

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 77**

An ordinance repealing City of Gem Lake Ordinance No. 44 and providing for: 1) adoption of the “Minnesota State Fire Code”; 2) establishing prohibited conditions to prevent fires; 3) appointment of the 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. This Ordinance No. 77 shall be known as “City of Gem Lake Fire Regulations”, except as sometimes referred to herein as the “Code” of this “Ordinance”.

Section 2. Intent and Purpose

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

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

1. The Minnesota State Fire Code, as adopted by the Commissioner of Public Safety pursuant to Minnesota Statutes, Section 229F.011 including all of the amendments, rules, and regulations that may be established, adopted, and published from time to time by the Minnesota Commissioner of Public Safety, through the Minnesota Department of Public Safety, through the Minnesota Department of Public Safety State Fire Marshal Division, is hereby adopted by reference and incorporated in this Code as if fully set out herein.
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.
 - 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

1. For purposes of inspections 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.
2. The Fire Chief or any person designated by the Chief shall make inspections of property in the City at intervals of their discretion and locate and report to the Fire Chief such places where fire hazards exist, and advise on the necessary steps to meet the current code or state law.
3. Fire inspection fees for existing facilities shall be established according to the fee ordinance adopted by the City of White Bear Lake.
 - 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 percent (25%) 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

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 or in any street, alley, road, land, public grounds or upon any private property without first obtaining a permit from the City of White Bear Lake Fire Department.

2. **Open / Prescribed Burning**

The Fire Chief or any person designated by the Chief is authorized to issue permits under this division and may establish reasonable permit conditions for open burning, consistent with the rules adopted herein.

No person shall start or maintain any open fire within the City without a permit, except for supervised recreational or cooking fires contained within approved fire rings, pits or barbecue grills.

Where an open burning permit is approved, the City of White Bear Lake fee schedule shall be applied.

- 1) A permit shall be submitted by the one controlling the fire. It shall be complete and describe the type of burn that is intended. The permits shall remain on site at all times.
- 2) Prior to burning, the one controlling the fire must notify the White Bear Lake Fire Department and Ramsey County Dispatch Center. Also, they must check with the DNR for any burning bans that may be in effect.
- 3) Open burning of lumber, pallets, wooden shingles, scrap wood, yard waste, cardboard, paper, garbage, treated or painted wood, plastic, rubber and other similar items, is not permitted.
- 4) Location of burn shall not be less than 50' from any structure and provisions must be made to prevent the fire from spreading to within 50' of structures.
- 5) Open burning that is offensive or objectionable due to smoke or odor emissions when atmospheric conditions or current local circumstances make such fire hazardous may be revoked by a fire official.
- 6) The use of fuel oil, gasoline or similar flammable/combustible liquids is prohibited to ignite a fire. The fire should be ignited using an open flame, paper, and/or kindling.
- 7) Every fire shall be constantly attended by a competent person age 18 or older and the fire shall be completely extinguished before leaving the fire unattended.
- 8) A water source is needed for all open burning permits. The only exception is if the permit applicant has heavy equipment to extinguish the fire.
- 9) Winds must be less than 10 miles per hour to conduct an open burn.

The White Bear Lake Fire Department shall have the power and duty to enforce these regulations and are required to extinguish any burn that is not in compliance with the regulations of the permit.

3. **Outdoor Burning Allowed**

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.

Firewood defined as untreated or uncoated natural wood, which is greater than 2 inches and less than 8 inches in diameter and less than 20 inches in length may be burned subject to the following conditions:

- 1) Firewood may only be burned within a non-combustible containment less than 3-feet in diameter and not less than 8 inches in depth or height. The fire shall be limited in fuel such that at no time does the flame height exceed 36 inches.

- 2) Fire pits or rings must be located a minimum of 25 feet from structures or combustibles, such as houses, garages, sheds, wood piles and wooden fences and 15 feet from property lines.
- 3) The fire may not be lit prior to 10:00 a.m. nor after 11:00 p.m.
- 4) The fire must be constantly attended and supervised by an adult until the fire has been completely extinguished.
- 5) A means of controlling or extinguishing the fire (including an approved fire extinguisher, water supply or ample supply of sand) must be immediately available.
- 6) The use of flammable or combustible liquid accelerants is not permitted.
- 7) Recreational fires are not permitted on days when the wind speeds exceed 10 miles per hour.
- 8) Any person planning to have a recreational fire must be aware of any local burning bans that are in effect. If a burning ban is in effect, then all recreational fires are prohibited.

The fire department is authorized to require that the recreational fire be immediately discontinued if they determine that the smoke emissions are offensive to occupants of surrounding property or if the fire is deemed to constitute a hazardous condition.

Section 7. Fire Ban

In the event the City of White Bear Lake institutes a fire ban, the City of Gem Lake will automatically adopt such ban for the same time period.

Section 8. Violations and Penalties

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 9. Repealer

1. Ordinance No. 44 of the City of Gem Lake is hereby repealed in its entirety.

Section 10. Adoption and Enactment

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

Gretchen Artig-Swomley

Gretchen Artig-Swomley
Mayor

Melissa Lawrence

Melissa Lawrence
City Clerk

Published in the White Bear Press on the 13th day of June 2001.

Updated October 19, 2021 and adopted