

2011-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Glidden

Amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service.

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

Section 1. That Section 289.50 of the above-entitled ordinance be amended to read as follows:

289.50. Application for license; issuance. (a) Any person desiring to engage in the business of servicing fire extinguishers as herein defined, and any person desiring to service his own fire extinguishers shall make written application to the director of licenses and consumer services for a license so to do. Such application shall be made on forms to be provided by the department of licenses and consumer services, and said application shall state thereon the name of the person, firm or corporation desiring such license and the place of business. An application for a Class B license shall include the address of all locations to be serviced by the applicant.

(b) No such license shall be issued unless such person, or, where the applicant is a firm or corporation, a member of such firm or officer of such corporation at the time of the making of the application, ~~is the holder of a valid existing general certificate of competency, certified to by the fire marshal. No such license shall be issued unless the applicant~~ has such equipment and facilities as are reasonably necessary and adequate for servicing fire extinguishers.

Section 2. That Section 289.70 of the above-entitled ordinance be and is hereby repealed.

~~**289.70. Certificate required.** No person shall engage in the business of or be licensed to engage in the business of servicing fire extinguishers unless that person is the holder of a current certificate of competency to do so.~~

Section 3. That Section 289.80 of the above-entitled ordinance be and is hereby repealed.

~~**289.80. Certificates of competency classified.** Certificates of competency, for the purposes of this chapter, shall be of two (2) kinds, apprentice and general. A general certificate of competency shall authorize the holder thereof, when duly licensed, to engage in and carry on the business of servicing fire extinguishers as herein defined. The apprentice certificate of competency shall authorize the holder of such certificate to train for the occupation of servicing fire extinguishers under the supervision and direction of a person holding a general certificate.~~

Section 4. That Section 289.90 of the above-entitled ordinance be and is hereby repealed.

~~**289.90. Certification procedure.** (a) Any person desiring to obtain a certificate of competency such as herein provided for, whether general or apprentice, shall make written application therefor to the fire marshal on application forms to be supplied by the Minneapolis Fire Department. The fire marshal shall investigate the qualifications of each application for such certificate of competency and shall subject the applicant to such reasonable test or tests as deemed necessary to determine whether the applicant has sufficient knowledge, training and experience to properly carry on the business of or work of servicing fire extinguishers, and to issue to each applicant who satisfactorily passes the examination the desired certificate of competency upon payment by the applicant of the fees hereinafter provided for and to issue renewals of such certificate from year to year as hereinafter provided upon the payment of the required fee therefor.~~

~~(b) General certificates of competency as required by this chapter shall expire on the first day of October of each year. An apprentice certificate shall expire one year from the date of issuance and shall be nonrenewable. In the event a general certificate of competency shall lapse for a period of one year or more, then it shall be necessary for the person, firm or corporation, whose certificate has so lapsed, to pass a new examination as heretofore required for the first original certificate of competency.~~

~~(c) Applications for certificates of competency, both general and apprentice, shall be made on forms prescribed and furnished by the fire department accompanied by an application fee of ten dollars (\$10.00). No such examination fee as paid shall be subject to refund to such applicant in the event of failure to pass an examination. For each renewal of the certificate of competency, the applicant shall pay a fee of five dollars (\$5.00). The department shall hold examinations quarterly unless it determines more frequent examinations are necessary.~~

Section 5. That Section 289.100 of the above-entitled ordinance be amended to read as follows:

~~**289.100. Certificates to be numbered; information on serviced extinguishers.** Each certificate of competency, whether general or apprentice, shall be identified with a number upon issuance, and immediately after the servicing of any fire extinguisher, the person so servicing shall clearly and legibly write or stamp on the card attached to the fire extinguisher the name of the licensee and his, her, or their certificate~~

of competency license number and the name and number of the apprentice's certificate of competency if such servicing is performed by an apprentice.

Section 6. That Section 289.107 of the above-entitled ordinance be amended to read as follows:

289.107. Refresher program; fee. A refresher program of not more than a one-day session may be sponsored or conducted once each year by the ~~fire department city~~. The program shall place special emphasis on new regulations. If conducted every person ~~certified~~ licensed under this chapter or, where the license holder is a firm or corporation, a member of the firm or officer of the corporation shall attend one (1) such refresher program every two (2) years as a condition of the license renewal of such certificate. The ~~department city~~ may charge a reasonable fee, ~~not to exceed ten dollars (\$10.00)~~, to cover the costs of such program.

Section 7. That Section 289.110 of the above-entitled ordinance be amended to read as follows:

289.110. Revocation of Adverse license or certificate action. ~~(a) *Revocation of license*: The city council may revoke, or suspend, refuse to issue or renew or take other appropriate adverse license action against any license issued hereunder for cause, which may include: Any person, firm or corporation licensed pursuant to this chapter who shall permit any person to service any fire extinguisher as defined by this chapter without such person being certified as required by this chapter shall subject such person, firm or corporation to a revocation or suspension of such license.~~

~~(b) *Revocation of certificate*: After a hearing by a certificate of competency review board is conducted, the fire marshal may either refuse to issue or renew, or may suspend or revoke any certificate of competency for any of the following causes:~~

- ~~(1) Any violation of any of the provisions of this chapter or chapter 259.~~
- ~~(2) Having obtained or having attempted to obtain an ~~apprentice permit or certificate of competency~~ a license by fraudulent misrepresentation.~~
- ~~(3) Malpractice or incompetency in fire extinguisher sales or servicing.~~
- ~~(4) Advertising fire extinguisher sale or servicing by means of knowingly false or deceptive statements.~~
- ~~(5) Failure to properly perform all required maintenance and testing provisions as set forth in the National Fire Protection Association Standard #10, current edition.~~
- ~~(6) Violation of any provision of this chapter as formulated and administered by the fire marshal or violation of any provision of these regulations.~~

(7) Other good and sufficient cause.