

**CHAPTER 13
FIRE PREVENTION AND CONTROL**

SECTION 1

1301.000. FIRE PREVENTION AND CONTROL.

1301.001. MINNESOTA STATE FIRE CODE. The Minnesota State Fire Code (MSFC), or its current successor, including all appendices, or their current successor, one (1) copy of which has been marked as the official copy and which is on file in the office of the Fire Chief, is hereby adopted as the Fire Code for the City of Winsted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosions, except such portions as are modified or amended. Every provision contained in this Code, except as modified or amended, is hereby adopted and made a part of this Ordinance as is fully set forth herein. The Fire Chief may issue permits where required under the Minnesota Uniform Fire Code where applications are properly submitted as required by the Code for the particular permit being sought. The Chief shall not issue a permit for a period to exceed one (1) year. The Chief shall issue permits having a duration of less than one (1) year where the circumstances deem same to be reasonable and proper. No permit shall be issued under the Code until the applicant has paid all necessary fees to the City of Winsted for said permit.

1301.002. ENFORCEMENT.

- A. The Chief of the Fire Department serving the City of Winsted and Building Official, under the supervision of the City Council, or an authorized representative, shall enforce the provisions of this Ordinance, the Minnesota State Fire Code, and any State statutes pertaining to fire and fire safety.
- B. The Chief of the Fire Department may appoint such members of the Fire Department as inspectors as shall be necessary from time to time to provide additional enforcement support. The Chief of the Fire Department may recommend the employment of technical inspectors, who, when authorized, shall be selected through an examination or interview to determine their fitness for the position. The examination or interview shall be open to members and non-members of the Fire Department and appointments made shall be for an indefinite term with removal only for cause.

1301.003. DEFINITIONS.

- A. Wherever the word "jurisdiction" is used in the Minnesota State Fire Code, it shall be held to mean the City of Winsted.

1301.004. APPEALS. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within thirty (30) days from the date of the decision.

1301.005. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The City Administrator, the Building Inspector and the Fire Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code.

1301.006. EXHIBIT HALLS AND ASSEMBLY OCCUPANCIES.

A. Solid Fuel Burning Appliances. Use of solid fuel burning appliances for display purposes shall not be allowed in assembly occupancies other than cooking fuel as described in NFPA 101, 2000 Edition, and Section 12.7.1.4.

Solid fuel appliances may be defined as any appliance that uses decomposition of cellulose material, hydrocarbon solids, animal fat or proteins to produce heat or leaves an ash residue. This would include plant products or materials, wood, coal, mesquite, etc.

B. Compressed flammable gas cylinders and flammable or combustible liquids used for display purposes shall be prohibited within exhibit hall and assembly occupancies.

C. Fireworks use, sales display, or storage shall not be allowed in assembly occupancies or within 100 feet of the structure, unless separated by an approved permanent partition, such as a building wall.

D. Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The Fire Chief or their designated agent, upon finding overcrowding conditions or obstructions in aisles, passageways, or other means of egress, or upon finding a condition which constitutes a serious menace to life, is authorized to cause the performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected.

E. Obstruction of fire apparatus lanes or roads. Parking of motor vehicles in or otherwise obstructing fire lanes shall be prohibited at all times. Any vehicle so parked is the act of a registered owner as well as the act of the person actually parking the vehicle. For purposes of this section, registered owner is defined to include motor vehicle leasing agencies and corporate owners. It shall be a defense to any violator if the registered owner shows that on the date of the offense, title has been transferred to another. A violation of this section is a petty misdemeanor as defined by Minnesota Statute § 609.02, Subdivision 4a, and shall be punished by a fine.

1301.007. STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVE GROUND TANKS. Pursuant to the MSFC, storage of flammable or combustible liquids in outside, above ground tanks is prohibited in all districts except where allowed as permitted by the MSFC.

Temporary installations of flammable or combustible liquid tanks, used for construction purposes, may be allowed with a permit obtained from the Fire Chief or Building Official.

1301.008. STORAGE OF EXPLOSIVES AND BLASTING AGENTS. Pursuant to the MSFC, storage of explosives and blasting agents is prohibited in all districts, except where permitted by the MSFC.

1301.009. MODIFICATIONS. The Fire Chief, upon approval obtained from the City Council, shall have the authority to modify any of the provisions of the MSFC upon application in writing by the owner or licensee or a duly authorized agent, where difficulties exist in carrying out a strict interpretation of the MSFC, provided that the spirit of the MSFC shall be observed, public safety secured, and substantial compliance achieved. The reasons for each such modification when granted or allowed, and the decision of the City thereon shall be entered upon the records of the City and a copy thereof furnished to each applicant.

1301.010. PENALTIES.

- A. Any person who shall violate any provisions of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a Court of competent jurisdiction, , shall be guilty of a misdemeanor, for each and every violation and non-compliance respectively, punishable by a fine and/or by imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

1301.011. REPEAL OF CONFLICTING ORDINANCES. All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

1301.012. HISTORY OF REPEALS. Ordinance 36 has been repealed.

(Ord. 20-06, 7/2/20)