

CHAPTER 93: FIRE PREVENTION AND PROTECTION

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UNIFORM FIRE CODE

§ 93.01 ADOPTION OF THE MINNESOTA UNIFORM FIRE CODE.

The 2007 Edition of the Minnesota Uniform Fire Code is hereby adopted by the City of Hastings for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, except those portions that are deleted or amended by § 93.06. One copy of the Minnesota Uniform Fire Code in effect within the City of Hastings shall be on file in the office of the City Clerk. (Prior Code, § 9.82) (Am. Ord. 2007-03, 3rd Series, passed 8-6-2007)

§ 93.02 ESTABLISHMENT OF DUTIES OF THE BUREAU OF FIRE PREVENTION.

(A) The Minnesota Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Hastings which is hereby established and which shall be operated under the supervision of the Fire Chief.

(B) The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Hastings City Council on the basis of examination to determine his or her qualifications.

(C) The Fire Chief may appoint the members of the Fire Department as inspectors as shall from time to time be necessary. The Fire Chief shall recommend to the Hastings City Council the employment of technical inspectors, who, when the authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause. (Prior Code, § 9.82)

§ 93.03 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF OF THE BUREAU OF FIRE PREVENTION. Fire Marshal.

CORPORATION COUNSEL. Whenever used in the Minnesota Uniform Fire Code, it shall be held to mean the attorney for the City of Hastings.

JURISDICTION. Whenever used in the Minnesota Uniform Fire Code, it shall be held to mean the City of Hastings. (Prior Code, § 9.82)

§ 93.04 ESTABLISHMENT OF LIMITS OF JURISDICTION IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVE-GROUND TANKS IS PROHIBITED.

(A) The storage of flammable or combustible liquids in outside above-ground storage tanks is prohibited in all areas within the city except for the following zoning districts: I-1 Industrial Park and I-2 Industrial Park Storage/Services. Allowed storage shall be limited to Class I, Class II, and Class III liquids as defined in the Minnesota State Fire Code (MSFC). Allowed storage shall be for the sole purpose of fleet fueling. Resale of product from allowed tanks is prohibited.

(B) Installation and maintenance of above-ground storage tanks shall comply with current editions of the Minnesota State Fire Code, National Fire Protection Agency (NFPA), and the Minnesota Pollution Control Agency rules and regulations.

(C) The maximum storage capacities for above-ground tanks shall not exceed 2,000 gallons for Class I liquids and 10,000 gallons for Class II and Class III liquids.

(D) No installation of outside above-ground storage tanks may occur without the prior approval of the Fire Chief and the Fire Marshal and issuance of a fire code permit issued by the Office of the Fire Marshal. (Prior Code, § 9.82) (Ord. 2008-14, 3rd Series, passed 10-20-2008) Penalty, see § 10.99

§ 93.05 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES ARE TO BE RESTRICTED.

(A) Liquefied petroleum gases may be stored in industrial parks for uses by industry located therein, but any such use shall comply with the following. The storage facility shall be diked, mounded, buried, or in the alternative protected with at least a 1-hour fire retardant material with the approval of the Fire Chief or Fire Marshal or his or her authorized representative. Any storage facilities that are mounded or buried shall be coated with an approved coating and shall have devices installed on the facility so that the tank or tanks can be tested periodically for corrosion and durability.

(B) Liquefied petroleum gases may be stored and dispensed in Zone C-4 according to the city's Zoning Code, for the purpose of resale, when approved by the Fire Chief or the Fire Marshal. Any such use shall comply with the Minnesota State Fire Code and the National Fire Protection Association (NFPA) Pamphlet 58. Additionally, any such use shall comply with the following:

(1) Liquefied petroleum storage containers having a water capacity of 2.7 pounds or greater shall be limited to 1 container.

(2) The liquefied petroleum storage container shall be no larger than 1,000 U.S. liquid gallons.

(3) The fill/transfer site shall be visible from a constantly attended location within the facility.

(4) There shall be a minimum of 2 certified operators on the property at any time the transfer of liquefied petroleum is in progress.

(5) A distance of not less than 75 feet shall be maintained from the storage and dispensing operation area to any adjacent structure or any public roadway.

(6) A distance of not less than 25 feet shall be maintained from the storage and dispensing operation area to any property line.

(7) Any storage of liquefied petroleum products must have written approval by the owner of said property.

(8) Containers to be filled shall not be left on site for filling at a later time.

(9) Sales of liquefied petroleum containers shall be restricted to new certified containers only.

(10) Transfer operators shall exercise precaution to ensure that the liquefied petroleum gases transferred are those for which the transfer system and the containers to be filled are designed.

(11) Injection of compressed air, oxygen, or any oxidizing gas into containers to transfer liquefied petroleum shall be prohibited.

(12) Containers shall be filled only after determination that they comply with the design, fabrication, inspection and marking for use with liquefied petroleum gas.

