

ORDINANCE NO. 601 2ND SERIES

AN ORDINANCE OF THE CITY OF EAGAN, MINNESOTA, AMENDING EAGAN CITY CODE CHAPTER TEN ENTITLED "PUBLIC PROTECTION, CRIMES AND OFFENSES" BY AMENDING SECTION 10.40 REGARDING RECREATIONAL FIRES BY ADDING AN EXCEPTION TO THE PROHIBITION OF GRILLS & BARBEQUES ON BALCONIES AND PATIOS OF MULTI-RESIDENTIAL BUILDINGS; AND BY ADOPTING BY REFERENCE EAGAN CITY CODE CHAPTER 1 AND SECTION 10.99.

The City Council of the City of Eagan does ordain:

Section 1. Chapter 10 of the Eagan City Code is hereby amended by adding Section 10.40, Subd. 6 (c) to read as follows:

C. *Standards for fires or barbecues on balconies or patios.* For any structure containing three or more dwelling units that have a common hallway or shared means of egress:

1. No grills, whether electric, gas, charcoal or pellet, or open flame, shall be used or stored upon any balcony above ground level or on any ground floor patio within 15 feet of the structure.
2. No person shall store or use any fuel, barbecue torch or other similar heating or lighting chemical or device on any balcony above ground level, or on any ground floor patio within 15 feet of a structure.
3. 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.

Notwithstanding the above, the following grills may be allowed provided the conditions stated herein are met: (1) Electric barbecue grill, listed by UL or other recognized testing lab, that is permanently mounted and wired into the building's electrical system; and (2) Gas-fired barbecue grill, listed by UL or other recognized testing lab, that is permanently mounted and plumbed into the building's natural gas supply. This exception applies only under the following conditions:

1. The grill(s) are located in and as a common area amenity of apartment buildings only;
2. The grill shall have element of fire protection as approved by the Fire Official (i.e. sprinkler or fire suppression system in immediate area);
3. The area under and surrounding the grill in a 5-foot radius shall have non-combustible finishes as approved by the Fire Official;
4. The flooring under and surrounding the grill in a 5-foot radius shall be non-combustible material and shall not contain gaps in flooring material or structure;
5. The common amenity area and grill(s) shall be owned/controlled by property management or association of the property;

6. The grill shall have vertical clearance to all overhead structures and materials;
7. The grill shall be 5 feet from any windows or door;
8. Grills must have an automatic and emergency shut off mechanism and shall be in proper working order at all times; and
9. A minimum clearance of 18 inches shall be maintained on all sides of a grill, unless such equipment is listed for lesser clearances and installation as approved by the Fire Official.

Section 2. Eagan City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including 'Penalty for Violation'" and Section 10.99, entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim.

Section 3. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. 601" a copy of which is attached hereto clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its adoption and publication according to law.

ATTEST:

CITY OF EAGAN
City Council

/s/ Elizabeth VanHoose
By: Elizabeth VanHoose
Its: City Clerk

/s/ Mike Maguire
By: Mike Maguire
Its: Mayor

Date Ordinance Adopted: June 15, 2021

Date Ordinance Published in the Legal Newspaper:

The following is the official summary of Ordinance No. 601 2nd Series passed by the City Council of Eagan on June 15, 2021:

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Section 10.40, subd. 6 (C) is amended to adopt and incorporate an exception to the prohibition of grills and barbeques on multi-residential decks and patios as prescribed by Minnesota State Fire Code. The exception provision incorporates the scope and conditions of an approved exception.

A printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk at the Eagan Municipal Center, 3830 Pilot Knob Road, Eagan, Minnesota 55122.

Effective date. This ordinance shall take effect upon its passage and publication.