

Northfield Rural Fire Protection District Townships

Fire Protection, Prevention, Permits, & Code Enforcement

1) - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Burner means a burn barrel or similar enclosure for burning.

Construction permit means a permit that allows the applicant to install or modify systems and equipment for which a permit is required by the MSFC.

Fire chief means the fire chief employed by the Northfield Area Fire and Rescue Service.

Fire code official means the fire chief or the fire chief's designees.

Fire department means the Northfield Area Fire and Rescue Service.

Joint powers agreement means the Joint Powers Agreement, by and between the city of Northfield, the city of Dundas, and the Northfield Rural Fire Protection District, as the same may be amended from time to time, adopted pursuant to Minn. Stat. § 471.59.

Jurisdiction means all areas within the corporate limits of township.

Minnesota state fire code, fire code or MSFC means the Minnesota state fire code adopted pursuant to Minn. Stat. § 299F.011, and as modified by Minnesota Rules, Chapter 7511, and the appendices thereto, except as otherwise provided in this chapter.

Northfield Area Fire and Rescue Service or NAFRS means the joint powers organization governed by the NAFRS board and established by the Joint Powers Agreement for the purposes of providing fire services, including fire protection, suppression, prevention, technical rescue, non-transport emergency medical services and code enforcement for the above-referenced parties within the fire services area established in the Joint Powers Agreement, including but not limited to the jurisdiction of the township.

Open fire, open burn or open burning means a fire burning in manner, 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.

Open burn permit means a permit that allows the applicant to conduct an open burn pursuant to article III of this chapter.

Operational permit means a permit that allows the applicant to conduct an operation or business for which a permit is required by the MSFC for either: (a) a prescribed period or (b) until renewed or revoked.

Permit means, but is not limited to, "operational permits," "construction permits" and "open burn permits."

Portable outdoor fireplace means a portable, outdoor, solid-fuel-burning fireplace that 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.

Recreational fire means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Starter fuels means dry, untreated, unpainted wood, or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Only propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open fire.

Wood means dry, clean fuel only, such as twigs, branches, limbs, presto logs, charcoal, cordwood, or untreated dimensional lumber. The term "wood" does not include wood that is green, with 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-foot lengths.

2) Fire Department

- There a fire department for the township as part of the Rural Fire Protection District designated as and operated through the Northfield Area Fire and Rescue Service, consisting of a fire chief, fire officers, and such number of full-time, part-time, paid on-call, and/or volunteer firefighters as NAFRS may employ in accordance with the approved NAFRS annual budget pursuant to the Joint Powers Agreement.
- **Purpose**

The fire department through NAFRS shall be responsible for fire protection, suppression, prevention, technical rescue and non-transport emergency medical services, and

enforcement of the fire code, and such other duties as are prescribed in this section or otherwise by NAFRS.

- **Fire chief**

The fire department shall be under the direction of the fire chief. The fire chief shall report to the NAFRS board.

3) - Fire code adopted

- (a) The Minnesota state fire code ("MSFC"), as adopted pursuant to Minn. Stat., § 299F.011, and as modified by Minnesota Rules, Chapter 7511, is hereby adopted by reference, and incorporated in this section as completely as if set out in full. Except for deletions, modifications or amendments by this section, every provision contained in the MSFC, together with appendices D, N and O, is adopted and made a part of this chapter and shall be known and may be cited as the "fire code" of the township. This section incorporates the MSFC and adopts future amendments in accordance with Minn. Stat., § 645.31, Subdivision 2.
- (b) Amendments to the Minnesota state fire code. The following shall be amendments to the fire code:

(1) Appendix D—Fire Apparatus Access Roads

- (i) Covers access road specifications, locations, turnaround requirements, and distances from structures.
- (ii) Addresses fire lane designation, signage, and maintenance.

(2) Appendix N—Indoor Exhibitions and Trade Shows

(i) Appendix N was created to address the hazards that are associated with larger, more complex trade shows and exhibitions.

(3) Appendix O—Fires or barbecues on balconies or patios. This provision is adopted pursuant to the authority of Minn. Stat., § 299F.011, subd. 4, as it may be amended from time to time, and shall supersede less restrictive provisions of state law to the contrary.

(i) Open flame prohibited. In any structure containing three or more dwelling units, where dwelling units are configured vertically above or below other dwelling 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 within 15 feet of a structure.

a. Exception: Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the chief.

(ii) Fuel storage prohibited. No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in clause (1).i. above.

State Law reference— Adoption by reference, Minn. Stat. § 471.62; state fire code, Minn. Stat. § 299F.011.

Open Burning

The purpose of this article is to establish permitted categories of open burn events for residents and farms within the township and to provide for a permitted process for residential and agricultural open burning, except when such open burning is defined as a recreational fire or portable outdoor fireplace as prescribed in this section.