(13) Containers authorized as "single trip," "nonrefillable," or "disposable" containers shall not be refilled with liquefied petroleum gas.

(C) *Operation of transfer systems.*

(1) Sources of ignition shall be turned off during transfer operations, while connections or disconnections are made, or while liquefied petroleum gas is being vented to the atmosphere.

(2) Internal combustion engines within 15 feet of a point of transfer shall be shut down while such transfer operations are in progress.

(3) *Exception.* Engines of liquefied petroleum gas cargo tank vehicles constructed and operated for the purpose of driving transfer pumps or compressors on these vehicles to load and unload liquefied petroleum gases.

(4) Smoking, open flame, metal cutting or welding, portable electrical tools and/or appliances, and extension cords and or lighting capable of igniting liquefied petroleum gas shall not be permitted within 25 feet of a point of transfer while transfer operations are in progress. Materials that have been heated above the ignition temperature of liquefied petroleum gas shall be cooled before that transfer is started.

(5) Sources of ignition shall be turned off during the filling of any liquefied petroleum container on the vehicle.

(6) Transfer of liquefied petroleum gas shall only occur outdoors.

(D) *Venting liquefied petroleum gas to the atmosphere.*

(1) Liquefied petroleum gas, either liquid or vapor form, shall not be vented to the atmosphere.

(2) *Exception.* Venting of liquefied petroleum gas between shutoff valves before disconnecting the liquid transfer line from the container. Where necessary, bleeder valves shall be used.

(3) Venting of liquefied petroleum gas indoors shall be prohibited.

(4) *Exception.* Structures designed and constructed for liquefied petroleum gas transfer.

(E) *Vehicle impact protection.*

(1) Guard posts shall comply with all of the following requirements:

(a) Constructed of steel not less than 4 inches in diameter and concrete filled.

(b) Spaced not more than 4 feet between posts on center.

(c) Set not less than 3 feet deep in a concrete footing of not less than a 15-inch diameter.

(d) Set with the top of the posts not less than 3 feet above ground.

(e) Located not less than 3 feet from the protected object.

(2) Physical barriers shall be a minimum of 36 inches in height and shall resist a force of 12,000 pounds applied 36 inches above the adjacent ground surface.

(F) *Fire protection.* The liquefied petroleum transfer station shall be provided with at least one approved portable fire extinguisher having a minimum rating of 4A 60BC. The required fire extinguisher shall be located no more than 50 feet from the storage area. This required fire extinguisher shall be accessible at all times.

(G) Liquefied petroleum gases may not be stored in any area other than industrial parks and Zone C-4 (as provided by division (A) above) except that in non-dense residential areas where natural gas is not available, with approval of the Fire Chief or his or her designate, liquefied petroleum gas storage may be used as is necessary to service a residence or commercial operation. Under no circumstances may liquefied petroleum gases be stored in densely populated residential areas. Whenever allowed in sparsely populated residential areas because of the unavailability of natural gas, the storage facility shall

be diked, mounded, buried or protected with at least 1-hour fire retardant material with the approval of the Fire Chief or his or her authorized representative. Any storage facilities that are mounded or buried shall be coated with an approved coating and shall have devices installed on them so the tank or tanks can be treated periodically for corrosion and durability.

(H) Temporary use of liquefied petroleum as an energy source during construction shall be allowed only when approved by the Fire Chief or Fire Marshal and then in accordance with the restrictions as may be imposed by the Fire Chief or Fire Marshal or his or her representative to assure safe operation. (Prior Code, § 9.82) (Am. Ord. 564, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.06 AMENDMENTS MADE IN THE MINNESOTA UNIFORM FIRE CODE.

(A) It is unlawful to park any vehicle or to locate any obstruction in an area designated as a fire lane, whether the fire lane is adjacent to a public or private structure or property.

(B) The Fire Chief or his or her representative may review all building plans, except plans for single- or 2-family residences to assure compliance with the provisions of the Minnesota Uniform Fire Code and he or she shall note any violations discovered in connection with the proposed structures to the persons as may be charged with the responsibility for review of the plans.

(C) Section 10.402(c) of the Minnesota Uniform Fire Code shall be amended to read as follows:

FIRE DOOR
DO NOT OBSTRUCT
or
FIRE DOOR
KEEP CLOSED

(D) Article 4 of the Uniform Fire Code, 1982 Edition, titled “Permits and Certificates” is adopted in its entirety and incorporated as fully as if set out herein, as it may be amended from time to time.

