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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Ostrow**

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**Amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances  
relating to Fire and Police Protection: Fire.**

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

Section 1. That Section 173.100 of the above-entitled ordinance be and is hereby repealed.

~~**173.100. Fire station captains; duties.** Each fire station shall be supervised by the captain of the company assigned thereto and where more than one company is assigned to one station a senior captain shall have supervision thereof. Said captain shall see to it that all property belonging to the department and committed to his company is kept clean and orderly, and that the apparatus, equipment and supplies are ready for immediate use, and shall keep such records and make such reports as the chief may require. Said captain shall enforce all rules of the department and preserve order and discipline and perform such other duties as the chief may direct. Said captain shall promptly report in writing to the chief all delinquent members of his company with a detailed statement of violations~~

Section 2. That Section 173.220 of the above-entitled ordinance be and is hereby repealed.

~~**173.220. False alarms.** No person shall give or cause to be given a false alarm or in any manner to tamper or interfere with any part of the fire communication system.~~

Section 3. That Section 173.240 of the above-entitled ordinance be amended to read as follows:

**173.240. Chief to advise council.** The chief shall, from time to time, advise the city council of the needs of the department caused by changing conditions and developments of the city and make such recommendations in writing as ~~he deems~~ deemed necessary. ~~He~~ The chief shall also recommend the acquiring of new apparatus, equipment and supplies. All purchases for the department shall be subject to approval by the chief, and ~~he~~ the chief shall present ~~his~~ reasons in writing when in ~~his~~ the chief's opinion the city is best served by sale or disposal of apparatus, equipment or supplies,

and make special reports upon any matter which in his the chief's judgment requires the attention of the city council.

Section 4. That Section 173.270 of the above-entitled ordinance be and is hereby repealed.

~~**173.270. Continued violation.** The continued violation of this chapter or failure or neglect to comply with orders served pursuant to the provisions hereof, shall, except as otherwise provided, be and constitute a separate offense for each day such violation, failure or neglect continues beyond the period of limitation stated in such order or orders, or beyond a reasonable period of time after serving such orders.~~

Section 5. That Chapter 173 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 173.315 to read as follows:

**173.315. Continued violation.** The continued violation of this chapter or failure or neglect to comply with orders served pursuant to the provisions hereof, shall, except as otherwise provided, be and constitute a separate offense for each day such violation, failure or neglect continues beyond the period of limitation stated in such order or orders, or beyond a reasonable period of time after serving such orders.

Section 6. That Section 173.320 of the above-entitled ordinance be and is hereby repealed.

~~**173.320. Duty to comply with order.** The owner, agent, lessee, occupant or person responsible for the conditions to be removed or remedied shall comply with such written order or orders within the time and in the manner directed. Failure to comply with any such written order of the chief of the fire department or his authorized inspectors or assistants, shall constitute a violation of this Code.~~

Section 7. That Section 173.330 of the above-entitled ordinance be and is hereby repealed.

~~**173.330. Fire inspection prerequisite to licenses.** Before issuance of 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 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 8. That Section 173.340 of the above-entitled ordinance be amended to read as follows:

**173.340. Repair or wrecking of dangerous buildings.** (a) If the chief of the bureau of fire prevention fire marshal or those acting under or for him the fire marshal

shall find any premises, building or structure, or any portions thereof which by reason of want of repairs, age, dilapidated condition or damage by fire, or from any other cause, are especially liable to fire, or which are so situated or are in such condition as to endanger its occupants or endanger other property or the occupants or persons therein, or the general public, the ~~chief of the bureau of fire prevention~~ fire marshal shall order, in writing, such dangerous conditions to be removed or remedied, or such building or structure to be wrecked, or properly repaired, as the particular circumstances may require.

(b) If, within a reasonable period after service, compliance is not had with the order provided for in this section and except as otherwise provided for in this chapter, the chief of the fire department shall be notified of such lack of compliance. The chief shall thereupon cause the members of the fire department to take such steps as may be necessary to remove or remedy such dangerous condition, to wreck such building or structure, or to properly repair the same as the particular circumstances may require, in compliance with the order above provided.

(c) If it is impracticable for the chief of the fire department, through the members of ~~his~~ the department, to take such steps as are above provided, then ~~he~~ the chief shall, subject to the approval of the city council, employ the necessary help, only for a period required, and take the necessary steps to carry out said order. The costs incurred by the chief in carrying out said order shall be collected in a civil action wherein the city shall be plaintiff and the party negligent with respect to the aforesaid order shall be defendant.

