

City Code

Chapter 9

Fire Protection and Prevention

Article. 1. General Conditions, §§ 9-1--9-15

Article. 2. Fire Prevention, §§ 9-16--9-29

Article. 3. Fire Code, §§ 9-30--9-55

Article. 4. Fire Division, §§ 9-56--9-77

Article 1. General Conditions

Secs. 9-1--9-15. Reserved.

***Cross references**--Building, Ch. 7; fire safety standards in housing code, Section 13-114 et seq.; fireworks, Section 18-51 et seq.; planning, Ch. 22; false alarm response fee, Section 23-50; subdivisions, Ch. 26; zoning, App. A.

State law references--Authority to establish fire department, Minnesota Statutes, Section 412.221(17); fire prevention generally, Minnesota Statutes, Ch. 438.

Article 2. Fire Prevention

Sec. 9-16. Establishment.

The fire code shall be enforced by the City's Department of Public Safety under the supervision of the Director of Public Safety. (Code 1966; Ord. No. 330, 3-26-74; Code of 2001)Ord. No. 711 12-8-03

Sec. 9-17. Inspectors.

The Director of Public Safety may assign Fire Fighters from the Department of Public Safety as inspectors as necessary. Upon request of the Director of Public Safety, the City Manager may assign other employees to assist with these inspections. (Code 1966, Section 218.00(2); Ord. No. 330, 3-26-74) Ord. No. 711 12-8-03

Sec. 9-18. Annual Report.

Annually, the Director of Public Safety will complete a report to council on all public safety activities including fire prevention services. (Code 1966, Section 218.00 (3); Ord. No. 330, 3-26-74) Ord. No. 711 12-8-03

Secs. 9-19--9-29. Reserved.

ARTICLE 3. FIRE CODE

Sec. 9-30. Adoption

The Minnesota Uniform Fire Code, current edition, is hereby adopted as part of the fire code of the City. The fire code as adopted by the City Council is adopted into this Article by reference. Further, any amendments, appendices, and indexes to the current edition that are adopted by the State and that are required to be adopted by municipalities shall become a part of the City's fire code. (Code 1966, Section 450.00(1); Ord. No. 331, Section 2, 3-26-74, Ord. No. 508, Section 1, 6-28-83) (Ord. No. 711, 12-8-03.)

Sec. 9-31. Penalties.

A person shall be guilty of a misdemeanor who violates any provision of the fire code, fails to comply with the fire code, or violates or fails to comply with any order made as part of the fire code. Each and every violation shall be considered a misdemeanor.

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(10) days that the prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions. (Code 1966, Section 450.00 (4); Ord. No. 331, Section 2, 3-26-74) (Ord. No. 711, 12-8-03.)

–Cross reference--General penalty, Section 1-9.

Sec. 9-32. Modifications.

The Director of Public Safety may modify the fire code upon application in writing by the owner or lessee; or their duly authorized agent; when there are practical difficulties in carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The decision of the Director of Public Safety in this matter shall be recorded in writing for the records of the Department of Public Safety and a copy shall be furnished to the applicant. (Code 1966, Section 450.00(2); Ord. No. 331, Section 2, 3-26-74) (Ord. No. 711, 12-8-03.)

Sec. 9-33. Appeals.

An applicant may appeal the decision of the Director of Public Safety to the City Manager within thirty (30) days from the date of the decision. An applicant may appeal the decision of the City Manager to the City Council within thirty (30) days from the date of the decision. The City Council shall be final authority on an appeal. (Code 1966, Section 450.00 (3); Ord. No. 331, Section 2, 3-26-74) (Ord. No. 711, 12-8-03.)

Sec. 9-34. New Materials, processes, or occupancies which require permits.

The City Manager and the Director of Public Safety shall act as a committee to determine and specify any new materials, processes, or occupancies, that shall require permits in addition to those now identified in the fire code. Interested persons shall be given an opportunity to be heard before the decision of the committee becomes final.(Ord. No. 711, 12-8-03.)

Sec. 9-35. Reserved.

