

2011-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Glidden

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 174.400 of the above-entitled ordinance be amended to read as follows:

174.400. Commercial building defined. Commercial building is defined as any building subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy. For ~~these~~ buildings with mixed occupancy uses inclusive of residential occupancy, the provisions of this article shall apply to the non-residential occupancy portions of ~~such~~ the buildings.

Section 2. That Section 174.410 of the above-entitled ordinance be amended to read as follows:

174.410. Certificate of registration required. The owner of any commercial building shall obtain an annual renewable certificate of registration ~~indicating that the building and its associated uses and occupancies are in compliance with all requirements of this article and the fire code.~~ No building, or ~~in the case of a mixed occupancy building,~~ portion of a building ~~upon the judgment of the fire marshal,~~ shall ~~continue to be occupied without such a~~ valid certificate of registration after a reasonable time, ~~as fixed by written order of the fire marshal pursuant to section 174.430(3).~~

Section 3. That Section 174.420 of the above-entitled ordinance be amended to read as follows:

174.420. Issuance of certificate of registration. ~~The certificate of registration required pursuant to this article shall be issued after inspection by the fire marshal or the fire marshal's designee reveals that the use and occupancy of the commercial building is in conformity with the requirements of this article and~~

~~the Minnesota State Fire Code. The owner and occupants of any commercial building shall cooperate in facilitating any inspections required pursuant to this article and reinspection fees may be charged pursuant to section 1.120 of this Code for any required reinspection finding noncompliance conducted after the due date for compliance with a duly issued order. The certificate of registration required pursuant to this article shall be required one (1) year after the initial occupancy of any commercial building and annually thereafter, and shall be required annually for any existing commercial building. The certificate of registration shall contain the following information: A certificate of registration shall be issued each year after payment of the annual fee as required in Section 174.440. The director of regulatory services, fire code official, or a designee may inspect the commercial building to determine its conformity with the Minnesota State Fire Code. The owner and tenants of the building shall cooperate in facilitating any inspections. Administrative citations as authorized pursuant to Section 1.120 may be issued for noncompliance after the due date of any duly-issued order. A certificate of registration is required one (1) year after initial occupancy of any commercial building and each year thereafter and is required annually for any existing commercial building. The certificate of registration shall be posted in a conspicuous place on the premises and shall not be removed except by the fire code official or designee. The certificate shall contain the following information:~~

- ~~(1) The building certificate number.~~
- ~~(2) The address of the building.~~
- ~~(3) The name and address of the owner.~~
- ~~(4) A description of that the portion of the building for which the certificate is issued.~~
- ~~(5) A statement that the described portion of the building has been inspected for compliance with the requirements of the fire code for the group and division of occupancy and the use for which the occupancy is classified.~~
- ~~(6) The name of the building contact or official.~~

Section 4. That Section 174.430 of the above-entitled ordinance be amended to read as follows:

174.430. Renewal required. ~~(a) For every commercial building governed by this article, a~~ The director of regulatory services, fire code official or a designee shall schedule on a rotating basis periodic inspections shall be scheduled by the fire marshal of commercial buildings subject to the provisions of this article. ~~When Should the results of such an inspection shall show that the~~

commercial building fails in any respect to comply with the provisions of this article or the fire code Minnesota State Fire Code, the director of regulatory services, fire marshal code official or designee shall notify the owner to this effect and specify wherein such commercial building fails to comply with the requirements of this article or the provisions of the fire code of the deficiencies. The fire marshal code official, director of regulatory services or designee shall take the necessary action to secure compliance with the provisions of this article and the fire code, so that no immediate hazard to health or safety of the occupants or public is allowed to continue identify deficiencies and cause all fire and life safety hazards to be abated.

(1) ~~*Temporary certificate.*~~ If the fire marshal finds that no substantial hazard will result from occupancy of any commercial building or portion thereof before any required code compliance is completed, a temporary certificate of registration may be issued for the portion or portions of a commercial building prior to the completion of any required code compliance by the entire commercial building.

(2) ~~*Posting.*~~ The certificate of registration shall be posted in a conspicuous place on the premises and shall not be removed except by the fire marshal.

(3) ~~*Denial, suspension and revocation.*~~ The fire marshal may, in writing, suspend or revoke a certificate of registration issued under the provisions of this article whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the commercial building or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code. Whenever a certificate of registration is denied, suspended or revoked, the fire marshal shall notify the owner or operator of the commercial building in writing. The notice shall be served upon the owner or operator of the commercial building in person or by first class mail and it shall inform the owner or operator of the right, within twenty (20) days after the date of the notice to request an appeal of the denial, suspension or revocation to the fire code appeals board. If an appeal is timely received the hearing before the fire code appeals board shall take place within a reasonable period thereafter.

(b) Denial, suspension and revocation. The director of regulatory services, fire code official or designee may suspend or revoke a certificate of registration issued under the provisions of this article when the certificate is issued in error, when incorrect information is supplied, or when the commercial building or portion thereof is in violation of this chapter. Whenever a certificate of registration is denied, suspended or revoked, the owner or operator of the commercial building shall be notified in writing. The notice shall be served upon the owner or

operator of the commercial building in person or by first class mail, and shall also be posted on the building in a conspicuous place. The notice shall inform the owner or operator that the determination may be appealed to the fire code variance appeals board within twenty (20) days of the date of the notice. If an appeal is received within the twenty (20) day period the hearing before the fire code variance appeals board shall take place within a reasonable period thereafter.

(c) *Vacation of building.* If the owner or operator of a commercial building fails to renew a certificate of registration, or if the certificate is denied, suspended, or revoked, the director of regulatory services, fire code official or designee may vacate the building after providing seventy-two (72) hours notice to vacate. The notice shall be provided in writing to the owner or operator of the building and shall be posted on the building in a conspicuous place.