

## Chapter 9

### FIRE PROTECTION AND PREVENTION

**Art. I. In General. Sections 01 through 12**

**Art. II. Fire Prevention Code. Sections 13 through 55**

Div. 1. Title and Adoption of Uniform Fire Code, Sections 13 through 35  
Div. 2. Special Fire Suppression Systems, Sections 36 through 55

**Art. III. Fire Department. Sections 56 through 80**

**Art. IV. Bureau of Fire Prevention. Sections 81 through 100**

Div. 1. Generally, Sections 81 through 90  
Div. 2. Inspections and Investigations, Sections 91 through 100

**Art. V. Open Burning. Sections 101 through 110**

#### ARTICLE I. IN GENERAL

**Section 01.** (a) *Adoption of Air Pollution Control Regulations No. 8 by Reference.*

Air Pollution Control Regulation No.8, adopted by the Minnesota Pollution Control Agency, as amended, is hereby adopted by reference pursuant to Section 471.62 of Minnesota Statutes, as amended. Pursuant thereto of said Regulation No. 8 shall be marked "official copy" and kept on file in the Office of the City Clerk for use and examination by the public.

(b) *Adoption of Minnesota Rules Parts 7005.0705.*

Minnesota Rules parts 7005.0705 to 7005.0805 "Open Burning", Minnesota Statutes 88.02 to 88.19 and Minnesota Uniform Fire Code (where adopted), are hereby adopted by reference and made a part of this Ordinance as if fully set forth at this point.

**Sections 02 through 12. Reserved**

#### ARTICLE II. FIRE PREVENTION CODE

##### DIVISION 1. TITLE AND ADOPTION OF UNIFORM FIRE CODE.

**Section 13. Title.**

This article including all portions hereby adopted by reference shall be cited as "The Chaska Fire Code."

**Section 14. Adoption of Uniform Fire Code.**

Adoption of [2000 International Fire Code](#) as Adopted by the State of Minnesota as the Minnesota State Fire Code.

There is hereby adopted by the City Council of the City of Chaska for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain code known as the International Fire Code and adopted by the State of Minnesota as the Minnesota State Fire Code, and which Code shall be known as the Chaska Fire Code, a copy of which is on file with the City Clerk of the City of Chaska, with

additional copies thereof in the office of the Code Official, and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Chaska.

### **Sections 15 through 36. Reserved**

### **Section 37. Establishment and duties of Bureau of Fire Prevention.**

- a. The Chaska Fire Code shall be enforced by the Bureau of Fire Prevention in the City of Chaska which is hereby established and which shall be under the supervision of the Chaska Fire Marshal.
- b. The Fire Marshal shall be appointed by the City Administrator.
- c. The Fire Marshal shall recommend to the City Administrator the employment of technical inspectors, who, when such authorization is made, shall be selected.

### **Section 38. Definitions.**

- a. Wherever the word "jurisdiction" is used in the Uniform Fire code, it is the City of Chaska.
- b. Wherever the words "Code Official" are used they shall be held to mean "Fire Marshal".

### **Section 39 through 41. Reserved**

### **Section 42. Appeals.**

Whenever the Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Chaska Fire Code do not apply or that the true intent and meaning of the Chaska Fire Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Code Official to the City Council of Chaska within thirty (30) days from the date of the decision appealed. (Amended 04-21-03)

### **Section 43. New materials, processes or occupancies which may require permits.**

The City Administrator, the Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The Fire Marshal shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

### **Section 44. Penalties.**

As defined in Section 08 of Chapter 1 of City of Chaska Code of Ordinances.

### **Section 45. Repeal of conflicting ordinances.**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code of Standards hereby adopted are hereby repealed.

## **Section 46. Validity.**

The City Council of the City of Chaska hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Code of Standards hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

## **Sections 47 through 55. Reserved.**

### **ARTICLE III. FIRE DEPARTMENT**

#### **Section 56. Department continued.**

The Fire Department created December 12, 1874, is hereby continued.