Section 9. That Section 173.380 of the above-entitled ordinance be amended to read as follows:

**173.380. Adopted.** The Minnesota ~~Uniform~~ State Fire Code, as adopted and periodically amended by the Minnesota Department of Public Safety, Fire Marshal Division, is hereby adopted and incorporated in this chapter as fully as if set forth herein, including, subject to and with the exception of such portions as are amended, supplemented, deleted or modified by section 173.420 of this chapter, at least one (1) copy of said code being marked as an official copy and filed in the office of the city clerk, and the same shall be in force and effect as the fire prevention code of the city.

Section 10. That Section 173.390 of the above-entitled ordinance be amended to read as follows:

**173.390. "~~Corporation counsel~~ Legal representative of the jurisdiction" defined for code.** Wherever the term "~~corporation counsel~~ legal representative of the jurisdiction" is used in the fire ~~prevention~~ code, it shall be held to mean the city attorney.

Section 11. That Section 173.410 of the above-entitled ordinance be and is hereby repealed.

~~173.410. Fire limits.~~ The fire limits of the city shall be as prescribed in section 85.25 of this Code of Ordinances.

Section 12. That Section 173.420 of the above-entitled ordinance be amended to read as follows:

**173.420. Code amended.** The Minnesota Uniform State Fire Code adopted by this article is hereby amended in the following respects:

I. ~~Section 2.204 is amended by adding thereto paragraph (e) to read as follows:~~

~~(e) Whenever any of the officers, members or inspectors of the fire department or bureau of fire prevention shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, the fire department personnel shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the chief of the bureau of fire prevention:~~

~~(1) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;~~

~~(2) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts;~~

~~(3) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.~~

¶ I. Section 105 of the Minnesota State Fire Code is hereby adopted and incorporated by reference. Section 105 allows for the issuance of applicable permits and the establishment and collection of corresponding permit fees by the local code official. No person shall engage in, direct, operate or conduct any of the activities, actions or proceedings listed below without first having obtained a permit hereunder. All permits issued hereunder shall be issued by the chief of the fire department or his or her designee. The fee for each permit type shall be based on a minimum hourly fee as established below. This established rate is set according to the minimum amount of fire department staff time needed to provide service, including time for travel, inspection, drafting of orders and consultations with permit applicants. Unless otherwise directed by the issuing authority, all permit fees shall be paid prior to the issuance of any permit. All annual permits shall expire on January 1 of each year and must be renewed on or prior to expiration. Temporary permits shall be effective only for the specific dates stated on the permit.

The permit fees shall be as follows:

TABLE INSET:

Hourly Fee	Permit Type	Permit Code	Minimum Time Limit
\$50.00	Blasting, one time	B1	1 hour
\$50.00	Bonfire, one time	B2	1 hour
\$150.00	Bowling alley refinishing	B3	3 hours
\$100.00	Exhibits and trade shows	E1	2 hours
\$100.00	Fireworks display, proximate audience	F1	2 hours
\$200.00	Fireworks display, outdoor	F2	4 hours
\$100.00	Flammable liquid, tank installation	F3	2 hours per tank
\$50.00	Flammable liquid, tank removal	F4	1 hour per tank
\$100.00	Flammable Liquid, storage, handling or use one time short term (<7 days)	F5	2 hours
\$50.00	Liquefied petroleum, temporary, one time	L1	1 hour
\$150.00	Liquefied petroleum, underground installation	L2	3 hours
\$50.00	Open flame or candles in assembly area (one time)	O1	1 hour
\$50.00	Tents or air supported structures	T1	1 hour
\$50.00	Tank vehicle transporting flammable liquids	T2	1 hour
\$100.00	Temporary assembly	T3	2 hours

The permit fees shall be established in the Fire Prevention Bureau Fee Schedule.

The fire permit fee amounts herein established shall be effective January 1, 2010 and shall be subject to automatic annual adjustment April 1st 2011 and each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. In the event CPI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent. Such fire permit fees and subsequently adjusted fire permit fees shall be published and maintained in the Fire Prevention Bureau Fee Schedule referenced in 173.420 and shall be based on the following valuation categories:

Valuation Categories

\$1.00 to \$500.00

\$501.00 to \$2,000.00

\$2,001.00 to \$25,000.00

\$25,001.00 to \$50,000.00

\$50,001.00 to \$100,000.00

\$100,001.00 to \$500,000.00

\$500,001.00 to \$1,000,000.00

\$1,000,001.00 and up.

