

2009-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Ostrow

Amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 174.10 of the above-entitled ordinance be amended to read as follows:

174.10. Definitions. *Fire marshal* is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Uniform Minnesota State Fire Code for the City of Minneapolis. ~~The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.~~

~~*Hazardous materials* are those materials defined in Article 2 and Article 80 Chapter 27 of the Uniform Minnesota State Fire Code, and any materials mentioned in the Federal Emergency Planning and Community Right-to-Know Act ("SARA Title III"), that are above the exempt amounts mentioned.~~

Section 2. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 174.15 to read as follows:

174.15. Fire inspection prerequisite to issuance of permits licenses. Before issuance of permits licenses for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, crude petroleum, or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, firecrackers and signaling explosives, the fire marshal ~~chief of the bureau~~ shall inspect or cause to be inspected and approve the receptacles, vehicles, buildings or storage place to be used for any such purposes.

Section 3. That Section 174.20 of the above-entitled ordinance be amended to read as follows:

174.20. Permits required. ~~The Minneapolis Code of Ordinances requires that e~~ Every commercial building or structure, facility or portion thereof that stores, uses or handles

hazardous materials in quantities that exceed the allowable amounts designated in the Minnesota State Fire Code must have an annual renewable permit for the storage, use and handling of hazardous materials issued by the fire marshal posted in a conspicuous place on the premises.

No building, structure, facility or portion thereof that is required to have a permit per control area pursuant to Chapter 1 of the Minnesota State Fire Code shall continue to be occupied without such permit after a reasonable time, as fixed by written order from the fire marshal.

Before a building, structure, facility or portion thereof can be issued a permitted, or re-permitted, it must be inspected by the fire marshal and found to conform to the requirements of the Uniform Minnesota State Fire Code for its present use at the ~~time of construction~~ or at the time of conversion to its present use.

Section 4. That Section 174.30 of the above-entitled ordinance be amended to read as follows:

174.30. Use or occupancy. No building, structure, facility or portion thereof, which involves the manufacturing, processing, generation or storage of materials constituting a physical or health hazard and which is defined as an (H) occupancy pursuant to the Minnesota State Fire Code shall operate or be occupied without first obtaining a hazardous materials permit. Any owner or operator of a facility governed by SARA Title III shall also be required to obtain a hazardous materials permit ~~facility, building or structure in Group H (Hazardous) occupancies as defined in the Uniform Fire Code, nor any facility, building or structure regulated by SARA Title III, nor any other commercial structure that stores, handles or uses hazardous materials shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the fire marshal has issued a permit for the storage, use and handling of hazardous materials therefor as provided herein.~~

Section 5. That Section 174.40 of the above-entitled ordinance be amended to read as follows:

174.40. Change in use. Changes in the character or use of a facility, building or structure or portion thereof as those changes relate to the storage, use or handling of hazardous materials shall not be made without the approval of the fire marshal, ~~and the building may be occupied for purposes in other groups provided the new or proposed use is less hazardous, based on risk to life and safety, and fire risk, than the existing use. The building, structure, facility or portion thereof may be occupied for purposes other than those involving hazardous materials provided the new or proposed use is adequately separated from any hazardous materials and is less hazardous in relation to fire and life safety issues.~~

Section 6. That Section 174.50 of the above-entitled ordinance be amended to read as follows:

174.50. Permit issued. After final inspection by the fire marshal, when it is found that the facility, building or structure complies with the provisions of the Uniform Minnesota State Fire Code, the fire marshal shall issue a permit for the storage, use and handling of hazardous materials. After the fire marshal inspects the building or structure and finds no violations of the provisions of the Uniform Minnesota State Fire Code, the fire marshal shall issue a permit that shall contain the following:

- (1) The building permit number.
- (2) The address of the building and any business name.
- (3) The name and mailing address of the owner.
- (4) ~~A description of that portion of the building for which the permit is issued~~ The applicable hazardous materials codes and descriptions.
- (5) ~~A statement that the described portion of the building has been inspected for compliance with the requirements of the Uniform Fire Code for the group and division of occupancy and the use for which the proposed occupancy is classified.~~
- (6) ~~(5)~~ The name of the building contact or official.

