

CHAPTER 55. FIRE PREVENTION

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55.01. Fire Code. Subdivision 1. The Minnesota State Fire Code adopted by the State Fire Marshal pursuant to Minnesota Statutes Section 299F.011, July 10, 2007, Minnesota Rules Chapter 7511.0010 to 7511.8570, and Appendix A, B, C, and D of the International Fire Code, 2006 Edition, promulgated by the International Fire Code Institute, are hereby adopted as the fire code for the City of Rochester, except as modified in this code. The aforesaid fire code of the city of Rochester shall be known as and may be cited as the "Fire Code". Any provision of the Fire Code to protect life or property in the city which is more restrictive shall prevail over the provisions of the Minnesota State Fire Code.

Subd. 2. In addition to those provisions described in Subdivision 1 hereto, the Fire Code shall require that the following uses of a building or premises, as otherwise more specifically described in Section 105.6 of the International Fire Code, 2006 Edition, promulgated by the International Fire Code Inc., shall require the following operational permits from the Bureau of Fire Prevention to be prominently displayed on the premises and kept on file in the office of the city clerk for examination and use by the public:

1. Amusement buildings; 105.6.2
2. Aviation facilities; 105.6.3
3. Miscellaneous combustible storage; 105.6.29
4. Combustible dust producing operations; 105.6.6
5. Combustible fibers; 105.6.7
6. Compressed gases; 105.6.8
7. Cryogenics; 105.6.10
8. Cutting and Welding; 105.6.11
9. Dry cleaning plants; 105.6.12
10. Exhibits and trade shows; 105.6.13
11. Fireworks displays, public; 3301.2.4.2
12. Flammable/combustible liquid storage, use and tank installation; 105.6.16
13. Hazardous materials; 105.6.20
14. HPM Facilities; 105.6.21
15. High piled storage; 105.6.22
16. Hot-work operations; 105.6.23
17. Liquid petroleum gases; 106.6.27
18. Liquid or gas-fuel vehicles or equipment in assembly buildings; 105.6.26
19. Lumberyards and woodworking plants; 105.6.25
20. Mall, covered; 105.6.9
21. Open burning; 105.6.30

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22. Place of assembly; 105.6.34
23. Pyrotechnic special effects; 105.6.36
24. Repair/maintenance/installation garages; 105.6.39
25. Spraying or dipping operations; 105.6.41
26. Tents, air supported structures, canopies; 105.6.43
27. Tire storage; 105.6.42
28. Tire rebuilding plants; 105.6.44
29. Waste handling; 105.6.45
30. Wood product; 105.6.46

Subd. 3. In addition to those provisions described in Subdivision 1 and 2 the Fire Code shall require a Special Fire Department Permit be obtained by the installing contractor of all new installations or modifications of private fire service water mains, automatic sprinkler, fire alarm, automatic chemical extinguishing systems, alternative fire protection systems and flammable or combustible liquid or hazardous materials tanks within the City of Rochester and/or all such installations which the Rochester Fire Department is responsible for plan review, on site inspection, and approvals.

Subd. 4. All such installations or modifications shall be performed by contractors properly licensed under Minnesota Rule 7512, 7105, Minnesota Statutes Section 326.2421 or as required by any other governmental agency. Proof of valid license or certification shall accompany all applications for permit.

Subd. 5. Fees: Fire Protection Equipment Permit Fees. Fees for each permit shall be charged to perform necessary plan reviews of affected installations. Permit fees shall be the actual cost of the labor and components of the fire protection system or tank installation project multiplied by .015 or a minimum of \$50. When applying for the permit, the contractor shall pay an estimated fee based on the estimated cost of the project. If the actual cost of the project is greater than the estimated cost, the contractor shall pay any additional fee amount before the final acceptance test. It is the contractor's responsibility to submit all required surcharge fees due to the Commissioner of Public Safety directly to the Commissioner.

Subd. 6. Work Without a Permit: When substantial work on installations subject to this subdivision is determined to have been commenced without benefit of the required Special Fire Department Permit and associated plan review, a special inspection of the site by a fire department inspector, shall be made as determined by the Fire Marshal before a permit may be issued for that installation. A separate fee will be assessed for the project equal to the normal Fire Protection Equipment Permit Fee up to a maximum of \$150.

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Subd. 7. On-site and After Hours Inspection Fees. A fee will be charged for all required on-site inspections of permitted Fire Protection Equipment permitted installations and inspections which occur outside the hours of 08:00 am through 05:00 pm Monday through Friday will be billed to the installing contractor according to the hourly rate in the current employment contract of the responding Fire Department personnel.

Subd. 8. Special Inspections. Special inspections of Fire Protection System installations may be required by the Fire Marshal when necessary to ascertain compliance with the provisions of the Fire Code and NFPA standards enforced in conjunction with required installations. All special inspections shall be completed prior to Fire Department final inspection, final approval or Certificate of Occupancy issuance. Installing contractors of fire protection equipment are responsible to provide documentation of completed required inspections and witnessing of all required tests as performed by an approved and qualified independent inspector or engineer, in accordance with the Building Code Section 109 and Fire Code Section 104.7.2. Qualified inspectors shall meet the minimum qualifications as determined by the Fire Chief.

Subd. 9. Pursuant to section 901.6.2 of the Fire Code, contractors who perform inspection, testing and/or maintenance services on fire and life safety systems within the City of Rochester are required to electronically submit all compliant and non-compliant reports to the Rochester Fire Department using the method approved by the Fire Chief. (4133, 11/4/13)

55.02. Modifications. Subdivision 1. General. The Fire Code described in Section 55.01 is subject to the modifications contained in this section.

Subd. 2. Jurisdiction. The word "jurisdiction" when used in the Fire Code shall mean the City of Rochester.

Subd. 3. Corporation Counsel. The term "corporation counsel" when used in the Fire Code shall mean the city attorney.

Subd. 4. Police Enforcement Assistance. Whenever requested to do so by the Chief of the Fire Department, the Chief of Police shall assign such available police officers as the Chief of Police may deem necessary to assist the fire department in enforcing the provisions of the Fire Code.

Subd. 5. Police Investigation Assistance. The police department shall assist the fire department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

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Subd. 6. Filling Gas Tanks. No person shall fill or partly fill any gasoline tank of any motor vehicle upon any street, alley, or public ground from any gasoline tank wagon, truck, or any moving vehicle used for the sale or transportation of gasoline for commercial purposes.

Subd. 7. Overcrowding. Overcrowding and admittance of persons beyond the approved maximum, posted occupant load capacity, as required by IFC Sec. 1004.3 for a place of assembly is prohibited. When overcrowding is determined to have occurred, the Fire Chief is authorized to cause the performance, presentation, spectacle or entertainment to be stopped until such time as the overcrowded condition is corrected.

Subd. 8. Hydrant Height. All required fire hydrants shall be positioned so the distance from the adjacent grade level is not less than 30" to the top of the hydrant and the 4" outlet shall face the roadway and/or curb line.

Subd. 9. All required fire alarm systems in new buildings shall be monitored and supervised by a central station monitoring company acceptable to the Chief of the Fire Department, a proprietary supervising system or a remote supervising station system. By January 1, 2011, all required fire alarm systems in existing buildings shall be monitored and supervised as required for new buildings.

Subd. 10. Notwithstanding anything in subdivision 9 to the contrary, monitoring and supervisory service is not required for single and multiple station smoke alarms required by section 907.2.10 of the Minnesota State Fire Code or automatic sprinkler systems in one and two family dwellings.

55.03. Storage of Explosives. The storage of explosives for which a license or the possession of which a permit is required under state law is prohibited within the corporate limits of the city, except for temporary storage in connection with use for approved blasting operations. Persons conducting blasting operations under a valid permit issued by the Chief of Police or Sheriff.

55.04. Fireworks and Pyrotechnic Displays. Fireworks and pyrotechnic displays shall be limited to those intended specifically for public viewing outdoors and as are permitted pursuant to Minnesota Statutes Section 624.20 and Chapter 33 of the Fire Code. Indoor pyrotechnic displays are permitted only in buildings protected throughout by an approved automatic fire sprinkler system. Public fireworks and pyrotechnic displays require application to the City Clerk's office for approval by the Common Council prior to conducting the display.

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55.05. Storage of Flammable or Combustible Liquids. Subdivision 1. Class I and II Flammable Liquids. The storage of class I and II flammable liquids in above-ground tanks outside of buildings is prohibited in all parts of the city except those areas zoned M-2 general industrial district pursuant to this code. This section shall not apply to commercial installations not intended for public use and installed as provided in the Fire Code Chapter 22.

Subd. 2. New Bulk Plants. New bulk plants for flammable or combustible liquids are prohibited in all parts of the city except those areas zoned M-2 general industrial district pursuant to this code.

55.06. Bulk Storage of Liquefied Petroleum Gases. The storage of liquefied petroleum gases is prohibited in all parts of the city except those areas zoned M-2 general industrial district pursuant to this code.

55.07. Permits. Subdivision 1. Permits issued under Subd 2 and the fire code shall be valid for the period of one year or such lesser period as is designated in the permit. If the activity or purpose for which a permit is issued is a continuing nature, a new permit shall be obtained annually on or before the anniversary date of the permit last issued. A permit fee of \$55.00 for each permitted activity and \$10 for each additional permitted activity at the same property, facility or building shall be charged for each permit issued, including each annual renewal thereof.

Subd. 2. Open burning permits issued under section 55.01, subdivision 1 and the Fire Code shall be valid for a period of 30 days or such time period as designated in the permit. If the authorized burning activity continues for greater than 30 days, the permit may be extended for an additional 30 days at the discretion of the Fire Marshal. A permit fee of \$150.00 for each open burning permit shall be charged per location.

55.08 Appeals. Subdivision 1. All requests for appeals shall be made to the Fire Chief within the time designated in the correction order and will be forwarded to the Board of Appeals for a hearing as provided in Chapter 33.

Subd. 2. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Board does not have the authority to waive requirements of the Fire Code.

Subd. 3. Any person may appeal an order issued to them on issues regulated by the Rochester Fire Code. This appeal shall be forwarded to the Board of Appeals established by chapter 33. (4357, 10/1/18)

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55.09. Violations. Any violation of any provision of the fire code or failure to comply therewith, or violation or failure to comply with any order made thereunder, or any building in violation of any specifications or plans submitted and approved thereunder or in violation of any certificate or permit issued to thereunder, and from which no appeal has been taken, or failure to comply with such order as affirmed or modified by the council herein, shall be a separate violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and any person responsible for the violation shall correct or remedy such violation or defect within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

55.10. Failure to Comply. Fire Code Sub. "Section 111.4 Failure to Comply" is amended to read: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor."

55.11. Re-inspection Fee. When in the course of enforcing a duly issued violation notice, it becomes necessary for a Fire Department Inspector to make one or more additional return visit(s) to re-inspect a property, over and above the normal one follow-up inspection, to insure compliance to the fire code, a "re-inspection" fee of \$55.00 will be charged to the property/business owner for each additional re-inspection required to obtain compliance.

55.12. Fire Response Reimbursement. Persons determined responsible for malicious false alarms resulting in an unnecessary fire department response will be required to reimburse the fire department for the actual cost of that run, in addition to any court ordered fines or charges. Minimum charges will be determined by the actual hourly rates, according to the current employment contract, of the responding Fire Department personnel and the following hourly rates for responding apparatus and vehicles used: Chief's Car: \$50 per hour; Engine: \$75 per hour; Aerial: \$95 per hour; Rescue: \$50 per hour; Fire Investigation: \$50 per hour.

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55.13. Fire Department Standby Charges. When required by the Fire Code or when requested by outside agencies to provide “standby” fire department personnel to perform fire safety, inspection or other fire related duties, the Fire Department must charge that agency or business for the actual cost of providing those standby personnel and vehicles. Minimum charges will be as stated in section 55.12.

(173, 5/12/03; 224, 9/27/16; 269, 9/23/19; 318, 8/16/22; 852, 10/5/53; 1321, 9/7/65; 1388, 1/16/67; 1429, 11/20/67; 1832, 2/17/76; 2218, 11/17/81; 2341, 12/6/83; 2343, 12/19/83; 2387, 6/19/84; 2625, 4/4/89; 2763; 9/17/91; 2960, 12/20/94; 3023, 3/19/96; 3211, 12/8/98; 3582, 8/4/03; 3878, 7/21/08; 3955, 2/1/10; 4133, 11/4/13; 4357, 10/1/18)