- **Recreational fire and portable outdoor fireplace requirements.** (No permit required)
 - a) *Fire site.* A recreational fire site shall be no more than a three-foot-diameter circle, measured from the inside of the fire ring or border and shall be completely surrounded by noncombustible and non-smoke- or odor-producing material, either of natural rock, cement, brick, tile, or block of ferrous metal only and which area is depressed below ground, on the ground, or on a raised bed.
 - b) *Burning.* A recreational fire may be ignited only with an approved starter fluid, using dry clean wood; shall produce little detectable smoke, odor or soot beyond the property line; and shall be conducted with due respect for weather conditions, neighbors, burning bans, and air quality so that a nuisance or health or safety hazard will not be created.
 - c) Recreational fires must be at least 25 feet from all buildings or combustible materials . Combustible materials are things such as wood, paper, and plastics.
 - d) Conditions which could cause a recreational fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
 - e) Recreational fires shall be located 10 feet from LP-Gas containers that are filled on site by the LP-Gas company.
 - f) Recreational fires and portable outdoor fireplaces must be constantly attended until the fire is extinguished.

- **- Prohibited materials and practices.**
 - a) No person shall conduct, cause or permit open burning of oils, petrol fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke, such as tires; railroad ties; treated, painted or glued wood; composite shingles; tarpaper; insulation; composition board; sheetrock; wiring; paint; or paint fillers.
 - b) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations or open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of any structure. No person shall conduct, cause or

permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

- **Permit holder responsibility.**

- a) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect.
- b) Every open burn event shall be constantly attended by the permit holder or the permit holder's representative.
- c) The open burn site shall have available appropriate communication and fire suppression equipment as set out in the fire safety plan.
- d) The open burn fire shall be completely extinguished before the permit holder or the permit holder's representative leaves the site.
- e) It is the responsibility of the permit holder to have a valid permit, as required by this division, available for inspection on the site by the police department, fire department, or department of natural resources forest officer.
- f) The permit holder is responsible for compliance with and implementation of all general conditions, special conditions and the burn event safety plan as established in the permit issued.
- g) The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

- **- Burners prohibited.**

The use of burners is prohibited under this section and MN State Statute.

- **- Burning ban or air quality alert.**

No recreational fire or open burn will be permitted when the township or the department of natural resources has officially declared a burning ban due to potential hazardous fire conditions or when the state pollution control agency (MPCA) has declared an air quality alert.

4) **- Permits and fees.**

- (a) Open burn permits, as defined herein shall be required as determined by the fire chief or Department of Natural Resources.
 - a. Open Burning Permits – See *Appendix A* for procedure for Dakota and Rice counties.
- (b) Operational permits and construction permits, respectively, as defined herein shall be required as authorized under the fire code and as determined by the fire chief. This includes, but is not limited to:

(1) Construction permits including plan review for fire protection-related work.

- (c) A person desiring a permit as required by the fire code or this chapter shall submit an application to the fire chief along with the required fee as established by NAFRS by resolution from time to time.
- (d) Specific permit types and their fees shall be approved as required by resolution of the NAFRS board and will be posted on the NAFRS website.
- (e) Unless otherwise noted, all permits shall expire one year from the date of issuance.
- (f) For any permit required or authorized by the MSFC or this chapter, except an open burn permit under appendix A of this section, the following provisions shall apply:

5) - Fire inspections and fees.

- a) *Purpose.* NAFRS, in order to ensure the health, safety and public welfare of the structures, buildings, homes, and businesses located in the township (collectively the "facilities"), shall inspect existing, redeveloped and newly constructed facilities in accordance with the fire code, the policies established by NAFRS, and this Code.
- b) *Fire inspection fees for facilities.* Fire inspection fees for all facilities located in the township, including but not limited to new construction, additions, redevelopment and alterations where a building permit is required, shall be in an amount to be set by NAFRS from time to time by resolution. This includes, but is not limited to:
 - (a) Inspections of fire protection-related work.
- c) *Frequency of inspections for facilities.* NAFRS shall establish a schedule at the discretion of the NAFRS board by which facilities are to be inspected in the township. The schedule shall designate the frequency of inspections.

6) Fee for open burn permits; permit violations and penalties.

All open burn permits shall require a nonrefundable application fee in an amount to be set by NAFRS from time to time by resolution, which shall be paid to NAFRS at the time of application for such permit. Any person who starts or allows any open burning on any property in the township without first having obtained a permit as provided in this division shall also incur and shall pay a penalty in the amount of two times the then- effective permit application fee in addition to the cost for NAFRS to respond to the fire in an amount to be set by NAFRS from time to time by resolution. Persons billed by NAFRS for fire service resulting from a permit violation under this section shall have 30 days to pay the invoiced amount from the date of the invoice. If the fire service charge is not paid by that time, it will be considered delinquent and NAFRS shall mail a notice of delinquency to the fire service recipient. If the fire service charges remain unpaid for 30 days after the date of the notice of delinquency, NAFRS will use all practical and reasonable legal means to collect the fire service charges. The person who received fire services shall be liable for all collection costs incurred by NAFRS including, but not limited to, reasonable attorney fees and court costs. If the fire service charges remain unpaid for 30 days after the date of the notice of delinquency, NAFRS may submit the delinquent charges to the township clerk on or before August 15 of each year in order that the same may be brought to the township board for consideration of certifying the unpaid fire service charges to the county auditor in the county in which the recipient of the services owns real property for collection in like manner with property taxes. The county auditor is responsible for remitting to the township all charges

collected on behalf of the township under this section. The township must give the property owner notice of its intent to certify the unpaid fire service charges to taxes prior to the same being heard by the township board. Unpaid charges received by the township from the county auditor following certification, shall be remitted to NAFRS less the township's costs of certification.

