

CHAPTER 9. FIRE PREVENTION CODE

SECTION 900 - ADOPTING UNIFORM FIRE CODE

900.01 Uniform Fire Code. Pursuant to Minn. Stat. 1299F.011, Subd. 4, the Uniform Fire Code (1979 Edition), one copy of which has been marked as the official copy and which is on file in the office of the City Clerk, is hereby adopted as the Fire Code for the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in the 1979 Uniform Fire Code, except as modified or amended by this Section, is hereby adopted and made a part of this Section as if fully set forth herein.

900.02 Enforcement.

Subd. 1 the Chief of the fire department serving Circle Pines or the Chief's representatives are authorized to administer and enforce the provisions of this ordinance.

Subd. 2 The Chief of the fire department may detail such members of the fire department as may be necessary to administer and enforce the provisions of this ordinance.

900.03 Definitions.

Subd. 1 Whenever the word "jurisdiction" is used in the Minnesota Uniform Fire Code, it shall mean the City of Circle Pines.

Subd. 2 Whenever the term "this code" is used in the Minnesota Uniform Fire Code or this ordinance, it shall mean the code adopted pursuant to this ordinance.

Subd. 3 Whenever the term "Fire Department" is used, it shall mean the Centennial Fire District.

900.04 Appeals Pursuant to Minnesota Statute 299F.011, Subd. 5a, a Board of Appeals is hereby established for the City of Circle Pines. The Board of Appeals shall consist of the Mayor, the Building Official, and the City Administrator and shall include the Chief of the fire department or the Chief's designated representative who shall serve as an ex-officio member. The Board of Appeals shall consider issues related to disapproval of an application or permit issuance, claims, or misapplication or misinterpretation of the code, or requests for variances from orders issued under this code. Requests for appeals shall be made within 30 days of the date of decision of the Chief or issuance of orders.

900.05 Penalties

Subd. 1 Any person who violates any of the provisions of this code, or builds in violation of any certificate or permit issued under this code, or builds in violation of plans or detailed statement of specifications submitted and approved under this code, or violated any order made pursuant to this code, and from which no appeal has been taken, or who fails to timely comply with an order affirmed or modified by the Circle Pines Board of Appeals as defined in Section 5 or by a court of competent jurisdiction, for each violation shall severally be guilty of a misdemeanor punishable by a fine and/or by imprisonment as set forth in other regulations of this jurisdiction. 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.

Subd. 2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

900.06 Establishment of Limits of Districts in Which Storage of Explosives and Blasting agents is to be Prohibited. The limits referred to in Section 77.106 (b) of the 1979 Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The storage of explosives and blasting agents is prohibited within the corporate limits of the City, except for temporary storage use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, fuse lighters, fuse igniters, and safety fuses (not including cordeau detonant fuses) in quantities involving less than 500 pounds power devices in quantities involving less than 50 pounds of explosive material.

900.07 Amendments Made in the 1979 Uniform Fire Code.

Subd. 1 Fire Marshall. The City fire marshal is hereby designated to exercise the power and perform the duties of fire prevention engineer as set forth in the Uniform Fire Code.

Subd. 2 Section Deleted. Section 2.105 of the Uniform Fire Code (1979 Edition) is hereby deleted.

900.08 Appeals. Whenever the fire marshal 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 and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the Council within 30 days from the date of the decision appealed.

900.09 New Materials, Processes or Occupancies Which May Require Permits. The administrator, building inspector, fire chief, and fire marshal of the City 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.

900.10 Penalties. Any person who shall violate or fail to comply with any of the provisions of this Code, 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 Council of the City or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. 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. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

902.01 Governing Regulations

Fireworks are regulated by Minnesota State Statute 624.2. In addition to these regulations all display, sales, storage, and use of consumer fireworks shall comply with this Fire Regulation.

a) Purpose.