III. ~~Section 78.103, "Bond for Fireworks Display Required," is amended to read as follows:~~

~~The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the chief fire engineer for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, or the permittee's agents, employees or subcontractors. This requirement shall not apply to any pyrotechnical display that receives financial sponsorship from the Minneapolis Park and Recreation Board.~~

~~IV II. Article 10, "Fire Protection," Chapter 9 "Fire Protection Systems" is amended by adding to Section 10.302 the following additional requirements:~~

~~(e) *Hand fire extinguishers.* Wherever portable fire extinguishers are required by this code, the person who owns or controls such extinguishers shall comply with the following requirements:~~

- ~~1. A portable stored pressure fire extinguisher equipped with pressure indicators or gauges shall be maintained by a licensed service worker not less than once every two (2) years. All other portable fire extinguishers shall be maintained not less than once each year by a licensed serviceman. All such fire extinguishers shall meet all requirements and specifications as set forth in National Fire Protection Association Standard No. 10, Installation of Portable Fire Extinguishers, copies of which are on file in the offices of the city clerk and the fire department.~~
- ~~2. All such portable fire extinguishers shall be inspected every six (6) months and such inspection shall be recorded. After such inspection a licensed service worker shall thoroughly check said extinguisher immediately whenever any one of the following conditions occur:
  - ~~a. A dated licensed service worker's tag is not attached to the extinguisher.~~
  - ~~b. The maintenance interval as set forth in paragraph 1, above, of this section has expired.~~
  - ~~c. The extinguisher's tamper seal is broken.~~
  - ~~d. The extinguisher is damaged, impaired, leaking, under or over charged, or has obvious corrosion.~~
  - ~~e. The extinguisher has been used.~~
  - ~~f. Maintenance of the extinguisher is ordered by the fire marshal.~~~~
- ~~3. The use of inverted-type fire extinguishers shall be discontinued and they shall be discarded. "Inverted-type fire extinguisher" means all fire extinguishers that require the device to be turned upside down to be~~

activated. This includes soda acid, foam, water cartridge and loaded stream cartridge fire extinguishers. No person shall hydrostatically test any inverted-type fire extinguisher.

~~(d) Tampering with fire extinguishers. No person shall tamper, meddle or interfere in any way with any fire extinguisher or part thereof, or hose connected therewith, or any inside or outside standpipe or its connection or hose connected therewith, in or upon any public building, or empty, injure, break or destroy the extinguisher or standpipe, or the machinery, hose, fixtures or connections of said extinguisher or standpipe; provided, that nothing herein contained shall prevent the use of such extinguisher, hose or connections, inside or outside standpipe, or its connections or hose connected therewith, in the event of fire in the building in or upon which said apparatus is kept, or its vicinity, nor prevent the filling or repair of any extinguisher or the repair of any standpipe, connection or hose connected therewith, or the inspection of any of said auxiliary firefighting equipment by persons regularly authorized to inspect the same.~~

V. ~~Article 79, "Flammable and Combustible Liquids," is further amended by adding to Division 1, "General Provisions," Section 79.113, the following requirements for the abandonment or removal of flammable liquid tanks:~~

~~(g) Whenever a filling service station, or bulk oil plant, or other flammable liquid tanks on private property are abandoned or closed temporarily or permanently, a written notice to that effect posted no later than the date of abandonment or closing shall be given to the chief of the bureau of fire prevention, and if closed or abandoned for a temporary period only, and fill pipes shall be enclosed in concrete or secured in a manner approved by the chief of the bureau of fire prevention. If such filling station or bulk oil plant shall be closed, or abandoned permanently, all pumps and tanks shall be removed from the premises.~~

~~(h) All tanks which have contained gasoline or any flammable liquid shall be completely emptied of their contents and safely disposed of by removing from the premises. Emptied tanks shall be thoroughly purged with an inert gas such as carbon dioxide gas at the rate of fifty (50) pounds per one thousand (1,000) gallons of tank capacity and then securely plugged and capped at all openings and removed from the premises to a safe location approved for such storage by the bureau of fire prevention.~~

VI. Section 79.501, "Restricted Locations," is hereby amended to read as follows:

~~*Restricted locations.* The storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the fire limits.~~

VII. Section 79.1402 is hereby amended by adding thereto subparagraph (d) to read as follows:

~~(d) Location of plants. No new bulk plant shall be constructed within fire limits.~~

VIII. Article 29 Chapter 22 is amended to add the following section:

~~29.106. Section 2211. Garage Floor Pits.~~ There shall be no pit in any floor of any garage or service station without the approval of the chief of the fire prevention bureau. All lighting and wiring shall comply with state law. Mechanical ventilation shall be provided and shall be interlocked with the lighting system to provide ventilation when the lights are turned on.