Enforcement

- a) The fire chief of the Northfield Area Fire and Rescue Services (NAFRS) is appointed the fire code official for the township through the Rural Fire Protection District.
- b) The MSFC and any state statutes and township ordinances/regulations pertaining to fire and life safety shall be enforced by the fire code official. The fire code official may issue an order to any person who violates the fire code or any provisions of this section. . The person to whom the order is directed must comply with the order no later than the deadline for compliance specified in the order unless an appeal is filed in accordance with this article.
- (c) NAFRS code enforcement shall work in concert with the township building official and other authorized township staff.

7) Penalties.

- a) Pursuant to Minn. Stat. § 299F.011, subd. 6, a person who violates a provision of the Minnesota state fire code or this section shall be guilty of a misdemeanor.
- b) Each day a violation continues after notice thereof shall constitute a separate offense. Each act constitutes a separate offense.
- c) No person shall be convicted for violating the Minnesota state fire code or this section unless the person shall have been given notice of the violation in writing and reasonable time to comply. The notice must contain a statement explaining the right to appeal the order(s).

8) - Appeals and variances.

- a) *Appeal; application for variance.* A person may appeal an order of the fire chief, or apply for a variance from the order, by filing a written notice of appeal or a written variance application with the fire chief within ten days after the date of the issuance of the order. Additionally, whenever the fire chief disapproves an application, including but not limited to variances to the fire code, or refuses to grant a permit applied for, or when the fire chief issues an order enforcing the fire code and the aggrieved party claims that the fire code does not apply, or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the aggrieved party may appeal from the decision or order of the fire chief to the NAFRS board within ten days of the fire chief's decision or order. All appeals specified in this section shall be made in writing and delivered to the fire chief for hearing by the NAFRS board. An aggrieved party who does not appeal within the time specified shall be deemed to have waived all right to appeal.

b) *Hearing.* A hearing must be held within 30 days after receipt by the fire chief of a timely appeal or variance application. The hearing must be held before the NAFRS board. The Minnesota rules of evidence need not be strictly followed, and the records of the fire chief must be considered without further foundation.

c) *Decision.* The NAFRS board must issue a written decision within 30 days after the hearing, affirming, modifying, or overruling the fire chief's decision and approving or denying the variance application. The decision must be mailed or delivered to the person who filed the appeal or variance application, the fire chief, and the township clerk. The decision of the NAFRS board is the final decision of the township.

d) *Variance considerations and decision standard.* In reviewing a variance application to the fire code or when considering an appeal of an order of the fire chief for variances from the fire code, the fire chief and the NAFRS board, as applicable, shall take into consideration the benefit to be obtained by complying with the fire chief's decision or order and the effect on affordable housing, provided that the spirit of the fire code is complied with and public safety secured. In addition, a variance from the minimum requirements in the fire code may be granted by the fire chief, or the NAFRS board upon a timely appeal of the fire chief's decision, as applicable, only if there is substantial compliance with the provisions of the fire code, the safety of the public and occupants of buildings will not be jeopardized, and undue hardship will result to the applicant unless the requested variance is granted.

e) *State fire marshal.* No appeal to the state fire marshal for a variance from orders issued by the fire chief or the NAFRS board from the fire code shall be accepted until the applicant has first made application to the fire chief and the NAFRS board and the same have acted on the application. The state fire marshal shall consider any decisions or recommendations of the fire chief and NAFRS board. Any person aggrieved by a decision made by the state fire marshal under Minn. Stat. § 299F.011 may proceed before the state fire marshal as with a contested case in accordance with the Administrative Procedure Act.

f) *Liability.* Pursuant to Minn. Stat. § 299F.011, subd. 5a, the NAFRS board is not liable for damages in connection with granting variances, abatements, denials, or modifications of orders from the fire code that are made in good faith.

Appendix A – Open Burning Process by NAFRS respective counties

Dakota County Townships:

1. Fill out open burning permit (available at nafrs.org or at the NAFRS fire station).
2. Email or drop off for review and signature.
3. Permit will be mailed, emailed, or available for will call at the fire station when notified.
4. Notify Rice/Steele 911 Center before commencing burning (507)645-4475.

Rice County Townships:

All open burning permits are applied for and activated with the MN Department of Natural Resources on their website.

Both Counties:

Failure to secure a permit or activating a permit prior to burning may result in response fee invoice from NAFRS.

If fire gets away from the permit holder, a response fee may be invoiced from NAFRS.

Any illegal or non-permitted materials being burned may result in a criminal citation from Rice or Dakota County Sheriff's Office or county attorney, response fee from NAFRS, or both.