

ORDINANCE

Amending City of Virginia City Code, Chapter 10, PUBLIC PROTECTION, CRIMES AND OFFENSES creating Section 10.31 entitled MINNESOTA UNIFORM FIRE CODE

The City Council of the City of Virginia does hereby amend Chapter 10 of the City Code as follows:

§ 10.31 MINNESOTA UNIFORM FIRE CODE.

Subd. A. *Adoption.* The 2015 Minnesota Fire Code and Appendices, as adopted pursuant to M.S. § 299F.011, hereinafter referred to as MSFC, as it may be amended from time to time, is hereby adopted as the Fire Code for the city. One copy of the code shall be marked “CITY OF VIRGINIA OFFICIAL COPY” and kept on file in the office of the City Clerk and open to the inspection and use of the public.

Subd. B. *Storage of flammable and explosives material.* No bulk plants for storage of flammable and combustible liquids, or bulk storage of liquefied petroleum gas, not established on the effective date of this section, shall be permitted. No storage of explosives or blasting agents shall be permitted.

Subd. C. *Recreational fires.* Recreational fires will be allowed without a permit, but subject to limitations which will be strictly enforced.

(1) *Definition.* An outdoor fire burning cleaned dry fire wood a minimum of one inch in diameter, is not contained within an outdoor fire place, portable outdoor fireplace, barbeque grill, or barbeque pit. Used for cooking, pleasure, warmth or similar purposes

(2) *Use.* All Recreational Fires must comply with Subd F of this chapter in addition to the following restrictions:

- a. All recreational fires must be in a fire ring with border designed from natural rock, cement, brick, tile or block ferrous metal only. Fire ring area may be depressed below ground, on the ground or on a raised bed.
- b. Fire rings shall be no more than three feet in diameter with a maximum flame height of three feet high
- c. Only cleaned dry firewood may be burned, with a minimum of one-inch diameter. No brush, yard, building, household waste or treated wood may be burned.
- d. The fire must be located on the owner’s own property and a minimum of twenty-five (25) feet from all property line
- e. Fires are not allowed if winds are in excess of 15 mph. Current weather conditions may be checked on the National Weather Service website. Enter the zip code into search box for current conditions.

- f. Recreational fires shall not be constructed within twenty-five (25) feet of any structure

(D) Portable Outdoor Fireplaces. A portable outdoor solid fuel-burning fireplace will be allowed without a permit, but subject to limitations that will be strictly enforced.

(1) *Construction.* Portable Outdoor Fireplaces 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.

(2) *Use.* Portable outdoor fireplaces shall be used in accordance to with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure, combustible materials and property lines.

(3) All Portable Outdoor Fireplace use must comply with Subd F of this chapter.

(E) Portable Outdoor Gas Fired Heating Appliances. A portable outdoor gas fired burning fireplace will be allowed without a permit, but subject to limitations, which will be strictly enforced.

(1) *Storage and Use.*

- a. Portable gas fired heating appliances and its tank(s) shall be listed and approved by UL or ASTM standards and installed and maintained according to the manufacturer's instructions
- b. The storage or use of portable outdoor gas fired heating appliances is prohibited in any of the following locations:
 - i. Inside any occupancy when connected to the fuel gas container
 - ii. Inside of tents, canopies, and membrane structures
 - iii. On exterior balconies
- c. Tip over protection and contact guards shall be in place where required
- d. If units are to be fixed or adhered by any means, construction must follow the Building, Mechanical code and other codes applicable to the installation, as well as the fire code, and a permit shall be required as per City Code, Chapter 11, Section 11.50

(2) *Location.* Portable gas fired heating appliances shall be located at least five (5) feet from buildings, five (5) feet from combustibles and five (5) feet from exits. The fire must be located on the owner's own property and must be a minimum of five (5) feet from a property line.

(3) All Portable Outdoor Gas Fired Heating Appliances use must comply with Subd F of this chapter

(F) Regulations for Recreational Fires, Outdoor Fireplaces, and Outdoor Gas Fired Heating Appliances

(1) Burning will be allowed from 9:00 a.m. to 12:00 (midnight) any day of the week, with a maximum of six hours for any fire on any given day of the week.

(2) All fires and use of devices recognized in this Chapter shall be constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment and an adult attendant supervises the fire until the fire has been completely extinguished or terminated. Any means of controlling the fire must be available at all times (buckets, shovels and garden hoses, for example).

(3) Any police or fire officer may withdraw permission for the fires, due to climatic conditions, extreme dryness, nuisance problems, including offensive odor or smoke in the neighborhood, or violations of the guidelines.

(4) A person violating any recreational fire provisions of this section is subject to an administrative fine of \$25. A second violation within 12 months of a previous violation is subject to an administrative citation with a penalty of two times the previously imposed penalty. All costs incurred as a result of the burn including, but not limited to, fire suppression, administrative fees, property damage and personal injuries will be the responsibility of the adult in charge or the homeowner.