



# Linwood Township Fire Code

Adopted 01/09/18



## **504.01. Adoptions**

**Subd. 1.** The Minnesota State Fire Code, as adopted pursuant to Minnesota Statutes, section 299F.011, and as modified by Minnesota Rules, Chapter 7511 is hereby adopted as the fire code of the Town of Linwood for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision in said Code, except as modified or amended by this part of this Chapter, is hereby adopted and made a part of this Chapter as if fully set forth herein.

**Subd. 2.** The provisions of Minnesota Statutes, Chapter 88, Division of Forestry, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, permits, and all other matters pertaining to open burning are hereby adopted by reference and are made a part of this Ordinance as if set out in full.

**Subd. 3.** Definitions Unless the context clearly indicates otherwise, the following words, terms and phrases have the meaning given to them in this Part.

**Burning Permit:** A permit issued by an authorized Minnesota Department of Natural Resources ("MNDNR") fire warden authorizing fires exempted from the general provisions of this Ordinance, and setting conditions for use.

**Campfire or Recreational Fire:** A fire set for cooking, warming or ceremonial purposes, which must be contained in such a manner that no flame or fire spread is greater than three (3) feet in diameter, a maximum fuel height of two (2) feet, and a maximum flame height of three (3) feet.

**Code:** Whenever the term "this code" is used in the Minnesota State Fire Code, it shall mean the code adopted pursuant to this Ordinance.

**Fire Code Official:** The fire chief, fire department representatives authorized by the fire chief, or other authority specifically designated by Ordinance, regulation or the Town Board that is charged with the administration and enforcement of this Ordinance.

**Jurisdiction:** Wherever the word "jurisdiction" is used in the Minnesota State Fire Code, it shall mean Linwood Township.

**Open fire or open burning:** A fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, 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.

## **504.02. Fees**

There shall be no fee for a permit required by this Ordinance unless otherwise set by the Town Board by ordinance.

## **504.03. Enforcement**

The Fire Code Official is authorized to enforce the provisions of this Ordinance.

## **504.04. Open Burning and Prohibitions**

**Subd. 1.** Open burning in Linwood Township is governed by the MNDNR on a permit issued basis.

**Subd. 2.** Open burning prohibitions in Linwood Township shall be in compliance with Minnesota Statutes § 88.171.

**Subd. 3.** The Fire Code Official is hereby authorized to adopt and impose burning restrictions to aid in the prevention of wildfire and to consult with MNDNR, Division of Forestry to develop any additional restrictions or other criteria deemed necessary.



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## **504.05. Recreational Fire Requirements**

**Subd. 1.** Recreation fires are permitted at any time unless otherwise declared by a governing authority under the following conditions:

- a) The Campfire or Recreational Fire must be contained in such a manner that no flame or fire spread is greater than three (3) feet in diameter. The Campfire or Recreational Fire shall be limited to a maximum fuel height of two (2) feet and at no time shall the maximum flame height exceed three (3) feet.
- b) The use of flammable or combustible liquid accelerants is not permitted.
- c) All Campfire or Recreational Fire rings or pits must be located a minimum of twenty-five (25) feet away from any structures or combustibles, such as houses, wooden decks, garages, sheds, wood piles and wooden fences. Manufactured free standing fire pits equipped with side screens and a cover must be located a minimum of ten (10) feet away from any structures or combustibles such as houses, wooden decks, garages, sheds, woodpiles and wooden fences.
- d) The Campfire or Recreational Fire must be constantly attended and supervised by an adult until the Campfire or Recreational Fire has been completely extinguished. The Campfire or Recreational Fire must never be allowed to smolder.
- e) A connected garden hose or other means to extinguish the Campfire or Recreational Fire must be readily available.
- f) No more than one Campfire or Recreational Fire shall be allowed on any property at one time.

**Subd. 2.** Peace Officers and the Fire Code Official are authorized to require that Campfire or Recreational Fire be immediately extinguished and discontinued if it is determined that the Campfire or Recreational Fire is not in compliance with the above rules, the smoke is offensive to nearby neighbors, or the burning is determined to constitute a hazardous condition in the sole discretion of the Peace Officer and/or Fire Code Official.

## **504.06. Burning Ban or Air Quality Alert**

**Subd. 1.** The Fire Code Official is authorized to determine when conditions make open burning potentially hazardous and declare a burning ban within the Township.

**Subd. 2.** No recreational fire or open burn will be permitted when the Fire Code Official or the MNDNR has officially declared a burning ban due to potential hazardous fire conditions or when the Minnesota Pollution Control Agency has declared an air quality alert.

## **504.07. Penalties\***

**Subd. 1.** Any person, association, firm, corporation or other legally recognized entity violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense, unless the Town Board has by ordinance set a fine schedule for particular offenses hereunder. If the Town Board has set a fine schedule for particular offenses hereunder, then sentences for such violations shall be imposed consistent with said fine schedule. In addition, the cost of prosecution shall be added. Each day's violation shall constitute a separate offense.

**Subd. 2.** Any person, association, firm, corporation or other legally recognized entity who shall fail to comply with any order made pursuant to this Ordinance by the Fire Code Official or Peace Officer, shall severally, for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense, unless the Town Board has by ordinance set a fine schedule for particular offenses hereunder. If the Town Board has set a fine schedule for particular offenses hereunder, then sentences for such violations shall be imposed consistent with said fine schedule. In addition, the cost of prosecution shall be added.

**\*The Linwood Town Board has set a fee schedule for this ordinance (Chapter 11 Part 3 of Town Code):  
1st Offense – Verbal Warning; 2nd Offense - \$100; 3rd Offense – \$300; 4th Offense - \$500**