#### **Section 57. Composition.**

The Fire Department of the City shall consist of such number of officers and men as deemed necessary for efficient operation. (Ord. No. 27, Sec. 1, 12/22/1882)

#### **Section 58. Constitution and by-laws of department.**

The Fire Department shall have power to adopt, alter, amend and repeal its constitution and by-laws, provided that before such constitution, by-laws and amendments shall be of any force or effect, they shall be submitted to and approved by the City Council. (Ord. No. 27, Sec. 2, 12/22/1882)

#### **Section 59. Appointment of Fire Chief.**

Upon the recommendation of the members of the Fire Department, the City Council shall approve a Fire Chief who shall be the chief executive officer of the department. (Ord. No. 27, Sec.3, 12/22/1882)

#### **Section 60. Term.**

The Fire Chief shall hold his office for one (1) year and until his successor is chosen. (Ord. No. 27, Sec. 3, 12/22/1882)

#### **Section 61. Chief to be member of department.**

The Fire Chief shall be a member of the Fire Department. (Ord. No. 27, Sec. 3, 12/22/1882)

#### **Section 62. Dismissal of member of department.**

Any member of the Fire Department refusing to conform with any lawful order of any superior officer may be summarily dismissed from membership in such department by the Fire Chief. (Ord. No. 27, Sec. 3, 12/22/1882)

#### **Section 63. Authority to enlist aid of bystanders.**

The Fire Chief or other officer in command shall have power to call upon any bystander being a citizen of this City to render such assistance in the extinguishing of fires as he may deem necessary, and thereupon it shall become the duty of such citizen to obey such order or direction. (Ord. No. 27, Sec. 4, 12/22/1882)

#### **Section 64. Penalty for refusing to render assistance.**

Any person willfully refusing or neglecting to render assistance in the extinguishment of fires as may be demanded of him by the Fire Chief or other officer of the Fire Department shall be

guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished as provided in Section 08 of Chapter 1. (Ord. No. 27, Sec. 5, 12/22/1882)

**Section 65. Mutual aid.**

The Fire Chief shall have the authority to dispatch such equipment and men to other communities when there is a mutual aid agreement in effect. At no time, however, shall the Fire Chief dispatch such equipment and men that he cannot afford adequate protection for this City.

**Sections 66 through 80. Reserved.**

**ARTICLE IV. BUREAU OF FIRE PREVENTION**

**DIVISION 1. GENERALLY**

**Section 81. Established.**

A **Bureau of Fire Prevention** in the Fire Department of the City is hereby established. (Ord. No. 200, Sec. 1, 4/19/71)

**Section 82. Adoption of powers of State Fire Marshal.**

In addition to the powers and duties set forth in this article, all of the powers, duties and rights vested in the State Fire Marshal as set forth in Minnesota Statutes, Chapter 299F, are hereby conferred and vested in the Fire Marshal of the City the same as if said powers, duties, and rights were specifically set forth in this article. (Ord. No. 200, Sec. 2, 4/19/71)

**Section 83. Additional duties of Chief.**

It shall be the duty of the Chief of the Fire Department and Fire Marshal to investigate and to recommend to the City Council such additional ordinance, or amendments to existing ordinances, as they may deem necessary for safeguarding life and property against fire. (Ord. No. 200, Sec. 3, 4/19/71)

**Section 84. Authority to establish fire lanes.**

The **Bureau of Fire Prevention** is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words "No Parking -- Fire Lane" or a similar message. When the fire lane is on public property or public rights-of-way, the sign shall be erected by the City, and when on private property, it shall be erected by the owner at his own expense within thirty (30) days after he has been notified of the order. Thereafter no person shall park a vehicle or otherwise occupy or obstruct a fire lane. (Ord. No. 200.1, Sec. 1,5/22/72)

**Sections 85 through 90. Reserved.**

**DIVISION 2. INSPECTIONS AND INVESTIGATIONS**

**Section 91. City Attorney to assist in Investigation.**

The City Attorney, upon request of the **Bureau of Fire Prevention**, shall assist the Fire Marshals in the investigation of any fire which, in their opinion, is of suspicious origin. (Ord. No. 200, Sec. 11, 4/19/71)

**Sections 92 through 100. Reserved.**

## **ARTICLE V. OPEN BURNING**

### **Article V. Open Burning/Recreational Fires**

#### **Division I. In General**

##### **Section 101. Definitions.**

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them.