Due to the inherent risks of fire and injury to persons and property associated with the sale, possession and

use of fireworks, the City Council has determined that it is necessary and in the interest of public health, safety and welfare to establish reasonable regulations concerning fireworks.

b) Definition.

For purposes of this section, "consumer fireworks" are defined as: Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes, and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

c) Sale of Fireworks.

It is unlawful for any person to sell, offer for sale, expose for sale, sell at retail or wholesale, or make any public display of any consumer fireworks in the City of Circle Pines without a permit. The sale, use, and possession of all fireworks in violation of Minn. Stat. Sect. 624.20 through 624.25 inclusive, which are adopted herein by reference, is prohibited.

d) Permit application.

The application for the permit for the storage and sale of fireworks shall be made to the Fire Marshal and shall include:

- 1) A criminal records check and determination by the Fire Marshall that the location where the fireworks are to be stored or sold is not hazardous to property or endangers any person and that the persons in charge of selling or storing the fireworks are competent and trained to handle such fireworks must be made prior to processing the application.
- 2) The application for permit shall be accompanied by a letter from the person legally responsible for the property on which such sale is to take place. Such letter shall grant permission to the applicant for the use of said property. The application shall include a floor plan designating the area for storage or display along with a list documenting the name, weight, and quantity of fireworks within the building and be accompanied by the material safety data sheets.

- 3) Applications must be made a minimum of 10 days prior to operating. Any permit granted hereunder shall be nontransferable. Prior to the issuance of a permit, the premises must be inspected and approved by the City fire code official.

e) Permit fee.

The fee for the permit shall be that as provided in the current City Fee Schedule.

f) Terms and conditions for issuance of permit.

A permit for storage or retail sale of common fireworks shall be issued only upon the following terms and conditions:

- 1) Neither the applicant nor the responsible party for the permit shall have been convicted of a felony unless the conviction was discharged pursuant to; or a fire / fireworks-related misdemeanor within the last three (3) years.
- 2) The applicant shall procure and maintain a policy or policies of public general liability, bodily injury and property damage insurance in a company or companies approved by the City in the minimum amount of one million dollars (\$1,000,000) single limit. Certificates of coverage shall be filed with the City Clerk upon application for a retail sales permit.
- 3) The applicant's location or place of business shall be only in those areas or zones within the City wherein commercial or industrial activities are authorized under the applicable zoning laws of the City. Transient sales of fireworks are not permitted. No sales or storage for commercial use shall occur on residentially zoned property or properties used for educational purposes or assemblies.
- 4) Fireworks storage or sales areas shall provide approved "no smoking" signs in red letters not less than two (2) inches in height on white background. All signs shall be maintained in legible condition.
- 5) Smoking and the discharge of fireworks shall be prohibited within one hundred (100) feet of any building or stand in which fireworks are stored or sold.

- 6) Each permit holder shall have not less than two (2) water-type or equivalent extinguishers of not less than two and one-half gallon capacity.
 - 7) There shall be at least two (2) exits from all buildings from which fireworks are stored or sold.
 - 8) In buildings without an approved automatic sprinkler system, retail consumer fireworks indoor sales displays shall be limited to fifty (50) pounds net pyrotechnic composition or two hundred (200) pounds gross weight, if the pyrotechnic composition weight is not known.
 - 9) Buildings protected throughout by an approved automatic sprinkler system shall be limited to one hundred (100) pounds net, or four hundred (400) pounds gross weight if the pyrotechnic composition weight is not known.
 - 10) Warehouse buildings or retail in excess of the quantities listed in 4.8 and 4.9 for retail consumer fireworks shall be classified as an "H" occupancy with explosives and aerosols.
 - 11) The license must be publicly displayed on the licensed premises. The premises are subject to inspection by City employees including police officers during normal business hours.
 - 12) Storage for consumer fireworks must be in compliance with the Uniform Fire Code. The premises must be in compliance with the Uniform Fire Code and Uniform Building Code.
 - 13) Consumer fireworks shall not be sold to persons under the age of 18. Consumer fireworks shall not be used on public property.
- g) Fireworks - Discharge rules and regulations.
- 1) It is unlawful to use, fire, or discharge any fireworks along the route of and during any parade or at any place of public assembly or in any commercial use district.
 - 2) It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.

