

*1ST READING:	5/4/2001
REFERRED TO (NAME OF) COMMITTEE:	PS&RS
PUBLIC HEARING:	5/23/01 in PS&RS
2ND READING AND FINAL PASSAGE:	6/8/01

2001-0r- 069

AN ORDINANCE

of the

CITY OF

MINNEAPOLIS

12

Substitute

Biernat and Ostrow

presents the following ordinance:

Amending Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection by adding a new Chapter 174 entitled "Minneapolis Fire Department. Fire Prevention Bureau."

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 174 to read as follows:

CHAPTER 174. MINNEAPOLIS FIRE DEPARTMENT. FIRE PREVENTION BUREAU

ARTICLE I. PERMITS FOR THE STORAGE, USE AND HANDLING OF HAZARDOUS MATERIALS

174.10. 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 Uniform 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.

Hazardous materials are those materials defined in Article 2 and Article 80 of the Uniform Fire Code, and any materials mentioned in the Federal Emergency Planning and Community Right-to-Know Act ("SARA Title III"), that are above the exempt amounts mentioned.

174.20. Permits required. The Minneapolis Code of Ordinances requires that every commercial building or structure that stores, uses or handles hazardous materials have an annual renewable permit for the storage, use and handling of hazardous materials issued by the fire marshal posted in a conspicuous place on the premises.

No building that is required to have a permit shall continue to be occupied without such permit after a reasonable time, as fixed by written order from the fire marshal.

Before a building can be permitted, or re-permitted, it must be inspected by the fire marshal and found to conform to the requirements of the Uniform Fire Code at the time of construction or at the time of conversion to its present use.

174.30. Use or occupancy. No facility, building or structure in Group H (Hazardous) occupancies as defined in the Uniform Fire Code, nor any facility, building or structure regulated by SARA Title III, nor any other commercial structure that stores, handles or uses hazardous materials shall be used or occupied, and no change in the existing occupancy

classification of a building or structure or portion thereof shall be made until the fire marshal has issued a permit for the storage, use and handling of hazardous materials therefor as provided herein.

174.40. Change in use. Changes in the character or use of a facility, building or structure as those changes relate to the storage, use or handling of hazardous materials shall not be made without the approval of the fire marshal, and the building may be occupied for purposes in other groups provided the new or proposed use is less hazardous, based on risk to life and safety, and fire risk, than the existing use.

174.50. Permit issued. After final inspection by the fire marshal, when it is found that the facility, building or structure complies with the provisions of the Uniform Fire Code, the fire marshal shall issue a permit for the storage, use and handling of hazardous materials. After the fire marshal inspects the building or structure and finds no violations of the provisions of the Uniform Fire Code, the fire marshal shall issue a permit that shall contain the following:

1. The building permit 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 permit is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of the Uniform Fire Code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building contact or official.

174.60. Existing buildings. Every commercial building that involves the storage, handling or use of hazardous materials shall have a permit for the storage, use and handling of hazardous materials issued by the fire marshal and posted on the premises. Before such a permit can be issued, such building shall be inspected by the fire marshal and found to conform to the requirements of the Uniform Fire Code at the time of construction or at the time of conversion to its present use, as such use relates to the storage, use or handling of hazardous materials. No building which is required to have a permit for the storage, use and handling of hazardous materials shall continue to be occupied without such permit.

174.70. Renewal required. For every building in the City of Minneapolis governed by this ordinance, an annual inspection shall be scheduled by the fire marshal on a one-year cycle. If it is found that such buildings do not conform to the applicable requirements, the permit for the storage, use and handling of hazardous materials may be revoked and the building shall not be occupied until such time as the building is again brought into compliance with such requirements.

Temporary permit. If the fire marshal finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary permit for the storage, use and handling of hazardous materials may be issued for the use of

a portion or portions of a building or structure prior to the completion of the entire building or structure.

Posting. The permit for the storage, use and handling of hazardous materials shall be posted in a conspicuous place on the premises and shall not be removed except by the fire marshal.

Revocation. The fire marshal may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

174.80. Emergency response plans. Any facility, building, structure or commercial entity required to draft and submit an emergency response plan pursuant to SARA Title III, shall submit the emergency response plan to the fire marshal. The fire marshal shall review the plan with the facility on an annual basis as part of the annual permit renewal process.

174.90. Annual fee schedule for permits for the storage, use and handling of hazardous materials. The fees for permits issued pursuant to this section are as follows:

		<u>Minimum</u>	<u>Maximum</u>
Commercial	\$7.00 per 1000 sq. ft.	\$100.00	\$370.00
Reinspections caused by occupant	Add 50%		
No entry fee	Add \$50		
Late fee	Add 10%		
Discounted fee for no violations	Subtract 25%		

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Ostrow	X						Thurber	X					
Campbell	X						McDonald	X					
Biernat	X						Mead	X					
Johnson	X						Colvin Roy	X					
Niland	X						Lane	X					
Goodman	X						President						
Herron	X						Cherryhomes	X					

PASSED JUN 8 2001 **APPROVED** NOT APPROVED - VETOED JUN 13 2001

[Signature] PRESIDENT OF COUNCIL *[Signature]* MAYOR

ATTEST *[Signature]* ASST. CLERK