IX. ~~Section 13.102, IV. Chapter 3, Section 310.9,~~ "Smoking," is hereby amended to add the requirements of the following additional subsections to apply in the city:

~~(e) Smoking in hotels, etc.~~ No person in any hotel, rooming house or other place of public abode shall smoke carelessly or negligently so as to set fire to any bedding, drapes, furniture or the like, thereby endangering life or property, and the manager or person in charge of any hotel, rooming house or other place of public abode shall make reasonable efforts to enforce these provisions. Notice of these provisions shall be conspicuously maintained in each sleeping room of every hotel, rooming house or other place of public abode.

~~(d) Smoking in stores.~~ No person shall smoke or carry a lighted cigar, cigarette, pipe or match in any retail store which is designed and arranged to accommodate more than one hundred (100) persons or in which more than ten (10) persons are employed, and the manager or person in charge of such a retail store shall make reasonable efforts to enforce these provisions. A person may smoke or carry lighted cigars, cigarettes, pipes or matches in designated smoking and rest rooms, restaurants, executive offices, beauty parlors and barbershops in such retail stores.

~~(e) Smoking in theaters.~~ No person shall smoke in any public area in any theater except in such parts of the theater as shall be designated and authorized by the management and approved by the fire prevention bureau. The manager or person in charge of a theater shall make reasonable efforts to enforce this provision.

~~(f) Smoking in elevators.~~ No person shall smoke, or carry a lighted cigar, pipe, cigarette or match in any elevator used by the public. Notice of this provision shall be conspicuously displayed by means of a lettered sign at least one and one-half (1 1/2) inches high, with the words "No Smoking" located in a prominent place within all such elevators.

~~(g) Smoking at public meetings.~~ No person shall smoke or carry a lighted cigar, pipe, cigarette, or other lighted smoking apparatus in any auditorium, room or enclosed place during the time that a public meeting is being held. In addition to it being a violation for a person to smoke or carry such prohibited articles, the

~~person conducting the meeting and the person in charge of the auditorium or other facility shall be responsible for notifying persons present at the meeting of the provisions of this subsection and for the conspicuous posting of "No Smoking" signs at all entrances to such meeting place normally used by the public. As used herein, public meeting shall include all meetings open to the public pursuant to Minnesota Statutes 471.705, Subd. 1, and any meeting of committees, groups, associations or other organizations held under the auspices of a body subject to Minnesota Statutes 471.705, Subd. 1. A violation of this subsection shall be punishable by a fine of not to exceed one hundred dollars (\$100.00).~~

~~X. Articles 77 and 82 of the Uniform Fire Code are hereby adopted and incorporated herein by reference.~~

Section 13. That Article IV of the above-entitled ordinance be and is hereby repealed.

#### **~~ARTICLE IV. PRECAUTIONS IN USE OF CHRISTMAS TREES AND DECORATIONS\*~~**

~~**173.450. Definition.** As used in this article the term "Christmas tree" means any natural tree which has been cut down and is set up, used, installed or maintained within any building, structure or tent for decorative or commemorative purposes.~~

~~**173.460. Rules in public places.** Every hospital, rest home, institution, school, church, hotel, clubroom, store and every place of public assembly or place of business to which the public is invited which shall use, keep, install or maintain Christmas trees, electrical decorations, or the like, shall observe and comply with the following regulations:~~

~~(a) — Every tree used for Christmas decoration, regardless of the type of tree, shall be placed, kept and maintained so that the butt, or bottom end of the trunk, is at all times immersed in not less than two (2) inches of water.~~

~~(b) — No cotton batting, straw, dry vines or leaves, celluloid or other flammable material shall be used unless fireproofed in a manner approved by the fire prevention bureau of the city.~~

~~(c) — No trees used for Christmas decoration or display shall be placed in or immediately adjacent to exit areas, light wells or stairwells in the buildings where the decoration has been set up.~~

~~(d) — No candles shall be used on Christmas trees. No electrical decorations shall be used on Christmas trees except in churches when used in connection with religious or ceremonial services; provided, however, that this exception shall not apply to regular Sunday School sessions.~~

~~173.470. Exception.~~ The provisions of this article shall not apply to artificial trees constructed of nonflammable materials.

~~173.480. Removal of violations.~~ The fire prevention bureau may disconnect or remove any tree or other Christmas decoration in violation of this article.