Section 7. That Section 174.60 of the above-entitled ordinance be amended to read as follows:

174.60. Existing buildings. ~~Every commercial building that involves the storage, handling or use of hazardous materials shall have a permit for the storage, use and handling of hazardous materials issued by the fire marshal and posted on the premises. Before such a permit can be issued, such building shall be inspected by the fire marshal and found to conform to the requirements of the Uniform Fire Code at the time of construction or at the time of conversion to its present use, as such use relates to the storage, use or handling of hazardous materials. No building which is required to have a permit for the storage, use and handling of hazardous materials shall continue to be occupied without such permit~~ All existing buildings, structures, facilities or portions thereof shall comply with the terms of this article.

Section 8. That Section 174.70 of the above-entitled ordinance be amended to read as follows:

174.70. Renewal required. ~~For every building in the City of Minneapolis governed by this ordinance, an annual inspection shall be scheduled by the fire marshal on a one-year cycle. If it is found that such buildings do not conform to the applicable requirements, the permit for the storage, use and handling of hazardous materials may be revoked and the building shall not be occupied until such time as the building is again brought into compliance with such requirements~~ All buildings, structures, facilities or portions thereof governed by this ordinance shall be subject to inspection at the discretion of the fire marshal. If it is found that

such buildings, structures, facilities or portions thereof fail to conform with the requirements of this article the permit issued pursuant to this article shall be revoked and the building shall not be occupied until such time as the building is again brought into compliance with such requirements.

(1) ~~Temporary permit.~~ If the fire marshal finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary permit for the storage, use and handling of hazardous materials may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. Temporary permits may be issued at the discretion of the fire marshal.

(2) ~~Posting.~~ The permit for the storage, use and handling of hazardous materials shall be posted in a conspicuous place on the premises and shall not be removed except by the fire marshal.

(3) ~~(2)~~ Revocation. The fire marshal may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure, facility or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

Section 9. That Section 174.80 of the above-entitled ordinance be amended to read as follows:

174.80. Emergency response plans. Any facility, building, structure or commercial entity required to draft and submit an emergency response plan pursuant to SARA Title III, or Chapter 4 of the Minnesota State Fire Code shall submit the emergency response plan to the fire marshal. ~~The fire marshal shall review the plan with the facility on an annual basis as part of the annual permit renewal process.~~

Section 10. That Section 174.90 of the above-entitled ordinance be amended to read as follows:

174.90. Annual fee schedule for hazardous materials permits for the storage, use and handling of hazardous materials. The fees for permits issued pursuant to this section article are as follows:

TABLE INSET:

		Minimum	Maximum
Commercial	\$7.00 per 1,000 sq. ft.	\$100.00	\$370.00
Reinspections caused	Add 50%		

by occupant

No entry fee Add \$50.00

Late fee Add 10%

Discounted fee for
no violations Subtract 25%

<u>Filing Tier II</u>	<u>\$450.00</u>
<u>Quantities of hazardous materials meets or exceeds control area amounts</u>	<u>\$250.00</u>
<u>Permits required by Minnesota State Fire Code</u>	<u>\$125.00</u>
<u>Reinspection fee</u>	<u>Add 10%</u>
<u>Late payment fee</u>	<u>Add 10%</u>

Section 11. That Section 174.150 of the above-entitled ordinance be and is hereby repealed:

~~**174.150. Definitions.** Fire marshal is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Uniform Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.~~

Section 12. That Section 174.160 of the above-entitled ordinance be amended to read as follows:

174.160. Establishment of fire lanes. The fire marshal is authorized to establish fire lanes on private or public property including, but not limited to, private lanes, private ponds, shopping centers, churches, and any other building or property as required by the fire marshal, for the purpose of allowing proper ingress and egress to all property in the City of Minneapolis for fire department equipment and personnel in case of fire or other emergency.

Section 13. That Section 174.180 of the above-entitled ordinance be amended to read as follows:

174.180. Obstruction of fire lane. Parking of motor vehicles in, or otherwise obstructing any fire lane in the City of Minneapolis, shall be is prohibited at all times. Enforcement of this ordinance is the responsibility of the Minneapolis Police Department. All fire lanes designated pursuant to this section on public or private property are subject to enforcement.

Section 14. That Section 174.200 of the above-entitled ordinance be amended to read as follows:

174.200. Marking of fire lanes. All fire lanes in the City of Minneapolis shall be marked in accordance with the fire code of the city, and as approved by the fire marshal.

Section 15. That Section 174.210 of the above-entitled ordinance be amended to read as follows:

174.210. Application for fire lanes. Written application for fire lane designation may be made to the fire marshal, and must specify the exact location of the requested fire lane designation, including the number of signs requested.

Section 16. That Section 174.300 of the above-entitled ordinance be amended to read as follows:

174.300. Definitions. ~~Fire marshal is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.~~

Fire protection systems are those approved devices, equipment and systems or combinations of systems used to detect, extinguish or control a fire, activate an alarm, control, manage or suppress smoke and products of a fire or any combination thereof as defined in any currently-enacted and adopted edition of the Minnesota State Fire Code.

Section 17. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article V to read as follows:

ARTICLE V. COMMERCIAL HOOD AND EXHAUST CLEANING

174.500. Commercial Hood and Exhaust Cleaning Program. (a) Permit fees authorized. The Minneapolis Fire Department, based on authority granted to it pursuant to the Minneapolis Code of Ordinances and the Minnesota State Fire Code, Chapter 1 Section 104.3 and State Amendment 101.6, is hereby authorized to issue commercial hood and exhaust cleaning permits for any commercial hood and exhaust cleaning required hereunder. The permit requirement imposed by this section shall apply to all commercial cooking and food service establishments using type-1 hoods inside any building or portion thereof for the preparation and serving of food that produces grease laden vapors. The term "food service" is defined to include operations such as preparing, handling, cleaning, cooking, and packaging of food items of any kind.

(b) Hood cleaning permit. A permit is required to conduct hood cleaning of all type-1 hoods. Every application for such a permit shall be made in writing to the Minneapolis Fire Department at least five (5) working days in advance of the proposed cleaning date. A permit shall be issued only after the fire marshal or the fire marshal's designee has reviewed and approved the application and the applicant has paid the required fee.

(c) *Cleaning.* All hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease, as specified by the Minnesota State Fire Code, Section 904.11.6.3. Upon inspection, if the exhaust system is found to be contaminated with grease laden vapor deposits, the contaminated portions shall be cleaned by a properly trained, qualified, and certified company or person(s) acceptable to the Authority Having Jurisdiction (AHJ). The fire marshal is authorized to place the following conditions upon applicants requesting a hood cleaning permit:

- (1) The entire exhaust system shall be inspected for grease and residue buildup by a properly trained, qualified, and certified company or person(s) acceptable to the Authority Having Jurisdiction (AHJ).
- (2) Inspection and servicing of the cooking equipment shall be completed at least annually. Cooking equipment that collects grease below the surface, behind the equipment, or in cooking equipment flue gas exhaust, such as griddles or char broilers, shall be inspected and, if found with grease accumulation, cleaned to the manufacturer's recommendations.
- (3) Kitchen hoods and duct systems shall be cleaned to bare metal pursuant to NFPA-96, Section 11.4.
- (4) There shall be no grease or carbonized grease left in the hood, duct system, filters, or fan assemblies.
- (5) No coatings shall be sprayed or applied on the clean ductwork.
- (6) All ductwork access panels/doors shall be properly reassembled after complete cleaning.
- (7) Any hardware removed from equipment shall be reinstalled after complete cleaning.
- (8) The applicant shall identify and note all damaged equipment, missing parts and notify the owner and the fire marshal upon completed cleaning.
- (9) Upon completion of each job, the applicant shall submit exhaust vent cleaning photos. At the discretion of the fire marshal periodic fire inspections shall be conducted. Each completed cleaning job is to be approved pursuant to submitted plans and photos. An attachment of photo requirements shall be part of the application document.

(d) Fee. The fee for a commercial hood and exhaust cleaning permit shall be based on contractual job cost and equal to the permit fee amounts as established pursuant to section 174.310(c).