(E) Each permit issued by the Fire Department, pursuant to the Minnesota Uniform Fire Code, shall be issued for a 1-year period unless otherwise provided in this section. The yearly permit fee for the permit shall be \$20, provided, however, that if more than 1 permit is required for the establishment, the maximum permit fee shall be \$30 per year. Further provided that tank installation permits shall be valid until revoked by the Fire Chief or his or her designee and the permit fee shall be \$25 per installation, (not per tank). Permits issued for a period of less than 10 days shall require a fee of \$10. Permit fees may be reviewed and until otherwise directed by the Council by resolution, the permit year shall be the calendar year. Pro rata adjustments, on a monthly basis, shall be made for permits for less than 1 full year. Except for tank installation permits and short term permits for less than 10 days, all permits shall expire on the last day of December of each calendar year. The Fire Chief shall establish procedures and forms to carry out the intent of this section.

(F) The Chief and members of the Fire Prevention Bureau shall have the powers of a police officer in performing their duties under this code. (Prior Code, § 9.82) Penalty, see § 10.99

§ 93.07 ESTABLISHMENT OF RESTRICTIONS ON THE USE OF BARBECUES.

(A) In any structure containing 3 or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of any structure.

Exceptions:

1. Residential occupancies where all units have private direct ingress and egress to exterior of the structure and no use of common means of egress (examples hallways or stairways used by separate occupancies).

(B) No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemicals or devices in the locations designated in § 93.07 (A).

(C) Electric grills or gas-fired barbecue grills which are permanently mounted, wired, or plumbed to the building's gas supply or electrical system and maintaining a minimum clearance of 18 inches on all sides may be installed on balconies and patios when approved by the Fire Chief.

(Prior Code, § 9.82) Penalty, see § 10.99, (Ord. No. 2013-03, 3rd Series, passed on 6-3-13)

§ 93.08 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The City Administrator, the Chief, and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, and for giving affected persons an opportunity to be heard, any new materials, processes, or occupancies for which permits are required in addition to those now enumerated in the code. The Chief of the Bureau of Fire Prevention shall post the list in a conspicuous place in his or her office, and distribute copies thereof to interested persons. (Prior Code, § 9.82)

§ 93.09 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVE AND BLASTING AGENTS IS TO BE PROHIBITED.

It is the intent of this subchapter to prohibit storage of explosives and blasting agents in the city and to require that any such explosive and blasting agents to be removed from the city for storage.

(Prior Code, § 9.82)

§ 93.10 APPEALS.

Whenever the 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 and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief

to the Board of Appeals established pursuant to the State Building Code and a provision of the City Code regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the city. (Prior Code, § 9.82)

§ 93.11 EFFECTIVE DATE.

This subchapter shall take effect upon its passage and publication. (Prior Code, § 9.82)

§ 93.20 PURPOSE.

The purpose of this subchapter shall address the application, installation, performance and maintenance of fire alarm systems in new and existing buildings and structures not required by other codes as adopted by the city. (Ord. 565, 2nd Series, passed 5-7-2007)

§ 93.21 DEFINITION.

For the purpose of this subchapter, ***FIRE ALARM SYSTEM*** will have the same definition as contained in Minnesota State Fire Code (MSFC) 2000 Edition [National Fire Protection Association (NFPA) Standard 72]. (Ord. 565, 2nd Series, passed 5-7-2007)

§ 93.22 WHEN REQUIRED.

(A) A fire alarm system shall be installed in the following:

(1) Any building, which has mixed occupancies when one of the occupancies is residential.

(2) *Exception.*

(a) A building where all required components of egress are on the level of exit discharge and acceptable occupancy separation exists which complies with the Minnesota State Fire Code.

(b) A building protected throughout by a supervised automatic fire suppression system, as approved by the Fire Marshal.

(c) A home occupation business where the business owner is also the primary resident.

(B) Any building when required under the International Building Code or the International Fire Code. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.23 PERMIT REQUIRED.

No person shall install a Fire Alarm System, as defined in this section, without first obtaining a permit from the City of Hastings.

(B) *Exception.* Individual R-3 (one and two family residential dwellings) occupancies, as stated in the Minnesota State Fire Code. Residential occupancies where the occupants are primarily permanent in nature and there is no mixed-use classification of the building. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.24 PERMIT APPLICATION.

The application for a permit for the installation of a Fire Alarm System shall be made on a form approved by the City Council to the city's Department of Building Safety and shall include:

(A) The name, address and phone number of the applicant;

(B) The address of the proposed location for the Fire Alarm System to be installed;

(C) The name, address and phone number of the architect/designer and installer of the proposed fire alarm system;

(D) Site plan showing location of detection and audio/visual alarm device;

(E) Floor plan showing alarm control panel and trouble signaling equipment location;

(F) Manufacturers, model numbers and listing information for equipment, devices and materials;

(G) Any other information deemed necessary by the Hastings City Council. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.25 INSTALLATION.

Automatic fire detectors shall be installed in common laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, commercial and retail spaces, storage spaces, trash-collection rooms, workshops, locker rooms and basements. In addition, all components of egress such as corridors, common areas, hallways and stairways shall also be protected by installation of automatic fire detectors.

