

CITY OF GEM LAKE

Ordinance No. 77

An Ordinance repealing City of Gem Lake Ordinance No. 44 and providing for: 1) adoption of the “Minnesota Uniform Fire Code”; 2) establishing prohibited conditions to prevent fires; 3) appointment of fire department, fire chief and fire marshal by the City Council; 4) adding requirements for fire inspections and associated fees in the City’s commercial zones and uses; and 5) reestablishing requirements for issuance of burning permits.

SECTION 1. TITLE

- 1.1 This Ordinance No. 77 shall be known as “City of Gem Lake Fire Regulations”, except as sometimes referred to herein as the “Code” or this “Ordinance”.

SECTION 2. INTENT AND PURPOSE

- 2.1 This Ordinance No. 77 is adopted for the purpose promulgating public safety through the adoption of fire codes and providing for their application, administration, and enforcement.

SECTION 3. SEPARABILITY

- 3.1 It is hereby declared to be the intention of the Mayor and City Council that the several provisions of this Ordinance are separable and that if any court of competent jurisdiction shall adjudge any provision of this Ordinance or application thereof to be invalid, such judgement shall not affect any other provision of this Ordinance not specifically included in said judgement.

SECTION 4. FIRE PREVENTION

- 4.1 MINNESOTA UNIFORM FIRE CODE ADOPTED BY REFERENCE. The “Minnesota Uniform Fire Code” which is comprised of the “Uniform Fire Code and Standards, 1997 Edition” promulgated by the International Conference of Building Officials and the Western Fire Chiefs Association, and amendments made thereto by the Commissioner of Public Safety through the State Fire Marshal Division, such amendments having been filed September 25, 1989, and set out in Minnesota Rules Chapters 7510.3100 - 7510.3280 and as amended from time to time are hereby adopted as the Gem Lake Fire Code. The Minnesota Uniform Fire Code as amended from time to time is hereby incorporated by this Ordinance as though printed in full herein.
- 4.2 FIRE DEPARTMENT AND OFFICIALS. The City Council shall annually appoint a properly accredited fire department to act on a contractual basis as the City of Gem Lake fire department, using such criteria as the City may, from time to time, develop.
- 4.2.1 The Fire Chief and the Fire Marshal of the contract provider shall, during the contractual period, be acknowledged as holding similar positions within the City of Gem Lake.

SECTION 5. INSPECTIONS, RIGHT-OF-ENTRY AND FEES

- 5.1 For purposes of inspection to insure compliance with regulations adopted herein, the Fire Chief and the Fire Marshal are hereby empowered as law enforcement officers for the strict application of this Ordinance.
- 5.2 The Fire Marshal shall make annual inspections of all property and buildings within the City’s commercial districts and all buildings or residences used for purposes other than just residential (e.g. home occupations) and locate and report to the Fire Chief and City Clerk such places where fire hazards exist, and abate any conditions existing contrary to this code or the laws of the State of Minnesota.
- 5.3 The setting and collection of fees for inspections governed by this Ordinance shall be set by the City Council from time to time by resolution and shall be administered by the City Clerk.
- 5.3.1 Failure to pay fees for inspections shall constitute a lien against the real property upon which the inspection was performed and the City Clerk shall extend such sum due plus twenty-five (25.0%) percent thereof as a special tax against the real property and certify same to the County Auditor of Ramsey County, Minnesota for collection in the same manner as taxes and special assessments are certified and collected.

SECTION 6. BURNING PERMITS REQUIRED

- 6.1 Open Burning Prohibited. It shall be unlawful for any person to kindle or maintain any bonfire nor shall any person normally furnish any such material for any such fire nor shall any person authorize any such fire to be kindled or maintained on or in any street, alley, road, land, public grounds or upon any private property without first obtaining a written permit from the City Clerk which has been appropriately executed by the Fire Marshal.
- 6.1.1 Recreational or cooking fires supervised by an adult and which are fully contained within approved fire rings, pits or appliances not greater than three (3'0") feet in diameter shall be exempt from the permit requirement, providing no fire bans have been issued by the Fire Marshal or the Minnesota Department of Natural Resources.

SECTION 7. VIOLATIONS AND PENALTIES

- 7.1 Any person(s) violating or otherwise refusing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Seven Hundred and No/100 (\$700.00) Dollars or by imprisonment not to exceed ninety (90) days for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 8. REPEALER

- 8.1 Ordinance No. 44 of the City of Gem Lake is hereby repealed in it's entirety.

SECTION 9. ADOPTION AND ENACTMENT

- 9.1 Adopted by a unanimous vote of the City Council of the City of Gem Lake on the 21st day of May, 2001.
- 9.2 This Ordinance No. 77 shall take effect and be in force after it's adoption by the City Council and publication in the City's official Legal Publication.

FOR THE CITY OF GEM LAKE

ATTEST

Paul R. Emeott

Frederic C. Magnuson

Paul R. Emeott, Mayor

Frederic C. Magnuson, City Clerk

Dated: 21 May 2001

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