- a. Open Burning: Shall mean the burning of a bonfire, rubbish, or other fire in an outdoor location where the fuel being burned is not contained in an incinerator, barbecue grill, or barbecue pit.
- b. Recreational Fire: Shall mean the burning of materials other than rubbish; where the fuel being burned is not contained in an incinerator, barbecue grill, or barbecue pit; and with a total fuel area of three (3) feet or less in diameter, and three (3) feet or less in height; for pleasure, religious, ceremonial, cooking, or similar purposes. (Ord. No. 666, Sec. 1, 04-17-00)

#### **Division II. Open Burning**

##### **Section 102. Open flame on or under decks/balconies in multiple unit structures.**

In structures of two (2) or more dwelling units no person shall construct, erect, install, maintain, or use any incinerator, barbecue grill, barbecue pit, torch, or similar heating, burning or lighting equipment or device within; on, or under such decks, balconies or patios unless such decks, balconies or patios are made of non-combustible material and such device is situated at least twenty (20) feet from any combustible material; nor shall any person burn any combustible material as to create a fire hazard endangering life and/or property. (Ord. No. 418, Sec. 1, 8/17/87)

##### **Section 103. Open Burning is not allowed in the City of Chaska.**

##### **Sections 104-110. Reserved.**

#### **Division III. Recreational Fires**

##### **Section 111. Recreational fires are allowed in the City of Chaska, provided the following conditions are met:**

- a. Recreational fires shall not be conducted within twenty-five (25) feet of a combustible structure or combustible material. Any condition that could cause the fire to spread to within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
- b. A non-combustible fire ring shall be constructed to contain the fire by such means as stones, bricks, steel, or a freestanding fireplace.
- c. Recreational fires shall be constantly attended by a person 17 years of age or older until the fire is extinguished.

- d. No recreational fires are allowed when the DNR, State of Minnesota, or City of Chaska has issued burning bans.
- e. Only clean dry wood is allowed to be consumed in the fire. No construction materials, trash, rubbish, or combustible waste will be allowed.
- f. Recreational fires shall be no larger than three (3) feet in diameter and three, (3) feet in height.
- g. Recreational fires shall be extinguished if smoke emissions are offensive to building occupants, surrounding property owners, or if the burning is determined to be a hazardous condition.
- h. No recreational fires are allowed when high winds are blowing.
- i. Portable fireplaces shall be defined as a recreational fire and will be required to follow these policies. (Ord. No. 666, Sec. 1, 04-17-00)

**Sections 112 through 120. Reserved**

**Sections 121 through 130. Reserved**

**Article VI.**

**Special Assessments for Fire Protection Systems**

**Section 131. Definitions.**

Unless the context clearly indicates otherwise, the following words, combination of words, terms, and phrases used in Article V shall have the meaning set forth in the subdivisions of this section which follow:

- a. Fire Protection System. The definition of Fire Protection System as set forth in Minnesota Statutes, Section 429.011, Subd. 14, as amended from time to time, is hereby adopted by reference as if fully set forth herein. Fire Protection Systems shall also include, but are not limited to, sprinkler systems, fire hydrants, fire alarm systems, special suppression systems, and smoke removal systems in affiliation with high-piled storage.
- b. Improvement. This term shall mean the construction, reconstruction, installation, alteration, extension, operation, maintenance, and promotion of a Fire Protection System in an existing building regardless of its use as a residence, business, institution, or other category of use.

**Section 132. Petition**

Whenever all owners of real property named as the location of any contemplated improvement shall petition the City Council to construct the improvement and to assess the entire cost against the property, the Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement.

