

CHAPTER 2**ADMINISTRATION****210. FIRE DEPARTMENT**

Section 210.01. Title. This Ordinance is entitled the Fire Protection Ordinance of the City of Medina.

Section 210.03. Fire Protection Provided. The City Council of the City of Medina, shall provide fire protection by entering into contracts with various municipal and volunteer fire departments upon such terms and conditions as the City Council may deem beneficial to the citizens of Medina.

Section 210.05. Purpose and Intent of Fire Regulations. It is the purpose and intent of the Fire Regulations to promote high standards of quality in the construction and maintenance of buildings, to improve the tax base with well constructed and well maintained buildings, and to enhance the value and condition of property within the City of Medina. It is not the intent of these Fire Regulations to provide compensation to victims of fire, to guarantee absolute compliance with all Fire Regulations, or to indemnify owners of private property against loss occasioned by their failure to comply with these Fire Regulations.

Section 210.07. Authority of Fire Chief Under Contract. The Fire Chief of each Fire Department contracting with the City of Medina shall have the powers and authorities set forth in such contract. In addition thereto, the Fire Chief of each contracting Fire Department shall investigate the cause, origin and circumstances of each and every fire occurring in the district for which such Chief is responsible, and shall file a report thereon with the office of the State Fire Marshal as required by MSA § 299F.04. The City Fire Marshal, as established herein, shall have no duty to conduct such investigation. The authority of the City Fire Marshal shall be subordinate to that of the Fire Chief in each district, except as to matters contained in §§ 1110.05 through 1130.15 hereof, inclusive.

Section 210.09. Traffic Regulation. No person shall drive any vehicle over any fire hose except at the direction or the command of a Police Officer or a member of a Fire Department. Upon the approach of a Fire Department vehicle which is displaying emergency lights or sounding a siren, the driver of every non-emergency vehicle shall drive the same to a position as near as possible to the right hand edge of a street, outside of any street intersection, and shall remain in such position until such Fire Department vehicle has passed, or until otherwise directed by a Police Officer or a member of the Fire Department.

Section 210.11. Spectators At Emergency Scene. The officer of the Fire Department in command at the scene of any fire or other emergency shall have the authority to establish an emergency zone within which no person except members of the Fire Department and the Police Department shall enter, unless directed or permitted to do so by such officer in command. No person shall enter such emergency zone unless authorized as set forth herein.

Section 210.13. Removal of Endangered Property. The officer of the Fire Department in command at any fire or other emergency shall have the power to cause the removal of any property, whenever it becomes necessary for the preservation of such property, or to prevent the spreading of any fire, or to protect adjoining property, and to that end may enter and may authorize a member of the Fire Department to enter any premises for the purpose of carrying out the intent of this paragraph. No person shall interfere with the removal of endangered property as set forth hereunder.

Section 210.15. Tampering With a Fire Alarm System and Issuing False Alarms. It shall be unlawful for any person to tamper with or interfere with any element of any Fire Alarm System within the City. It shall be unlawful for any person to issue, or cause to be issued, an alarm of fire or other emergency condition when no fire or emergency exists.

Section 210.17. Obstruction Prohibited. No person shall park a vehicle or locate any object in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within 10 feet of a fire hydrant shall be deemed an obstruction of such fire hydrant.

Section 210.19. Office of Fire Marshal Established, Appointment. The office of Fire Marshal is hereby established. The Fire Marshal shall be appointed by the City Council to serve for an indefinite period and until its successor is appointed and qualifies. The Fire Marshal may be discharged by a majority of the City Council, with or without cause. Appointment and termination of employment shall be established by motion or resolution of the City Council.

Section 210.21. Duties of the Fire Marshal. It shall be the duty of the Fire Marshal to inspect all commercial buildings, industrial buildings, and multiple dwellings containing more than two dwelling units and to notify the owner of record of such building or the legal occupant thereof of any violations of the fire regulations hereinafter set forth. Such inspections shall be conducted once each calendar year. A further inspection shall be conducted upon direct receipt by the Fire Marshal, in his official capacity, of a complaint of a violation of the fire regulations hereinafter set forth.

Section 210.23. Right of Entry. The Fire Marshal shall have the authority, subject to provisions of this section, to enter private property for the purpose of making an annual inspection, or an inspection in response to a complaint received directly by the Fire Marshal in his official capacity. Entry by the Fire Marshal shall be with the consent of the record owner or legal occupant of the building. The Fire Marshal shall prepare a list of the record owners of all property subject to the Fire Regulations and, on or before January 15th of each year, shall notify said record owner by first class mail that the building is subject to fire inspection without further notice. Consent to make any required inspections during the calendar year shall be deemed given by such record owner unless, on or before February 15th of the said calendar year the record owner files a written notice with the Fire Marshal withdrawing consent to the said inspections. Upon receipt of any notice of withdrawal of consent, the Fire Marshal shall forward the same to the City Attorney together with any supporting data required, and the City Attorney shall obtain an Administrative Inspection Warrant from a Judge of Municipal Court and return the same to the Fire Marshal.

Section 210.25. Exercise of Authority. The Fire Marshal shall have and exercise all the powers of a Peace Officer under the laws of the State of Minnesota provided that the Fire Marshal need not be a Peace Officer licensed by the State of Minnesota. No Police Officer or City employee shall exercise the duties of the Fire Marshal while on duty as a Police Officer or other City employee.

Section 210.27. Fire Regulations Established. The following Fire Regulations are established in the City of Medina, for all premises zoned or used for commerce or industry or multiple dwellings containing more than two dwelling units.

Section 210.29. Fire Lanes. The Fire Marshal is hereby authorized and directed to recommend to the City Council the establishment of a fire lane on public and private property in such places as may be necessary in order to insure that access is available at all times for fire fighting equipment and that fire hydrants, hoses, endangered buildings, and other structures and appurtenances are not obstructed. Any such recommendation shall be forwarded to the City Council and upon approval thereof by the City Council, appropriate signs bearing the words "NO PARKING-FIRE LANE" shall be erected at the expense of the property owner, under the supervision of the Director of Public Works. No person shall park a vehicle or locate any object in such a way to obstruct a Fire Lane.

Section 210.31. Maintenance of Exit Ways. Maintenance of exits, corridors, ramps, and other appurtenances shall be regulated by Article X of the 1973 Uniform Fire Code which is adopted by reference, except that abatement procedures shall be as set forth herein.

Section 210.33. Chimneys. All chimneys, incinerators, smokestacks, and the stoves, furnaces, fire boxes or boilers to which they are connected, shall be constructed and maintained in accordance with the Mechanical Code and the Building Code.

Section 210.35. Fire Extinguishers and Appliances. The Fire Marshal shall designate the type and number of fire extinguishers to be installed and maintained in and upon all buildings and premises governed by these fire regulations. The type and number shall be determined after considering the use and contents of the building, the severity of a probable fire, and the rapidity with which it may spread.

Section 210.37. Bowling Alleys. Bowling Alleys shall be governed by Article IV of the 1973 Uniform Fire Code which is adopted by reference.

Section 210.39. Garages. Public service garages shall be regulated by Article XVIII of the 1973 Uniform Fire Code which is adopted by reference.

Section 210.41. Automatic Alarm System. Any person who owns, or maintains on premises occupied by him, an automatic fire alarm system which sounds a false alarm more than twice during any calendar year shall pay to the City of Medina, a civil penalty of \$100.00 for each such false alarm in excess of two.

Section 210.43. Fire Hydrants and Fire Lines, Enforcement. Enforcement of this ordinance regulating the obstruction of fire hydrants and fire lanes may be commenced by the Fire Marshal or any Peace Officer in accordance with the Minnesota Rules of Criminal Procedure.

Section 210.45. Enforcement of Fire Regulations. The Fire Marshal shall enforce violations of the Fire Regulations by the issuance of a Compliance Order setting forth the violations of the ordinance and ordering the record owner or legal occupant of the premises to correct any such violations within a reasonable time. The Compliance Order shall:

Subd. 1. Be in writing.

Subd. 2. Describe the location and nature of the violations of this ordinance.

Subd. 3. Establish a reasonable time for the correction of such violation.

Subd. 4. Be served upon the record owner by first class mail or personally upon the legal occupant of the premises.

Section 210.47. Compliance Order. It shall be unlawful to fail or refuse to comply with a Compliance Order within the time established by the Fire Marshal.

Section 210.49. Criminal Prosecution. Upon failure of the record owner or legal occupant to comply with a Compliance Order within the time set therein, the Fire Marshal shall provide all relevant information to the City Attorney and the City Attorney shall prosecute the person or persons responsible for violation of the Fire Regulations.

Section 210.51. Removal of Hazardous Conditions. Upon conclusion of the Criminal prosecution, the City Attorney shall notify the Fire Marshal and the Fire Marshal shall make an inspection of the premises. If the violation which was the subject matter of the Criminal prosecution has not been corrected the Fire Marshal shall provide all relevant information to the City Council and the City Council may proceed to correct the violation under the Hazardous and Substandard Building Act, MSA Section 463.15 et. seq.