- 3) Smoking and the discharge of fireworks shall be prohibited within one hundred (100) feet of any building or stand in which fireworks are sold at retail or stored after hours.
 - 4) Fireworks may only be discharged in an area with a water source connected to a hose or other acceptable means of putting out a fire.
 - 5) The Fire Chief may ban fireworks or shorten the season of the fireworks discharge if a drought is evident or any equitable need for safety arises.
 - 6) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
- h) Fireworks - Other.
- 1) Materials, which violate this ordinance or state statute and pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property.
- i) Permit Denial, Suspension and Revocation.
- The fire marshal may suspend or revoke any permit granted herein for a violation of any term of this ordinance. Any person whose permit has been suspended or revoked or any person whose permit application has been denied may request a review of that determination by the City Council. Said request for review shall be in writing and filed with the City Clerk. The City Clerk shall place the review request on the agenda for the next regularly scheduled Council meeting. Upon review, the City Council shall affirm or overrule the initial determination to deny, suspend or revoke.
- j) Validity.
- The Circle Pines City Council hereby declares that should any section, paragraph, sentence or word of this ordinance or code herein adopted by declared for any reason to be invalid, it is the intent of the Circle Pines Council that they would have passed all other portions of this ordinance independent of any such section as may be declared invalid.

**SECTION 905 - REGULATING
COMMERCIAL AND RESIDENTIAL ALARM SYSTEMS**

905.01 Title. This Section shall be known, cited, and referred to as the "Alarm Section", except as herein referred to as "this Section".

905.02 Definitions. Unless the context otherwise indicates, the following terms have the meanings stated.

Subd. 1 Public Safety Personnel. The law enforcement officers of the City.

Subd. 2 Alarm User. The person in control of any building, structure, or facility where an alarm system is maintained.

Subd. 3 Anoka County Communication Center. The facility operated by the County of Anoka, State of Minnesota to receive emergency requests for service and general information from the public to be dispatched to respective public safety units.

Subd. 4 Alarm System. Any alarm installation designed to be used for the prevention or detection of burglary, robbery, fire or unauthorized entry on the premises which contain an alarm installation. Automobile alarm devices shall not be considered an alarm system under the terms of this Section.

Subd. 5 False Alarm. An alarm signal eliciting a response by public safety personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, intentional acts, improper installation or the inadvertence of the owner or lessee of an alarm system or of his/her employees, agents or of a third party. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer, owner or lessee.

905.03 Alarm User Permits.

Subd. 1 Permit Requirement. Before placing a system into operation, every alarm user shall obtain from the Circle Pines-Lexington Police Department an alarm user permit for each alarm system he/she operates within the City. Existing and installed alarm systems shall have obtained a permit by September 30, 1987. This paragraph

does not require that an alarm business obtain a permit under this Section when it leases or provides service to alarm system users. If an alarm business, however, does use an alarm system to protect its own premises, it shall obtain a permit for such system as required in this Section.

Subd. 2 Alarm User Permit Application.

(a) The Chief of Police or his/her designee shall issue an alarm permit only after receiving the completed application. If any business or residence has two (2) or more separate alarm systems only one security alarm permit shall be required per location. In assessing any penalties for repeat false alarms, a business or residence with two or more separate alarm systems, shall be treated as having one system in reference to the amount of false alarms permitted prior to being penalized.

(b) The alarm user applying for the permit required in this Section shall state on a permit application form provided by the Chief of Police or his/her designee: Name; the address of the residence or business in or on which the alarm system has been or will be installed; telephone number; the name address, and telephone number of the lessor of the system if leased; whether the system was installed by the alarm user, and if not so installed, the name and, if available, the certification number of the business installing the alarm system; and the name and telephone number of at least one other person (in the case of a nonresidential alarm user applicant, at least two persons) who can be reached at any time, day or night, and is authorized to respond to an alarm signal and who may enter the premises in which the alarm system is installed.