- a. Except as may otherwise be provided in Article V, the petition, its consideration, and all activities taken pursuant to petition shall comply with the provisions of Minnesota

Statutes, Chapter 429, as they apply to fire sprinkler systems and improvements.

- b. The City will not accept any petition requesting that the municipality own and install a fire protection system.
- c. The petition shall contain the plans and specifications for the improvement and the estimated cost of the improvement.
- d. Unless warranted by special circumstances, all petitions for the special assessment of the project must be received and acted upon by the City Council prior to the start of any improvement.
  - 1. Consideration of any petition is subject to a determination by the City Council in its sole discretion that sufficient City funds are available for the project. City staff shall periodically advise the Council with regard to the availability of appropriate funds.
  - 2. The petition will not be approved unless the improvement is a permanent built-in fire protection feature.
  - 3. The City shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition.
- e. The owners shall be responsible for contracting for the actual installation of a Fire Protection System. However, the City shall have the final right to disapprove of any contractor selected by the owner.
- f. Petitioner(s) shall waive all rights to a public hearing and any appeal of the special assessments adopted by the City Council including, but not limited to, those set forth in Minnesota Statutes, Section 429.031, Subdivision 3, and Section 429.081. (Ord. No. 720, Art. V, Section 132f, dated 01-07-02)
- g. Prior to the start of any improvement, the petitioner must obtain at petitioner's expense all permits and approvals required by the City and any other governmental authority having jurisdiction in the matter.
- h. No payment shall be made by the City for any installation or construction until work is completed, reviewed, inspected, tested, and finally approved by the City. Partial payments may be made for work already completed, reviewed, inspected, and tested as above. However, in that event, a 5% retainage shall be retained by the City until such time all of the work is completed and the Fire Protection System is approved by the City, at which time payment in full for such improvement may be made. Any payment made shall be payable to the Petitioner(s) (Property Owners) and the Contractor. (Ord. No. 720, Chap. 9, Art. V, Sec. 132(h), dated 01-07-02)
- i. The amount to be paid by the City and specially assessed for the project shall not exceed the amount of the construction estimate contained in the petition, plus any City administrative costs and interest charges. The petitioners shall be responsible for any construction costs exceeding the amount of the construction estimate. However, if actual construction costs exceeds the construction estimate set forth in the petition, the petitioner may apply to City council to request an increase in the amount paid by the City and assessed against the property. Whether or not said

additional amount shall be paid by the City and assessed shall be in the sole and absolute discretion of the City Council.

- j. No special assessments will be made for a period of more than ten (10) years, except as otherwise determined by the Council.
- k. If the petitioners request the abandonment of the special assessment project, all City costs incurred must be reimbursed by the petitioners. Abandonment may not be requested once any contract has been awarded in connection with the project.

### **Section 133. Financing**

At any time after an improvement is ordered, the City Council may issue obligations in such amount as it deems necessary to defray in whole or part the expense incurred and estimated to be incurred in making the improvement, including every item of cost of the kinds authorized in Minnesota Statutes, Section 475.65.

- a. The Council may by resolution adopted prior to the sale of obligations pledge the full faith, credit, and taxing power of the City for the payment of the principal and interest (improvement bonds), or may choose not to pledge the full faith and credit of the municipality, but rather promise to pay solely out of the proper special fund or funds pledged to the payment of such obligations (revenue bonds). The effect of each such obligation shall be as set forth in Minnesota Statutes, Section 429.091.
- b. The financing of the improvement shall be governed further by the provisions of Minnesota Statutes, Section 429.091. (Ord. No. 688, Sec 1-3, 11-20-00)

### **Sections 134-145. Reserved.**

## **Article VII. Penalties and Citations.**

### **Section 146.**

Failure to comply with this chapter of Ordinances may result in the Chaska Fire Department extinguishing the fire, and/or fines as established in Chapter 1 (General Provisions), Article II, Penalties and Citations, of the Code of Ordinances. (Ord. No. 666, Sec. 1, 04-17-00)