Section 14. That Section 173.510 of the above-entitled ordinance be amended to read as follows:

**173.510. Established; management and personnel.** There shall be a bureau of fire prevention in the fire department of the city under the jurisdiction of the chief of the fire department and to include the office and staff of the fire marshal. The fire marshal shall act as chief of the bureau of fire prevention, who shall hold such office at the pleasure of the chief of the fire department. The chief of the fire department may, from time to time, designate such and as many assistants as the chief of the fire department deems necessary for the proper performance of the functions and duties of the bureau. ~~The chief of the bureau of fire prevention~~ fire marshal shall have full management and control of all things pertaining to the bureau, and all subordinate officers, assistants, clerks and employees of the bureau shall be subject to such rules and regulations as shall be prescribed from time to time by ~~the chief of the bureau of fire prevention~~ fire marshal and approved by the chief of the fire department.

Section 15. That Chapter 173 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 173.515 to read as follows:

**173.515. 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.

Section 16. That Section 173.520 of the above-entitled ordinance be amended to read as follows:

**173.520. General duties.** The bureau of fire prevention shall enforce all laws and ordinances of the State of Minnesota and of the city, ~~covering the following:~~ pertaining to fire safety.

- (a) The prevention of fires;
- (b) The storage, sale and use of explosives and flammables;
- (c) The installation and maintenance of automatic and other fire alarm systems and fire extinguishers and equipment;

(d) The maintenance and regulations of fire escapes;

(e) The means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, and all other places in which numbers of persons work, live or congregate from time to time for any purpose;

~~(f) The investigation of causes, origin and circumstances of fires and the suppression of arson;~~

~~(g) The conducting of fire prevention campaigns and the preparation and circularization of fire prevention literature.~~

The bureau shall have such other powers and perform such other duties as are set forth in other sections of this article and as may be conferred and imposed upon it from time to time by law.

Section 17. That Section 173.530 of the above-entitled ordinance be and is hereby repealed:

~~**173.530. Jurisdiction over fire protection appliances.** If the chief of the bureau of fire prevention or those acting under or for said chief, shall find that the appliances on or in such premises, building or structure for the protection against fire are not in proper condition, or are of insufficient size or number, or are otherwise insufficient for the purpose for which the same are designed or intended, or shall find that such appliances are reasonably necessary for the protection of such premises, building or structure, and are wholly wanting, the chief shall order, in writing, in the case of such improper condition or insufficiency, that the same be placed in proper condition and rendered reasonably sufficient to afford reasonable protection against fire, and in the case of the absence of such appliances where it may be found that they are reasonably necessary for protection against fire, said chief shall order, in writing, the installation of such appliances to conform to existing regulations sufficient to afford such reasonable protection in the case of fire to such premises, building or structure and to the occupants thereof or persons rightfully on or in the same. The owner and/or the occupant of each building occupied as a place of assembly shall properly train sufficient regular employees in the use of fire appliances so that such appliances can be quickly put in operation.~~

Section 18. That Article VI of the above-entitled ordinance be and is hereby repealed.

## ~~ARTICLE VI. NOTICE OF FIRES~~

~~**173.560. Duty of person in charge.** The manager, person in control, or any employee of any church, school, theater, institutional building, hotel, public assembly unit, saloon, cafe, restaurant, factory, warehouse, elevator, mercantile building, or any~~

~~multiple dwelling capable of housing three (3) or more families or having one or more rental sleeping rooms, or of any automobile wrecking yard, junkyard, wholesale scrap material yard, scrap processing facility or waste material handling plant, or any other person who discovers a fire, smoke, heat or gases indicating that there is a fire in such building, or upon such premises, shall immediately call the fire department upon the discovery, or upon being informed of the presence of such fire, smoke, heat or gases in any such buildings or upon such premises.~~

~~**173.570. Delays forbidden.** No manager or person in control of any of the structures or facilities mentioned in section 173.560 shall issue any instructions directing employees not to notify the fire department, or instructing them to delay in calling the fire department immediately upon the discovery of a fire, smoke, heat or gases indicating that there is a fire.~~

~~**173.580. Notice to be posted.** Each manager or person in control of any of the structures or facilities mentioned in section 173.560 shall post, and keep posted, in conspicuous places in the building or upon such premises a notice in form approved by the fire prevention bureau, directing employees and others to call the fire department immediately upon the discovery of a fire, smoke, heat or gases indicating that there is a fire.~~

~~**173.590. Revocation of licenses.** A violation of this article by any person holding a license issued by the city shall be cause for revocation of such license held by him.~~

Section 19. That Article VII of the above-entitled ordinance be and is hereby repealed.

## **ARTICLE VII. PROTECTION OUTSIDE CITY**

~~**173.620. Application required.** Whenever any village, governmental subdivision, private corporation, or individual located outside of the limits of the city desires the city to furnish him with fire protection, he shall make written application therefor to the fire department of the city, specifying the corporate area or the nature and extent of the property for which such fire protection is to be furnished, and in the case of private corporations and individuals, furnishing a legal description of the real estate upon which the building and personal property to be protected are located, together in all cases with a statement of the total assessed valuation of said real estate and personal property or of property included in said corporate area as shown in the records of the county auditor as of the date of application, said statements to be furnished annually thereafter.~~

~~**173.630. Contract form.** The fire department shall thereupon furnish the applicant with contract forms to be made out and executed by the applicant pursuant to proper authority by its village council, or other governing body, or in case of corporations and individuals, by authorized persons, in accordance with the terms,~~

conditions and limitations contained in this article. Said contract form shall be prepared by the city attorney in accordance with the provisions of Sections 438.08 through 438.10, Minnesota Statutes.

~~**173.640. Surety bond.** (a) After proper execution of the contract and its approval by the city attorney, it shall be delivered to the fire department of the city, together with a surety bond in such sum as the chief of the fire department shall in his discretion, and subject to the approval of the fire committee of the city council, deem adequate, said bond to be drawn and approved as to form by the city attorney. Said bond shall be executed pursuant to proper authority by or in behalf of applicant, and by a responsible surety company authorized to do business in the State of Minnesota. The execution of said bond shall be approved by the city attorney, and the surety shall be approved by the city council.~~

~~(b) The conditions of said bond shall be for the payment of all charges which shall become due pursuant to the contract for fire protection, for the reimbursement to the city of all damages to the equipment used in connection with the fire protection furnished to the applicant, and for indemnifying the city, its officers, agents and employees against all claims for injury or damage to persons or property arising from the use of said equipment in furnishing fire protection to the applicant pursuant to the contract, and for the full performance by the applicant of all the duties and obligations assumed under the contract.~~

~~**173.650. Conditions of contract.** The contract to be prepared by the city attorney shall contain the following terms and conditions, in addition to such other terms and conditions as the city attorney, with the approval of the city council, shall see fit to incorporate in said contract:~~

~~(a) Release city from damage claims. In conformity with the rule of law of nonliability of the city to its residents in the performance of the governmental function of fire protection, the applicant releases the city, its officers, agents and employees, from all claims for damages or loss resulting from failure to furnish or delay in furnishing men or apparatus, or from failure to prevent, control or extinguish any conflagration, whether resulting from the negligence of the city, its officers, agents or employees, or otherwise. The applicant will indemnify and save harmless the city, its agents, officers and employees, from all claims for injuries, loss or damage to persons or property arising out of the use and operation of the equipment of the city in connection with the furnishing of the fire protection provided for by the contract.~~

~~(b) Reimburse city for damaged equipment. The applicant will reimburse the city for all loss and damage to said equipment while being used in connection with the furnishing of the fire protection provided for by the contract.~~

~~**173.660. Contract term; charges to conform to assessed valuation.** The contract shall be for a continuous term, subject however, to cancellation by either party upon thirty (30) days' written notice. The annual charges under said contract shall be~~

adjusted at the beginning of each year so that they will conform to the charges specified in section 173.710, on the basis of assessed valuation; and the statements of assessed valuation provided for in section 173.620 shall be furnished at least fifteen (15) days prior to the expiration of the year for which the annual charges have been paid.

**173.670. City to retain equipment sufficient to protect city.** ~~The chief of the fire department, or in case of his absence or disability, the person in active charge of the fire department, may in his discretion retain in the city, such equipment and personnel as may in his opinion be necessary for the proper and adequate protection of the city, and shall dispatch for the protection of the applicant only such personnel and equipment in response to fire alarms or calls by authorized persons as in his opinion can for the time being be safely spared from the city.~~

**173.680. City may recall apparatus in emergency.** ~~In case an emergency arises within the city while the equipment and personnel of the fire department are engaged in fighting a fire for the applicant, the chief or other person in active charge of the fire department may in his discretion recall to the city from the service of the applicant such equipment and personnel as he may in his opinion consider necessary to meet said emergency. The determination of the chief or the active head of the fire department as to what equipment shall be furnished or withdrawn as provided herein, shall be final and conclusive.~~

**173.690. Bill to be paid in thirty days.** ~~The bills in payment of any charges accruing under the contract shall be paid within thirty (30) days after receipt thereof, and in case of nonpayment within that time the city, through the chief of the fire department, may upon written notice immediately terminate the contract. The applicant shall pay for the fire protection the sums specified in the schedule incorporated in this article, or in any amendment to said schedule which shall be duly adopted by the city council, provided that no amended schedule shall go into effect until after thirty (30) days' written notice to the applicant.~~

**173.700. Approval of contract.** ~~After proper execution by the applicant and approval by the city attorney, said contract and bond shall be submitted to the city council, and upon proper approval by the city council shall be executed by the proper city officials, and a copy thereof delivered to the applicant. Said contract shall be in force and effect from and after execution and delivery by the city.~~

**173.710. Annual charges.** (a) ~~Charges for fire protection shall be as follows: The applicant, if a municipal corporation, shall pay an annual minimum charge of ten dollars (\$10.00) for each ten thousand dollars (\$10,000.00) or fraction thereof, of assessed valuation of the real and personal property for which the fire protection is to be furnished, including the real estate upon which the buildings and personal property are located, said assessed valuation to be determined by the latest figures shown on the books of the county auditor. If the applicant is other than a municipal corporation, the charge shall be five dollars (\$5.00) per year per ten thousand dollars (\$10,000.00) of insurable value of real and personal property protected, as certified by competent~~

authority. If the annual payments based upon assessed valuations or the insurable value of the real and personal property protected shall be less than the following minimum charges, then the applicant shall pay in lieu thereof minimum charges as follows:

- (1) ~~In case the applicant is an individual or church, he or it shall pay annually a minimum charge of fifty dollars (\$50.00).~~
- (2) ~~In case the applicant is a village or other governmental subdivision it shall pay an annual minimum charge of three hundred dollars (\$300.00).~~
- (3) ~~In case the applicant is a partnership, association or private corporation, except a church it or they shall pay a minimum annual charge of one hundred fifty dollars (\$150.00).~~

~~(b) "Association," as used in subsection (a)(1), shall not be construed as including groups of individuals who are associated together solely for the purpose of fire protection. Such individuals shall pay the annual minimum charge of fifty dollars (\$50.00); but in the discretion of the chief of the fire department, such individuals may jointly enter into a contract and furnish a joint bond. In such case the penalty of the bond shall be in such amount as the chief of the fire department, with the approval of the fire committee of the city council, shall determine will furnish adequate protection to the city.~~

~~(c) These annual charges shall be paid irrespective of whether the applicant during the year requires or requests the services of the equipment and personnel of the fire department. Such charges shall be in addition to the charges for equipment and personnel actually used for fire protection for the applicant.~~

~~**173.720. Charges for equipment and personnel.** The base charge for equipment and personnel actually used for fire protection shall be four hundred dollars (\$400.00) per hour per vehicle for service on a state trunk highway or when renegotiating contracts with other governmental agencies or parties for services rendered. This charge shall be calculated from the time of leaving the fire station until the time of return to the station.~~

~~**173.730. Billing.** The city coordinator shall bill the commissioner of transportation for expenses incurred by the Minneapolis Fire Department within the right-of-way of any state trunk highway.~~

~~**173.740. Deposit of moneys received.** All moneys received from the applicant in payment of charges for fire protection outside of the city shall be deposited by the city treasurer [finance officer] to the credit of the general fund.~~

~~**173.750. No charge where reciprocal agreement.** No charge shall be imposed for the use of fire equipment and personnel in the case of communities~~

~~maintaining paid fire departments which have reciprocal agreements for such service with the city.~~

~~**173.760. Special arrangements.** In special situations when the fire service which the municipality or federal agency or department desires or which the city is ready to furnish varies from that provided for by this article, particularly in situations where the service is to be furnished only in case of extreme emergency, the city shall be authorized to make a contract through its proper officers for such fire service upon terms agreed upon by the parties, without reference to the requirements of this article.~~

Section 20. That Article VIII of the above-entitled ordinance be and is hereby repealed.

