



Legislation Text

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AN ORDINANCE AMENDING ARTICLE I, SECTION 21-5 AND SECTION 21-8, OF CHAPTER 21 OF THE DULUTH CITY CODE TO UPDATE THE CITY'S OPEN BURNING AND TENT AND MEMBRANE STRUCTURES ORDINANCES.

CITY PROPOSAL:

Section 1: That Article I, Section 21-5 of Chapter 21 of the Duluth City Code is hereby amended as follows:

Sec. 21-5. Open burning prohibitions and permits.

(a) For the purposes of this Section, terms used herein shall have the meanings given them in Minnesota Rules, Part ~~7005.0705~~ 7511.0202;

~~(b) Except as specifically modified in this Section, Minnesota Rules, parts 7005.0705 to 7005.0805, are incorporated by reference herein and shall govern open burning and the issuance of open burning permits in the city;~~

~~(eb)~~ Open burning is prohibited without a permit;

~~(dc)~~ Permits for open burning may be issued by the fire chief, deputy fire chief or fire marshal and shall be issued only in strict conformance with Minnesota pollution control agency rules, the Minnesota Wildfire Act (Minn.Stat. Section 88.7) and the Minnesota State Fire Code;

~~(ed)~~ No permit shall authorize the burning of leaves.

~~(e) A violation of this Section is a misdemeanor offense for which a sentence of not more than 90 days or a \$1000 fine, or both, may be imposed.~~

Section 2: That Article I, Section 21-8 of Chapter 21 of the Duluth City Code is hereby amended as follows:

Sec. 21.8. Tents and membrane structures - permit and approval required.

~~(a):~~ The following definitions of the 2015 Minnesota State Fire Code shall apply Definitions:

~~(1):~~ Air-inflated structure. A structure that uses air-pressurized membrane beams, arches or other elements to enclose space. Occupants of such a structure do not occupy the pressurized areas used to support the structure.

~~(2):~~ Air-supported structure. A structure wherein the shape of the structure is attained by air pressure, and occupants of the structure are within the elevated pressure area. Air-supported structures are of two basic types:

~~(A)a-~~ Double skin. Similar to a single skin, but with an attached liner that is separated from the outer skin and provides an airspace which serves for insulation.

~~(B)b-~~ Single skin. Where there is only the single outer skin and the air pressure is directly against that skin.

~~(3):~~ Membrane Structure. An air-inflated, air-supported, cable or frame-covered structure as defined by the Minnesota Building Code and not otherwise defined as a tent.

~~(4):~~ Tent. A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

~~(b):~~ All tents and membrane structures shall comply with ~~Chapter 31~~ of the Minnesota State Fire Code and this code.

~~(c):~~ Tents and membrane structures having an area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire

marshal.

(d) Permit applications shall be made on a form created and provided by the fire marshal. The fire marshal may require an on-site inspection.

(e) No smoking shall be allowed in any temporary membrane structure or tent.

Section 3. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance amends Chapter 21, Article I, Section 21-5 and Section 21-8 of the Duluth City Code to update references no longer in existence in state statute and clarify penalties for unauthorized burning.