These detectors must be in proper working condition and in the proper location.

**8-1170 Permits Required**

No smoke detector is to be directly connected to the electrical system of the structure unless an electrical permit is first obtained from the State. Installation of battery operated smoke detectors complying with this code need not be subjected to the permit and fee described above.