### ~~**ARTICLE VIII. AUXILIARY ALARM SYSTEMS**~~

~~**173.790. Definitions.** As used in this article, unless otherwise indicated, the following terms are defined as follows:~~

~~*Auxiliary fire alarm system:* Any approved private fire alarm system connected by secondary fire alarm equipment to the emergency reporting system.~~

~~*Emergency reporting system:* A communications alarm system utilized by the city for reporting data of an urgent nature to an alarm headquarters. The system is furnished and maintained by the Northwestern Bell Telephone Company.~~

~~*Private fire alarm system:* Any fire alarm owned and installed by any person, partnership or corporation and wholly used in or on the premises of the owner.~~

~~*Secondary fire alarm equipment:* Equipment, conductors and associated appurtenances necessary to connect an approved private fire alarm system to the emergency reporting system.~~

~~**173.800. Connection to municipal alarm system.** Any person desiring to install an auxiliary fire alarm system, or to convert a private fire alarm system to an auxiliary fire alarm system, shall:~~

~~(a) Obtain from the director of inspections a proper permit and license, as required by the ordinances of the city, for the installation and maintenance of such a fire alarm system.~~

~~(b) Submit for inspection and approval by the director of inspections, the fire department and the electrical inspector full and complete plans and specifications for the installation, and no such installation or conversion shall be made unless approved by all of the departments mentioned herein.~~

~~**173.810. Installation and operation standards.** All auxiliary fire alarm systems shall be installed in rigid conduit or electrical metallic tubing installed as for light and power wiring as provided by chapter 99 of this Code, known as the electrical code, and operated and maintained in full conformance with the current standards set forth in the National Fire Protection Association's Pamphlet No. 72B, entitled "Auxiliary Protective Signaling Systems" which pamphlet is made a part hereof and is on file for public inspection in the office of the city clerk and the director of inspections.~~

~~**173.820. Responsibility for costs.** All costs and recurring charges incurred in the installation and maintenance of secondary fire alarm equipment shall be borne by the person requesting the same.~~

~~**173.830. Disconnection of nonconforming systems.** If any auxiliary fire alarm system is not operated and maintained in accordance with the provisions of this article, the fire prevention bureau shall, after five (5) days' written notice to the owner of the system, to the occupant of the property protected by the system and to the underwriters having jurisdiction, request the Northwestern Bell Telephone Company to disconnect the auxiliary fire alarm system from the emergency reporting system.~~

Section 21. That Article IX of the above-entitled ordinance be and is hereby repealed.

#### **ARTICLE IX. HIGH-RISE BUILDING FIRE PREVENTION\***

~~**173.900. Definition of high-rise buildings.** As used in this article, the term "high-rise building" means any building having floors used for human occupancy located more than seventy-five (75) feet above the lowest level of fire department vehicle access.~~

~~**173.910. Planning for emergencies in high-rise buildings.** Owners of high-rise buildings and their authorized representatives shall, in cooperation with the Minneapolis Fire Department, establish procedures which shall include, but not necessarily be limited to the following:~~

~~(A) — *Emergency action plan.*~~

~~(1) — A plan shall be established that describes the procedures to be followed in the event of fire or other emergencies. The plan shall be developed in accordance with regulations promulgated by the fire department, approved by the city council, and shall include, at a minimum, the following:~~

~~(a) — The procedure to be used to communicate an alarm;~~

~~(b) — The procedure to be used to evacuate or relocate building occupants and, specifically, handicapped individuals; and~~

- ~~(c) — The procedure to be used for the conduct of fire drills.~~
- ~~(2) — The applicable parts of the emergency action plan shall be distributed to all regular building occupants and conspicuously posted in each hotel guest room, office area and other locations as required by the fire department.~~
- ~~(3) — Upon changes in occupancy, use, or physical arrangement, the emergency action plan shall be promptly reviewed and updated.~~
- ~~(B) — *Fire safety director.* The owner or authorized representative shall assign a responsible person as fire safety director to work with the fire department in the establishment, implementation, and maintenance of the emergency action plan.~~
- ~~(C) — *Fire drills.*~~
- ~~(1) — Fire drills shall consist of, at a minimum, a test of the alarm communication procedure described in the emergency action plan and making all regular building occupants familiar with the emergency action procedures.~~
- ~~(2) — A written record of such drills shall be kept on the premises for a three-year period and shall be readily available for inspection by the fire department.~~
- ~~(D) — *Deadline for compliance/penalty.*~~
- ~~(1) — The fire department shall notify the owners whose buildings are subject to the provisions of this article. Within thirty (30) days of the date of owner notification, the name of the fire safety director shall be forwarded to the fire department. The emergency action plan shall be completed within one hundred eighty (180) days of the date of owner notification. The initial fire drill shall be conducted within ninety (90) days of the completion of the emergency action plan and subsequent drills shall be conducted at least every six (6) months.~~
- ~~(2) — It shall be the responsibility of the chief of the fire department or his designee to enforce compliance of this article.~~
- ~~(3) — The penalty for failure to comply with this section shall be a fine not to exceed five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both.~~