(A) All automatic fire detectors shall be connected to the building fire alarm system and shall sound the fire alarm signal when activated.

(B) Single station smoke detectors as required by the International Fire Code shall be used in dwelling spaces and sleeping rooms.

(C) Horn/strobe annunciation devices shall be provided in all dwelling spaces, retail spaces, basements and all egress areas.

(D) Fire alarm control panels shall be located in an area accessible to Fire Department personnel.

(E) Access to building and dwelling spaces shall be provided to Fire Department personnel by keys installed in an approved key box.

(F) Fire alarm systems required by this section shall be monitored by an approved central, proprietary or remote station service.

(G) *Maintenance, repair and testing.* Maintenance, repair and testing shall be conducted and performed as outlined in the Minnesota State Fire Code. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.26 FIRE DEPARTMENT KEY BOX.

Any building with a fire alarm system as required by this section shall be equipped with an approved key box. This key box shall be installed in a location approved by the Fire Marshal. This key box shall contain keys providing access to all areas of the building. An application to purchase a key box can be obtained through the Hastings Fire Marshal. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.27 KEY HOLDER.

The Hastings Fire Department shall maintain a list of key holders. This list shall contain a minimum of 3 valid key holders that can respond to the building when requested by the Fire Department. This list of key holders will be shared with the following agencies: the Hastings Police Department and the Dakota County Sheriff's Office. This key holder list will not be shared with any other agencies or individuals. Once the fire alarm system is operable, it shall be the responsibility of the building owner to inform the Fire Department of any key holder changes. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99

§ 93.28 EFFECTIVE DATE.

(A) All new construction structures that meet the intent of this ordinance where building permits were issued on or after May 31, 2007.

(B) All existing structures that meet the intent of this ordinance effective May 31, 2011.

(Ord. 565, 2nd Series, passed 5-7-2007; Am. Ord. 2008-15, 3rd Series, passed 12-1-2008)

§ 93.30 PROPANE CYLINDER EXCHANGE OPERATIONS

(A) Propane cylinder exchange operations shall be allowed subject to the following requirements:

(1) The sale of propane exchange cylinders shall be allowed only within areas of the C-3 Zoning District located south of 10th Street and all areas of the C-4 Zoning District of the City.

(2) A site plan shall be submitted to the Fire Marshal for approval, indicating size of cage, location as well as separation distances.

(3) Only one exchange cabinet per business/property with a maximum capacity of 18 20-pound propane cylinders.

(4) Exchange cabinet must be stored outdoors and on property owned/leased by occupant.

(5) If the property is leased, written authorization from property owner must be obtained prior to approval.

(6) No smoking signs shall be posted on the exchange cage and within 25 feet of the surrounding area.

(7) Propane cage shall not be located within 20 feet of any doorway or opening in a building, within 20 feet of a motor vehicle fuel dispenser or within 20 feet of any combustible material.

(8) The propane cage shall be designed so that containers cannot be stacked on top of each other and designed so that containers are positioned upright with the pressure-relief valve in direct communication with the vapor space of the container.

(9) Cylinder outlet valves shall be closed and plugged when in storage.

(10) Defective containers or containers showing denting, bulging or excessive corrosion shall be immediately removed from service and properly disposed.

(11) Exchange cabinets are not allowed on public property.

(12) Exchange cabinet is the only place acceptable for the storage of propane cylinders.

(13) Business owner shall supply the city a key holder list with a minimum of three individuals who can respond 24/7 within 20 minutes of being contacted. It shall be the owner's responsibility to maintain this key holder list and provide any updates to the city in a timely manner. In addition, a sign listing exchange procedures, company name and a 24 hour emergency phone number shall be posted within 10 feet of the cage.

(14) Signs requiring that customers leave LPG containers outside the building shall be posted on the building entrance(s). The signs shall read "DO NOT BRING LP-GAS CYLINDERS INTO THE BUILDING." The lettering must be a minimum 1" in height with a minimum stroke of 1/4 inch.

(15) All employees with access to the exchange cage shall be trained in the proper handling and operating procedures, including the procedure for handling defective containers. Documentation of this training shall be provided to a fire department representative upon request.

(16) A minimum of one 2A20BC fire extinguisher shall be located within 50 feet, but not less than 25 feet from the propane cage.

(17) An approved NFPA 704 hazard identification sign/placard shall be posted on the cage. This sign/placard shall be a minimum one foot square.

(18) The Fire Marshal has the authority to require vehicular barrier protection.

(Ord. No. 2015-03, 3rd Series, passed 2-17-15)

§ 93.98 VIOLATIONS.

Every person violates a section, subdivision, paragraph or provision of this chapter when he or she perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor. (Ord. 565, 2nd Series, passed 5-7-2007) Penalty, see § 10.99