

ORDINANCE NO. 46

AN ORDINANCE ADOPTING BY REFERENCE THE MINNESOTA UNIFORM FIRE CODE FOR THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. Ordinance No. 46 of the Town of White Bear, Minnesota, is hereby amended to read as follows:

SECTION 2. ADOPTION BY REFERENCE TO THE MINNESOTA UNIFORM FIRE CODE AND THE UNIFORM FIRE CODE. There is hereby adopted by the Town Board of Supervisors of the Town of White Bear for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Uniform Fire Code, 1988 Edition, and the Minnesota Uniform Fire Code, save and except such portions as are hereinafter deleted, modified or amended, of which Code, not less than three (3) copies have been and now are filed in the office of the Town Clerk and the same are hereby adopted and incorporated as fully as if set forth herein.

SECTION 3. ENFORCEMENT.

2-1. The Town Board or the contracting fire department serving the Town or a representative authorized by them, shall enforce the provisions of this Ordinance.

2-2. The Town Board or the contracting fire department or an agent may detail such members of the Fire Department as inspectors as shall, from time to time, become necessary.

SECTION 3. DEFINITIONS.

3-1. Wherever the word "jurisdiction" is used in the Minnesota Uniform Fire Code or the Uniform Fire Code, it shall be held to mean the Town of White Bear.

3-2. Wherever the term "corporation counsel" is used in the Minnesota Uniform Fire Code or the Uniform Fire Code, it shall be held to mean the attorney for the Town Board of the Town of White Bear.

SECTION 4. ESTABLISHING OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS IS TO BE PROHIBITED.

4-1. There shall be no storage of flammable or combustible liquids in outside above ground tanks within 50 feet of any building.

4-2. No bulk plants shall be permitted within the limits of the Town.

SECTION 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GAS IS TO BE RESTRICTED. No bulk storage of liquefied petroleum gas shall be permitted within the limits of the Town.

SECTION 6. APPEALS. Whenever the Town Board or the contracting fire department or any agent thereof, disapproves an application or refuses 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 and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Town Board or contracting fire department to the Town Board within thirty (30) days from the date of the decision appealed.

SECTION 7. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The Town Board, the Town Clerk and the Code Enforcement Officer 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 the Code. The Town Board shall post such list in conspicuous places in the Town Offices and distribute copies thereof to interested persons.

SECTION 8. HARD-WIRED SMOKE DETECTORS.

8-1. DEFINITIONS. For the purpose of this section, the following terms shall have the meaning ascribed to them in this section.

8-1.1. Smoke Detector means a device designed for the detection of smoke and listed by an approved testing agency for smoke detection purposes and equipped with back-up battery power.

8-1.2. Hard-Wired means direct wiring into a dwelling's electrical system in a manner allowed by the State Electrical Code, and includes wiring into an existing electrical junction box which is energized at all times, in a manner that would prohibit occupancy interruption of electrical power to the detector.

8-1.3. Dwelling means a building designed exclusively for and occupied exclusively by one or more families.

8-1.4. Owner means the fee owner, contract for deed vendee or other owner of a dwelling as indicated on the certificate of real estate value on file with the Ramsey County Auditor.

8-2. INSTALLATION REQUIREMENTS.

8-2.1. Any existing dwelling which has any additions, alterations or repairs requiring a permit, except for landscaping, driveways or fences, under Ordinance No. 8, shall have a hard-wired smoke detector installed on each sleeping level of the dwelling.

8-3. LOCATION OF DETECTOR.

8-3.1. The hard-wired smoke detector shall be mounted on the ceiling or wall at a point centrally located in each corridor or area giving access to rooms used for sleeping purposes.

8-3.2. Ceiling mounted hard-wired smoke detectors shall be located as close to the center of the ceiling as possible, but not within six (6) inches from the intersection of the wall and ceiling. Wall mounted hard-wired smoke detectors shall be located as close as possible to the center of the wall, but not more than twelve (12) inches nor less than six (6) inches from the ceiling.

8-3.3. All hard-wired smoke detectors installed shall be inspected by the electrical inspector immediately upon installation.

8-4. ENFORCEMENT. The Code Enforcement Officer shall be responsible for this ordinance and when needed, the Code Enforcement Officer shall issue a written order to the owner which shall contain the following:

8-4.1. The requirement that a hard-wired smoke detector must be installed on the premises within a specified period of time.

8-4.2. The installation of the hard-wired smoke detector must be made in compliance with applicable codes and ordinances.

8-4.3. The penalty for failure to comply with this chapter in a timely manner.