Sec. 9-36. Storage of flammable liquids in outside aboveground tanks prohibited.

The limits referred to in Section 16.22a of the fire code that prohibit storage of flammable liquids in outside above ground tanks shall be established by the Director of Public Safety and designated on a map, which shall become a part of this Code. (Code 1966, Section 218.20(1); Ord. No. 330, 3-26-74) (Ord. No. 711, 12-8-03.)

Sec. 9-37. New bulk plants prohibited.

The limits referred to in Section 16.61 of the fire code that prohibit new bulk plants for flammable liquids shall be established by the Director of Public Safety and designated on a map, which shall become a part of this Code. (Code 1966, Section 218.20(2); Ord. No. 330, 3-26-74) .(Ord. No. 711, 12-8-03.)

Sec. 9-38. Bulk storage of liquified petroleum gases restricted.

The limits referred to in Section 21.6a of the fire code that prohibit the bulk storage of liquified petroleum gas shall be established by the Director of Public Safety. (Code 1966, Section 218.30; Ord. No. 330, 3-26-74) (Ord. No. 711, 12-8-03)

Sec. 9-38.1. Storage of flammable liquids; permit required.

Permits shall be issued for the storage of flammable and combustible liquids, bulk plants for flammable or combustible liquids, and bulk storage of liquified petroleum gasses only for storage facilities located in designated areas as approved by the Director of Public Safety. (Section 1, 7-10-79)

Editor's note--Section 1 of Ord. No. 456, adopted. July 10, 1979, amended Section 9-31 of this Code. Since Section 9-31 was already present in the Code, the new section has been redesignated as Section 9-38.1.

(Ord. No. 711, 12-8-03)

Sec. 9-39. Routes for vehicles transporting explosives and blasting agents.

The routes referred to in Section 12.70 of the fire code for vehicles transporting explosives and blasting agents shall be as designated by the Director of Public Safety. (Ord. No. 711, 12-8-03)

Sec. 9-40. Routes for vehicles transporting hazardous chemicals or other dangerous items.

The routes referred to in Section 20.14 of the fire code for vehicles transporting hazardous chemicals and other dangerous articles shall be designated by the Director of Public Safety. (Ord. No. 711, 12-8-03)

Sec. 9-41. Fire lanes.

The conditions of this Section shall apply to the designation and maintenance of fire lanes.

(1) Establishment. - Where it is determined by the City Council that access to a building for public safety purposes over public and/or private roads can only be maintained by prohibiting vehicle parking on one or both sides of the road, then the road shall be declared as a fire lane. The declaration shall be made by resolution and shall specify where parking shall be prohibited. The Director of Public Safety and the City Manager shall advise the City Council on this matter.

(2) Posting and Marking of fire lane. - All fire lanes established shall be posted and marked as follows:

(A) Where vehicle parking is prohibited, the curb on the side or sides of the road shall be painted yellow for the full distance. In the absence of a curb, the edges of the road shall be painted yellow for the full distance where parking is prohibited.

(B) The side or sides of the road shall be posted with signs directed toward vehicular traffic traveling on that side of the road. The signs shall be at each end of the zone and every one hundred (100) feet within the zone. The Director of Public Safety shall be responsible for determining the language and other aspects of the sign.

(C) It shall be the responsibility of the owner of record and the party in possession of the property to paint the lanes, to post the signs, and maintain them. If the required work is not done and maintained, the City Manager may order in writing that the work be completed. If the required work is not done within twenty (20) days after the notice is sent, then the City may cause the work to be completed. The cost of the work shall be billed to the property owner or party in possession of the property. The charges may be assessed against the property if the bill is not paid.

(3) Violations. Any vehicle found unattended and parked in a designated fire lane shall be towed away by the City and returned to the owner upon proof of ownership and payment of the towing and storage costs.

(4) Presumption of ownership. The registered owner of any vehicle found in violation of this Section shall be presumed to be the person violating the code. (Code 1966, Section 715; Ord. No. 302, 6-13-72; Ord. No. 458, Section 1, 8-14-79)

Sec. 9-42. Outside burning prohibited.