(c) Alarm permits are valid until revoked or suspended as hereinafter provided in this Section.

(d) Every alarm user licensed under this Section shall be required to provide the Chief of Police or his designee with any changes in the information required to be submitted on the permit application.

905.04 False Alarm Fees.

Subd. 1 Notice of Fine. An alarm system user against which there are more than three false alarms in a single year (September 1 through August 31) and who has received oral or written notice of such false alarms will be charged a fee of \$50.00 per false alarm in excess of three false alarms in a calendar year, \$100.00 per false alarm in excess or six false alarms in a calendar year, and a \$150.00 per

false alarm in excess of nine false alarms in a calendar year.

Subd. 2 Written Appeal. Any alarm user which is required by the City to pay a penalty fee as the result of a false alarm may make a written appeal of the false alarm charge to the Chief of Police within ten days of notice by the City of the false alarm charge. Following review and determination by the Chief of Police such decision may be appealed to the Police commission which will have the authority to make a final determination as to whether the appellant is to be charged with a false alarm fee.

905.05 Payment of Fees. Penalty fees imposed pursuant to 905.04 must be paid to the City Treasurer within thirty days from the date of the notice by the City to the alarm user. Failure to pay the fee within thirty days of the notice shall be a violation of this Section and shall cause the alarm user to be considered delinquent and subject to a penalty of a full ten percent of the fee.

905.06 Alarm Report. When an alarm user has incurred four false alarms or more within a single year, as defined in Section 905.02, the alarm user shall submit a written report to the Chief of Police or his/her designee within ten days after being notified of the fourth false alarm, describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit the written report required by this section is a violation of this Code.

905.07 Exception for New Installations. All newly installed alarm systems shall be exempt from the regulations of Subsections 905.05 and 905.06, in order to allow alarm installers and users to adjust the system. New installations shall be subject to the regulations of Subsections 905.05 and 905.06, thirty (30) days after installation is completed.

905.08 Removal of Unlawful Systems. The Chief of Police or his/her designee, when there is probable cause to believe that there has been a violation of Subsections 905.05 and 905.06, may order the owner, user or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order. If personal service cannot be made, notice shall be by certified mail, return receipt requested. Any direct dialing telephone alarm device presenting a prerecorded message, installed prior to July 2, 1987, shall be removed within thirty (30) days of such date. It shall be unlawful for any alarm user as defined in this Section to fail to comply with the provisions of this Section.

905.09 Deactivation of Audible Alarms Within fifteen(15)Minutes. It shall be unlawful to maintain any alarm system or audible alarm that does not deactivate within fifteen (15) minutes of its activation.

905.10 Administrative Rules. The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Section and the administration thereof.

905.11 Confidentiality. All information submitted in compliance with this Section shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law. Subject to requirements of confidentiality, the Chief of Police may develop and maintain statistics for the purpose of ongoing alarm systems evaluation.

905.12 Communication Center. No automatic dialing devices shall be connected to the Anoka County Communication Center through any telephone line. Use of automatic dialing devices so connected will be considered a violation of this Section.

SECTION 910 - PUBLIC SAFETY FROM FIRE

910.01 Adoption. There is hereby adopted by the Council, for the purposes of specifying measures which will provide that degree of public safety from fires which can be reasonably required, that certain code known as the Life Safety Code, 1970, published by the National Fire Protection Association, a copy of which code is on file in the office of the Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein.

910.02 Violations. Any person who violates or fails to comply with any of the provisions of the Code adopted pursuant to subsection 910.01, to comply with any order made thereunder, or who builds 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 fails to comply with such an order as affirmed or modified by the Council or by a court of competent jurisdiction, shall be guilty of a misdemeanor.