8-5. INSPECTIONS: RIGHT OF ENTRY. The Code Enforcement Officer or a designee shall be authorized to enter a dwelling at any reasonable time for the purpose of enforcing the provisions of this Section. The owner shall give the Code Enforcement Officer necessary access to such dwelling or premises at all reasonable times for the purpose of such inspection. If the owner refuses to consent to the inspection, a search warrant may be obtained in accordance with

Section 299F.09 of Minnesota Statutes, and Section 2.107 of the Minnesota Uniform Fire Code (1988).

SECTION 9. NEGLIGENTLY CAUSED FIRE EMERGENCIES.

9-1. PURPOSE. The purpose of this section is to provide procedures for recovering costs incurred by the Town for Town assistance in negligently caused fire emergencies.

9-2. DEFINITIONS.

9-2.1. NEGLIGENTLY CAUSED FIRE EMERGENCY. A fire or false call caused by the negligence of an owner or occupier of property and/or structures which presents a direct and immediate threat to public safety or elicits fire department response and/or requires immediate action to mitigate the threat.

9-2.2. EXPENSES. The actual labor costs of government and volunteer personnel including workers compensation, benefits, administrative costs, costs of equipment, operation, costs of materials, costs of disposal, and the costs of any contract labor and materials.

9-3. RECOVERY AUTHORIZATION AND PROCEDURES.

9-3.1. The Town is hereby empowered to recover from any person, corporation, partnership, or other individual or entity whose negligent actions cause emergency expenses incurred by the Town agencies directly associated with a response to a fire emergency pursuant to the following procedure:

9-3.1.(a). The Town's contracting fire department shall determine responsibility for the emergency response and notify the responsible party by mail of the contracting fire department's determination of responsibility and the costs to be recovered.

9-3.1.(b). The notice shall specify that the determined responsible party may appeal the contracting fire department's decision before the Town Board and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

9-3.1.(c). The Town Board, upon determination by the contracting fire department, shall make the final decision assessing responsibility and costs.

9-4. ACTION TO RECOVER COSTS.

9-4.1. In the event parties determined to be responsible for the repayment of negligently caused emergency fire department response costs fail to make payment to the Town within thirty (30) days of receipt of billing, such charge is hereby made a lien upon the corresponding lot, land, parcel or premises on which the negligently caused fire occurred. All such charges which are, on September 1st of each year, more than 30 days past due and having been properly billed to the owner of the premises, are to be deemed a delinquent account and may be certified to the Town Clerk who shall prepare an Assessment Roll each year providing for assessment of the delinquent account against the respective property. In preparing the Assessment Roll, the Town shall collect an administrative charge for each account as provided in Ordinance No. 54 (Fees & Charges). This Assessment Roll shall be delivered to the Town Board for adoption on or before September 15th of each year, and upon approval thereof, the amount due shall be certified by the Town Clerk to the Auditor of Ramsey County before the 15th day of October of each year, and the Town in so certifying such charges to the County Auditor shall specify the name of the owner of the premises, the description of the premises served and the amount thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes. Such action may be optional or subsequent to using legal action to collect delinquent accounts.

SECTION 10. PENALTIES. Any person who shall violate any of the provisions of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specifications or plans submitted and approved there under, or any certificate or permit issued there under, and for which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the Town Board or by a Court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and non-compliance respectively, be guilty of a misdemeanor, punishable as provided in Ordinance No. 26. 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.

SECTION 11. SEVERABILITY. Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 28th day of June, 1976.

APPROVED:

JEROME L. PERRON, Chairman

ATTEST:

MARIE ROLPH, Clerk-Treasurer

Board of Supervisors:
JEROME L. PERRON, Chair
RICHARD A. SAND, Supervisor
RAY RANSOM, Supervisor

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Historical Notes

1999

Section 9-4 passed September 7, 1999, and effective September 15, 1999 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1994

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 passed May 16, 1994, and effective June 1, 1994 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1991

Section 7B passed November 4, 1991, and effective November 13, 1991 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

Section 1 passed December 16, 1991, and effective January 8, 1992 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1981

Section 7A(f) passed June 1, 1981, and effective July 14, 1981 by Perron (Chair), Sand and Jungkunz; Webber (Clerk-Treasurer).

1978

Section 7A passed July 24, 1978, and effective July 27, 1978 by Perron (Chair), Sand and Jungkunz; Rolph (Clerk-Treasurer).

Section 7A passed September 25, 1978, and effective September 28, 1978 by Perron (Chair), Sand and Jungkunz; Rolph (Clerk-Treasurer).

1976

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 originally passed June 28, 1976, and effective July 15, 1976 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer).