



Request for City Council Committee Action from the Department of Regulatory Services

Date: November 29, 2010

To: Council Member Elizabeth Glidden, Chair – Regulatory, Energy & Environment Committee

Referral to: Council Member Don Samuels, Chair – Public Safety & Health Committee

Subject: Ordinance amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire to give Fire Code enforcement authority to the Director of Regulatory Services or his designee

Recommendation: Approval of the ordinance amendment

Previous Directives: May 28, 2010 – City Council approval of a reorganization of the City’s inspections management responsibilities. Fire Prevention Bureau inspections operations will be transferred to and managed by Regulatory Services. Inspections will be conducted pursuant to Regulatory Services standard operating procedures.

Department Information

Prepared by: Tom Deegan (612) 673-3310

Approved by:

Rocco Forté, Director of Emergency Preparedness & Regulatory Services

Henry Reimer, Assistant Director of Regulatory Services

Tom Deegan, Manager of Problem Properties Unit

Presenters in Committee: Tom Deegan

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____
- Civil Rights Approval Approval ___ Date _____
- Policy Review Group (PRG): Approval ___ Date _____

Financial Impact

- Action is within the Business Plan
- Other financial impact

Community Impact

- City Goals
- Other

Supporting Information

In consultation with the City Attorney's Office, this ordinance change is necessary to provide proper Fire Code enforcement authority to the Director of Regulatory Services (or his designee).

This change is necessary as a result of the January 1, 2011 shift of the Fire Prevention Bureau from the Fire Department to Regulatory Services.

2010-Or-____

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Glidden & Samuels

Amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 173.300 of the above-entitled ordinance be amended to read as follows:

173.300. Orders to secure compliance with fire prevention code authorized. The chief of the fire department and the director of regulatory services, as well as their or his authorized inspectors or assistants, are hereby given authority to order and compel compliance with the regulations contained in the fire prevention code and order any condition removed or remedied in such manner as to secure such compliance. The foregoing authority shall be in addition to any other provisions of this Code of Ordinances.

Section 2. That Section 173.310 of the above-entitled ordinance be amended to read as follows:

173.310. Service of orders. The service of any orders as provided for in this title chapter or in the fire prevention code shall be directed to the owner, agent, lessee or occupant or person responsible for the condition to be removed or remedied by delivering or mailing a copy of same to such person or by delivering it to and leaving it with any person in charge of the premises. Such orders may be issued by any authorized representative of the chief of the fire department or the fire marshal or by the director of regulatory services or the director's authorized representatives. Such orders may be issued pursuant to the authority of the chief of the fire department or the fire marshal provided by the Minnesota State Fire Code. Service upon a nonresident shall be made in accordance with the provisions of section 14.20 of this Code.

Section 3. That Section 173.400 of the above-entitled ordinance be amended to read as follows:

173.400. Bureau to enforce. The fire prevention code shall be enforced by the bureau of fire prevention ~~in the fire department.~~

Section 4. That Section 173.510 of the above-entitled ordinance be amended to read as follows:

173.510. Established; management and personnel. There shall be a bureau of fire prevention ~~in the fire department of the city~~ under the jurisdiction of the chief of the fire department and the director of regulatory services and to include the office and staff of the fire marshal and the authorized representatives, inspectors and agents of the director of regulatory services. The fire marshal shall ~~act as chief of the bureau of fire prevention~~ supervise all sworn employees of the fire department assigned to the bureau and shall retain final authority over fire prevention code interpretation., ~~who~~ The fire marshal shall hold such office at the pleasure of the chief of the fire department. The chief of the fire department may, from time to time, designate such and as many sworn employees as assistants as the chief of the fire department deems necessary for the proper performance of the functions and duties of the fire marshal bureau. The fire marshal shall have full management and control of all ~~things pertaining to~~ sworn fire department employees of the bureau, ~~and all subordinate officers, assistants, clerks and employees of the bureau shall be~~ subject to such rules and regulations as shall be prescribed from time to time by the fire marshal ~~and approved by the chief of the fire department~~. The director of regulatory services shall have full management and control of all non-sworn representatives, inspectors and agents of the bureau, subject to the fire marshal's final authority over matters of fire prevention code interpretation.

Section 5. That Section 173.515 of the above-entitled ordinance be amended to read as follows:

173.515. Definitions. For purposes of enforcement of any provisions of the fire prevention code and this title, ~~Fire marshal~~ "fire marshal" is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, ~~from either the sworn or civilian service of the fire department, or the director of regulatory services, the director of inspections, or any of the directors' authorized representatives, inspectors or agents~~ charged with the administration or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.