

2011-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Gordon

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 174.410 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 portion of a building upon the judgment of the fire marshal, shall continue to be occupied without such valid certificate of registration after a reasonable time, as fixed by written order of the fire marshal pursuant to section 174.430(3).

Section 2. 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:

- (1) The building certificate number.
- (2) The address of the building.

- (3) The name and address of the owner.
- (4) A description of that 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 3. That Section 174.430 of the above-entitled ordinance be amended to read as follows:

174.430. Renewal required. For every commercial building governed by this article, a periodic inspection shall be scheduled by the fire marshal. When the results of such inspection shall show that the commercial building fails in any respect to comply with the provisions of this article or the fire code, the fire marshal 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. The fire marshal 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.

- (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.

Section 4. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 174.435 to read as follows:

174.435. Recycling at commercial buildings. (a) *Service required.* Beginning September 1, 2011, every person required pursuant to section 225.40 to provide containers for the collection of solid waste at any commercial building or use shall do the following to facilitate recycling activity in each such commercial building or use:

- (1) Provide, by contract with a licensed private collection vendor, adequate containers for the recycling of at least those materials that are generated at the building and designated as recyclable materials pursuant to section 225.05 and Article VI of Chapter 225. Persons who provide their own collection and delivery of recyclable materials to a recycling facility may provide containers at their own cost. Containers shall be stored on the premises of the building in locations that are convenient for the deposit and collection of recyclable materials. A commercial building that houses multiple tenants, uses or occupants may have such containers located in an accessible and shared location or locations. Recycling services provided pursuant to this section may be shared by multiple locations provided that adequate containers are reasonably available and accessible from each location.
- (2) Provide for the collection and delivery of recyclable materials to a recycling facility by self-hauling or by contract with a licensed private collection vendor, at a regular frequency of at least twice monthly.
- (3) Distribute written information and instructions describing the recycling program. The owner or operator of any commercial building that contracts for or otherwise offers or is required to offer recycling services pursuant to this section shall distribute such written information to each business or commercial use located in the building on at least an annual basis that describes the types of materials accepted for recycling, the locations of the containers and any other information necessary for a building tenant or occupant to access and utilize the recycling services.
- (4) Provide, upon the occurrence of the periodic inspection required by this article or upon the order of the fire marshal or city engineer, a written recycling plan describing the recycling services offered at the commercial building or use and addressing any other issues deemed relevant by the fire marshal or the city engineer.

(5) Provide, upon the order of the fire marshal or the city engineer, any documentation, receipts or contracts requested to establish compliance with this section.

(b) *Enforcement and penalties.* The fire marshal and the city engineer and their authorized representatives and designees shall enforce the provisions of this section. If it is determined that a person required to provide commercial recycling services subject to this section fails to meet any requirement of this section, the fire marshal or city engineer shall mail a warning notice to the person. The notice shall specify the reasons why the commercial building or use fails to meet the recycling standards set forth in this section. The notice shall indicate that the person has ten (10) business days to comply with the ordinance. Any person who fails, omits, neglects, or refuses to comply with the provisions of this section after the period of compliance provided for in the required warning notice shall be subject to an administrative penalty pursuant to Chapter 2 and the schedule of civil fines adopted by the city council. The provisions of Chapter 2 shall govern the appeal and hearing rights afforded to any such person. Additionally, failure to comply with this section may constitute good cause for the denial, suspension, revocation or refusal to issue the certificate of commercial building registration provided for pursuant to this article.