No person shall burn grasslands, marshes, meadows, leaves, trees, brush, wood, paper, garbage, refuse, rubbish, or waste outside at any time under any circumstances except as permitted in this Article. (Code 1966, Section 504.00; Ord. No. 265, 6-23-70 Code of 2001)

Sec. 9-43. Outside burning, permitted conditions.

Exceptions from the provisions of Section 9-42 may be allowed upon application and approval by the Director of the Minnesota Pollution Control Agency and the Director of Public Safety. Exemption to conduct open burning under the provision of this Section does not excuse a person from the consequences, damages, or injuries that may result from the burning. The following conditions are exemptions for which an application may be made:

- (1) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.
- (2) Fires set for the elimination of a fire hazard that cannot be abated by any other practical means.
- (3) The burning of trees, brush, grass, and other vegetable matter when clearing and maintaining land or rights-of-way is permitted under the following conditions:
 - (A) The location of burning must not be within one thousand (1,000) feet of an occupied residence other than those located on the property on which the burning is conducted.
 - (B) Oils, rubber, or other similar materials that produce an unreasonable amount of air contaminants may not be burned.
 - (C) The burning must not be conducted within one thousand (1,000) feet of any highway or public road and in any event must be controlled so that a traffic hazard is not created.
 - (D) The burning must not be conducted within one mile of any military, commercial, county, municipal or private airport or landing strip. (Code 1966, Section 504.02; Ord. No. 265, 6-23-70)(Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-44. Recreational and ground thawing fires.

The conditions of this Section shall apply to recreational and ground thawing fires.

(1) ***Fires in City Parks.*** Fires in open space sites shall be regulated by the provisions of Section 19-5, Subd. 5 of the fire code. Open space sites shall be as defined in Section 19-1.1, Subd. 2 of the fire code.

(2) ***Fires on private property.*** Outside fires of wood, charcoal or gas used solely for recreational purposes or solely for the preparation of food, shall be permitted. Coke fires to thaw frozen ground to install or repair streets and utilities shall be permitted. Outside fires of wood used solely for recreational, ceremonial, food preparation, or social purposes shall be permitted only if all of the following conditions are met:

A. Fires may only be set in a fireplace, pit, or fire ring designed for wood fires for recreational or food preparation purposes.

B. The size of the fire shall not exceed three (3) feet in any dimension.

C. Prior to starting the fire, the person responsible for the fire shall inform the City's dispatcher of the name of the owner, the address, and the telephone number of the property where the fire is to be located and the time of the fire.

D. A garden hose and water supply or other adequate fire extinguishing equipment must be available and a competent adult must be in constant attendance until the fire has been extinguished.

E. No fire may be set or allowed to continue burning if the wind is excess of 10 MPH.

F. Only clean wood may be used as a fuel and no accelerants may be used.

(Code 1966, Section 504.04; Ord. No. 268, 8-25-70; Ord. No. 573, 11-28-89; Ord. No. 660, 7-13-99; Code of 2001) (Ord. No. 711, 12-8-03)

Secs. 9-45--9-55. Reserved.

Article 4. Fire Division

Sec. 9-56. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

- (1) ***Apprentice Firefighter.*** A firefighter who has not completed the required probationary period.
- (2) ***Director.*** The Director of the New Brighton Department of Public Safety. This position reports to the City Manager, and authority granted in this Article to the Director is subject to the approval by the City Manager.
- (3) ***Deputy Director of Public Safety/Fire Chief.*** The Deputy Director of Public Safety with primary responsibility for Fire Division activities. This position reports to the Director.
- (4) ***Deputy Fire Chief of Operations.*** The Deputy Chief of the Fire Division responsible for Fire Operations. This position reports directly to the Deputy Director of Public Safety/Fire Chief.
- (5) ***Deputy Fire Chief of Training.*** The Deputy Chief of the Fire Division responsible for Fire Training. This position reports directly to the Deputy Director of Public Safety/Fire Chief
- (6) ***Fire Captain.*** The Fire Captains are responsible for fire division supervision and direction of Firefighters.
- (7) ***Fire Division .*** The New Brighton Department of Public Safety, Fire Division, composed of its officers, firefighters, and apprentice firefighters.
- (8) ***Manager.*** The City Manager for the City of New Brighton.
- (9) ***Active Member.*** An officer, firefighter, or apprentice firefighter of the New Brighton Department of Public Safety, Fire Division, not on a leave of absence, medical leave of absence, or on suspension.
- (10) ***Quarter.*** A calendar quarter.
(Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

***Editor's note--Ord. No. 560, Section 1, adopted Dec. 8,1987, amended Art. IV in its entirety to read as herein set forth. Prior to such amendment, Art. IV, Section 9-56--9-73, pertained to the volunteer fire department and was derived from Ord. No. 488, Section 1, adopted Jan. 26, 1982.
Cross references--Personnel Ch. 21; police, Ch. 23.**

Sec. 9-57. Fire Division Established.

The fire division of the Department of Public Safety is hereby authorized, created, and established in and for the City of New Brighton and shall be known as the "New Brighton Department of Public Safety, Fire Division". This was formerly the Fire Department until reorganized effective August 1, 2000. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-58. Object and Purpose.

The purpose of the New Brighton Department of Public Safety, Fire Division, shall be to prevent, combat, and extinguish fires, to preserve and protect life and property that are threatened, to aid and rescue persons injured or placed in jeopardy as a result of fires, and to respond to other emergency conditions. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-59. Jurisdiction.

Under the direction of the Director, the physical operation and management of the affairs of the Fire Division shall be vested in the members of the Fire Division subject to the final authority of the City Council and City Manager. The title and ownership of all Division apparatus, buildings, equipment, books, records, or other property shall be solely vested with the City. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-60. Rules and Regulations.

The members of the Division may adopt rules and regulations necessary to carry out the provisions of this Article and to ensure proper and effective management. The rules and regulations shall not be inconsistent with this Article and shall be approved by the City Manager and City Council. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-61. Composition.

The composition of the Fire Division shall be determined by the Director of Public Safety and will be reviewed on an ongoing basis. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-62. Eligibility for membership.

Minimum requirements for eligibility for membership will be determined by the Director of Public Safety and promulgated through the Fire Division's Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-62.1. Acceptance as a Member.

Acceptance for membership will be determined by the Director of Public Safety, subject to final approval by the City Manager. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-63. Maintain Membership in the Department of Public Safety, Fire Division.

Minimum requirements for maintaining membership will be determined by the Director of Public Safety and promulgated through the Fire Division's Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-64. Qualifications for Officers.

Qualifications for Officers will be determined by the Director of Public Safety and promulgated through the Fire Division's Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-65. Elected Positions.

The terms of office shall be as stated by this Section.

(1) The term for the five (5) Captains shall be one year each. (Ord. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-66. Committee Appointments.

All appointments and/or assignments will be determined and approved by the Director of Public Safety. (Ord. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-67. Chain of Command and Duties.

The Chain of command will be as determined by the Director of Public Safety and as promulgated in the Fire Division Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-67.1. Recordkeeping.

The record keeping functions of the Fire Division will be performed and maintained by administrative staff. The Fire Chief shall cause a complete record of all fires to be compiled. The record shall include the time of alarm, location of the fire, cause of the fire, type of building, name of the owner and tenant, purpose for which occupied, value of building and contents, members of the Department responding to the alarm, and such other information as deemed advisable or as may be required from time to time by the City Manager. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-68. Meetings of the Fire Division.

Meetings of the Fire Division will be held as authorized by the Director of Public Safety and promulgated in the Fire Division's Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-69. Drills.

Fire drills will be held as authorized by the Director of Public Safety and promulgated in the Fire Division's Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-70. Elections.

Elections for the Fire Division shall be conducted in accordance with current Fire Division Standard Operating Procedures (SOP's). (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-71. Expulsion, Penalties, and Resignations.

