

City of **Hastings**

**City Council Memorandum**

**To: Mayor Hicks & City Councilmembers**  
**From: Michael T. Schutt, Fire & EMS Director**  
**Date: May 30, 2013**  
**Item: 2<sup>nd</sup> Reading & Public Hearing of City Ordinance 93-07 Establishment of Restrictions on the use of Barbecues**

**Council Action Requested:**

Staff is requesting an amendment to City Ordinance relating to barbecue grills on patios and decks in multi-unit residential dwellings, to allow barbecuing (BBQ) or open flame on such, when direct egress to the exterior is present.

**Background Information:**

During the 1990's and early 2000's, single level townhomes or quad-homes with individual unit egresses, became very popular in the housing market; with a number of these located throughout our community. These are typically owner occupied, with no neighbors above them. However, because most are more than 3 units attached (side by side), they would fall under our BBQ ordinance and are restricted from grilling on their patios or decks. After some outreach and communicating with our citizens, it was asked if we could revisit our city ordinance pertaining to BBQ grilling on patios and decks in these types of dwellings.

The proposed change would allow residents in townhomes or quad-homes with individual egresses, the ability to grill without affecting neighbors above or below them. It would still restrict grilling or open flames on any multi-unit building that shares a common egress or hallway. This proposal would offer more flexibility to our residents while still maintaining a fire safe environment to our apartment complexes.

**Financial Impact:**

There is no financial impact.

**Advisory Commission Discussion:**

This has been addressed and approved by the Public Safety Commission.

**Council Committee Discussion:**

The Public Safety Committee of the Council has been informed of this proposal, with the option of having this discussed at a Public Safety Committee meeting. I did not receive any feedback requesting a meeting.

**Attachments:**

Proposed Ordinance change.

**§ 93.07 ESTABLISHMENT OF RESTRICTIONS ON THE USE OF OPEN FLAME OR BARBECUES ON PATIOS OR BALCONIES.**

(A) In any structure containing 3 or more dwelling units, 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 any structure.

Exceptions:

1. Residential occupancies where all units have private direct ingress and egress to exterior, (no use of common means of egress, ex. hallways, and stairways used by separate occupancies.)

(B) No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemicals or devices in the locations designated in ~~§ 93.01.~~ § 93.07. (A)

(C) Electric grills or gas-fired barbecue grills which are permanently mounted, wired, or plumbed to the building's gas supply or electrical system and maintaining a minimum clearance of 18 inches on all sides may be installed on balconies and patios when approved by the Fire Chief.

(Prior Code, § 9.82) Penalty, see § 10.99

DRAFT

**CITY OF HASTINGS, MINNESOTA**

**ORDINANCE NO. 2013-\_\_\_, THIRD SERIES**

**An Ordinance of the City of Hastings Establishing Restrictions on the Use of  
Open Flame or Barbeques on Patios or Balconies.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS:**

**HASTINGS CITY CODE CHAPTER 93, SECTION 93.07 IS AMENDED BY ADDING THE  
FOLLOWING (new language is underlined, strikethrough language is deleted):**

**§ 93.07 ESTABLISHMENT OF RESTRICTIONS ON THE USE OF OPEN FLAME OR  
BARBECUES ON PATIOS OR BALCONIES.**

(A) In any structure containing 3 or more dwelling units, 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 any structure.

Exceptions:

1. Residential occupancies where all units have private direct ingress and egress to exterior of the structure and no use of common means of egress (examples hallways or stairways used by separate occupancies.)

(B) No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemicals or devices in the locations designated in §93.04. ~~§ 93.07. (A)~~

(C) Electric grills or gas-fired barbecue grills which are permanently mounted, wired, or plumbed to the building's gas supply or electrical system and maintaining a minimum clearance of 18 inches on all sides may be installed on balconies and patios when approved by the Fire Chief.

(Prior Code, § 9.82) Penalty, see § 10.99

This Ordinance shall be effective upon its passage and publication.

Council member \_\_\_\_\_ moved a second to this Ordinance, and upon being put to a vote it was adopted by a majority of all Council members present.

Adopted by the Hastings City Council on this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

Ayes

Nays:

Absent:

**CITY OF HASTINGS**

\_\_\_\_\_  
Paul J. Hicks, Mayor

**ATTEST:**

\_\_\_\_\_  
Assistant City Administrator/City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the \_\_\_\_ day of \_\_\_\_\_, 2013, as disclosed by the records of the City of Hastings on file and of record in the office.

\_\_\_\_\_  
Assistant City Administrator/City Clerk