

ORDINANCE NO. 2008-23

**AN ORDINANCE AMENDING CITY CODE
SECTION 910 REGARDING THE FIRE CODE**

The City of Minnetonka Ordains:

Section 1. Section 910 of the city code is amended as follows:

SECTION 910. FIRE CODE.

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.

910.010. Adoption of ~~Uniform Fire~~Minnesota State Code.

Subject to the amendments specified below, the 2007 Minnesota uniform state fire code (MUFGMSFC) is adopted by reference as the city fire code for the city of Minnetonka. The MUFG-MSFC adopts by reference the ~~uniform fire code (UFC)~~international fire code (IFC) promulgated by the international conference of building officials and the western fire chiefs association. One copy of the MUFG-MSFC and the UFC-IFC will be retained on file in the city clerk's office.

910.015. Establishment of Fire Prevention Districts.

1. The limits referred to in ~~UFC section 79.504~~MSFC section 3404, in which storage of flammable or combustible liquids in outside aboveground tanks is 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.
2. The limits referred to in ~~UFC-NFPA~~ Standard No. 82-158, as adopted by ~~UFC section 82.104~~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 ~~UFC section 77.106(b)~~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.

910.020. Amendments to the ~~MUFG~~MSFC.

The Minnesota ~~uniform state~~ fire code is amended as follows:

1. ~~Article 11~~Section 307 is amended to include the following section:

~~11.101(e)~~307.2 ~~b~~Burning ~~p~~Permit.

(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)~~ (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)~~(2) 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)~~(3) A burning permit granted by the fire marshal does not relieve the permittee from any liability because of damage resulting from the fire.

~~2.~~ ~~Article 11 is amended to include the following section:~~

~~11.211. Interior wall and ceiling finish. Interior wall and ceiling finish must be~~

~~maintained in accordance with chapter 42 of the Minnesota uniform building code.~~

~~3. Article 77 is amended to include UFC sections 77.104 and 77.105.~~

~~4. Section 78.102(a) is amended to read:~~

~~— The manufacture or storage of fireworks within the jurisdictional area is prohibited except under special permits as are required by city ordinance and/or state regulations. See section 4.108.~~

52. Section ~~78.106~~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 ~~article~~section.

63. Subpart 1 is amended to read:

~~Appendixes I-A, I-B, I-C, II-A, II-B, II-C, II-D, II-E, III-C, IV-A, V-A, VI-A, and VI-D~~Appendices A, B, C, D, E, F, G, H, I, and J of the ~~uniform Minnesota state~~ fire code are deemed a part of this code and may be enforced as such.

910.025. Appeals.

An aggrieved party may appeal the application or interpretation of the city fire code by the fire chief or fire marshal to a board of appeals appointed by the city council.

910.030. New Materials, Processes or Occupancies.

The city manager, the fire chief and the fire marshal will act as a committee to adopt standards for new materials, processes or occupancies in addition to those listed in the city fire code. The committee must hold a public hearing before adopting any additional standards and must publish notice of the hearing in the official newspaper at least 10 days in advance. The committee must also make reasonable attempts to notify the people most likely to be affected. Once adopted, the new standards must be posted in a conspicuous place in the fire marshal's office, and copies must be distributed upon request to interested parties.

910.035. Penalties.

It is a misdemeanor to:

1. violate or fail to comply with any provision of the city fire code;
2. violate or fail to comply with any order issued pursuant the city fire code; or
3. build any structure not in compliance with detailed plans and/or specifications submitted and approved as part of a permit required by the city fire code.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on August 25, 2008

Janis A. Callison, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: August 11, 2008
Date of adoption: August 25, 2008
Motion for adoption: Allendorf
Seconded by: Wiersum
Voted in favor of: Allendorf, Callison, Ellingson, Hiller, Schneider, Wagner, Wiersum
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

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

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on August 25, 2008.

David E. Maeda, City Clerk