All personnel issues including resignation and discipline up to and including termination will be in accordance with the City of New Brighton Personnel Code and the Fire Division Standard Operating Procedures (SOP's).(Ord. No. 560, 12-8-87; Code of 2001)) (Ord. No. 711, 12-8-03)

Sec. 9-72. Leaves of Absence.

(1) A member may apply in writing for a leave of absence, including a leave of absence for medical reasons, for a specified period not to exceed one (1) year. The application shall state the beginning and ending dates of the requested leave, the reasons for the leave, and a statement that the member intends to return to service with the Fire Division at the end of the leave period.

(2) During the leave period, the member will not be deemed to be an active member of the Fire Division and will not be subject to requirements relating to attendance at fires, emergencies, meetings, or drills. An application for Leaves of Absence shall be reviewed by the Director of Public Safety and be subject to the City of New Brighton Personnel Code. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-73. Compensation.

All members of the Fire Division shall be paid an amount established by resolution of the City Council. (Ord. No. 560, 12-8-87; Code of 2001)

Sec. 9-74. Retirement.

All members must retire from active service at age sixty (60). With the approval of the City Manager, retirement may be extended on a year-to-year basis; but not beyond age sixty-five (65). Any member so extended may be required to give evidence of capability to perform all job requirements and meet all minimum job requirements. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-75. False Alarms, Interference, Parking Penalty.

It shall be unlawful for any person to:

- (1) Give or make a malicious fire alarm.
- (2) Neglect or refuse to obey any reasonable or lawful order of the Deputy Director of Public Safety, Fire Division or other officer of the Fire Division.
- (3) Unreasonably, negligently, willfully, or unlawfully interfere with the discharge of the duties of the Fire Division.
- (4) Drive a vehicle over a fire hose or upon any other apparatus, except upon specific direction from the Deputy Director of Public Safety, Fire Division or other officer and then only with due caution.
- (5) Park a vehicle or place any material or obstructions within twenty (20) feet of the entrance to a fire station or other place where fire trucks or vehicles are kept or housed.
- (6) Park or leave any vehicle within three hundred (300) feet of a fire while the Fire Division is engaged in responding to an emergency.
- (7) Use property of the Fire Division for any private purpose nor willfully or intentionally without proper authority take, remove, or conceal any tool, appliance, accessory, apparatus or other property. (Ord. No. 560, 12-8-87; Code of 2001) (Ord. No. 711, 12-8-03)

Sec. 9-76. Relief Association.

The members of the Fire Division may organize a firefighters' relief association as provided by law. (Ord. No. 560, 12-8-87; Code of 2001)

Sec. 9-77. Buildings May Be Razed.

Command Staff of the Fire Division is authorized and empowered to summarily order the razing and destruction of any building or other structure when this action is necessary to arrest the progress of a fire or prevent fire from spreading. (Ord. No. 560, 12-8-87; Code of 2001)) (Ord. No. 711, 12-8-03)

Editor's Notes

Chapter 9 Fire Protection and Prevention

Introduction. This Chapter establishes the City's Fire Service and also adopts the MN Uniform Fire Code.

General Comments. As with all other parts of the codification, the language in this Chapter has been simplified and made gender neutral. Also, the recodification follows a format which assigns general responsibility to the lead administrator, this case the Fire Chief, rather than to site specific individuals. The idea behind the "general" approach is to prevent the Code from becoming outdated. The term "Fire Department" is replaced with "Fire Service" to better reflect the public safety organization now in place.

Section 9-16. The recodification eliminates any mention of the Fire Prevention Bureau and simply declares fire prevention as a duty of the Fire Service acting under the direction of the Fire Chief.

Section 9-17. The original text permitted the City Manager to assign members of the "building and planning department" to serve as inspectors. The recodification opens the assignment up to "other employees".

Section 9-33. The City Manager is added as a review authority when the Fire Chief denies an application for modification of the Fire Code. The City Council remains as the final authority for an appeal.

Section 9-35. These definitions (municipality and corporation counsel) are deleted as they are covered in the general provisions of Chapter 1.

Margaret A. Egan
Finance Director/
City Clerk

January 4, 2001.