

CHAPTER 13
FIRE PREVENTION AND CONTROL

SECTION 1

1301.000. **EXPLOSIVES REGULATIONS.**

1301.001. **SCOPE.** The manufacture, keeping, having, storage, sale, transportation and use of explosives and blasting agents are governed by the provisions of this Ordinance, but the following are excepted from regulation hereby:

- A. Shipment, transportation, handling and use of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Federal Department of transportation, the Armed Forces of the United States, the State Militia and, when acting in their official capacities and in their proper performance of their duties, by the Village Police and Fire Department and, when express Village Council permission is granted, by an civic group performing a public fireworks display.
- B. Commodities comprised of small arms ammunition and primers therefore, propellant-actuated power cartridges, smokeless propellant in quantities of less than 750 pounds, explosive actuated power devices when in quantities of less than 50 pounds net weight of explosives, fuse lighters and fuse igniters, safety fuses other than cordeau detonant fuses, and 3/32 inch cannon fuses or matchlock fuses.
- C. The sale or transfer of black powder or other commonly used non-smokeless propellant in individual transactions involving quantities of five (5) pounds or less when used for muzzle loaded sports equipment or used in the handloading of sports equipment.

(Ord. 70-04, Sec. 1, 12/8/70)

1301.002. **DEFINITIONS.** In this Ordinance, the following words were used as defined below:

- A. Blasting agent shall mean any material or mixture consisting of a fuel and oxidizer, intended for blasting not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 1: A No. 8 test blasting cap is one containing two grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

NOTE 2: Nitro-Carbo-Nitrate. This term applies to any blasting agent which has been classified as nitro-carbonitrate under the Department of Transportation Regulations, and which is packaged and shipped in compliance with the regulations of the Department of Transportation.

- B. Explosive-actuated power devices shall mean any chemical compound, mixture or device, the primary or common purpose of which is to function by explosive, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the DOT (formerly ICC).
- C. Explosives shall mean all material which is classified as Class A, Class B and Class C explosives by the DOT (formerly ICC), and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant actuated power devices and cartridges for industrial guns, and some special fire works. (Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.)

NOTE 1: Classification of explosives is described by the Department of Transportation, DOT (formerly Interstate Commerce Commission, ICC) as follows:

1. Class A Explosives. Possessing, detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps and detonating primers.
2. Class B Explosives. Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, and some special fireworks.
3. Class C Explosives. Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.
4. Forbidden or Not Acceptable Explosives. Shall mean explosives which are forbidden or not acceptable for transportation by common carriers, by rail freight, rail express, highway or water in accordance with the regulations of the DOT (formerly ICC).

NOTE 2: Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the DOT (formerly ICC) and are not readily classified for coverage in the Code. Authoritative information should be obtained for such unclassified materials and action commensurate with their hazards, location, isolation and safeguards, should be taken.

- D. Highway shall mean any public street, public alley or public road.
- E. Inhabited buildings shall mean a building or structure regularly used in whole or in part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, storage and use of explosives.
- F. Magazine shall mean any building or structure, other than an explosives manufacturing building, approved for the storage of explosives.
- G. Motor vehicle shall mean any self-propelled vehicle, truck tractor, semi-trailer, or truck-full trailers used for the transportation of freight over public highways.
- H. Propellant-actuated power devices shall mean any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.
- I. Person shall mean any individual, firm, co-partnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.
- J. Public conveyance shall mean any railroad car, cab, bus, airplane or other vehicle which is carrying passengers for hire.
- K. Small arms ammunition shall mean any shotgun, rifle, pistol or revolver cartridge, and cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, spotting or pyrotechnic projectiles is excluded from this definition.
- L. Small arms ammunition primers shall mean small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.
- M. Smokeless propellants. Smokeless propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated power devices, etc.

- N. Special industrial explosive devices shall mean explosive-actuated power devices and propellant-actuated power devices.
- O. Special industrial explosives materials shall mean shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, TNT, PETN, RDX, and other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(Ord. 70-04, Sec. 2, 12/8/70)

1301.003. **MANDATORY PERMITS FOR ACQUISITION AND USE.** It shall be unlawful for any person to acquire, possess, use, sell or handle any explosive as defined in Section 2 of this Ordinance, except as otherwise provided by Section 1, within the Village of Winsted without having a permit in his possession.

- A. Such a permit shall be issued only by the Village Clerk, upon approval of the Village Council.
- B. Any person desiring a permit as required by this Section shall make application therefore in writing to the Village Clerk on such forms as the Village Council may prescribe.
- C. Before any permit is issued by the Village Clerk, he shall notify the Chief of the Fire Department (Chief of Police) that such permit is desired. Upon receipt of such notification on the Chief shall inspect the premises upon which the applicant desires to store, handle and use the explosives set forth in the application and if he is satisfied (1) that no serious fire hazard will be created, and (2) that the applicant plans to store and use the explosives in the manner prescribed by this Ordinance, he shall endorse his approval upon said application return it to the Village Clerk who shall present the same to the Council.
- D. The Council shall deny the issuance of any such permit to any one who:
 - 1. Has been convicted within the past ten (10) years of a felony or gross misdemeanor involving moral turpitude or any one who is presently under indictment for any such crime; or
 - 2. Has been within the past ten (10) years convicted of a crime in which the use, possession or sale of narcotics or illicit drugs was an element; or
 - 3. Has been treated within the past ten (10) years for addiction to narcotic or illicit drugs, or has been within such time period admitted to any hospital or institution for treatment of narcotic or illicit drug

addition, or has been within such time period, certified by a licensed medical doctor as being addicted to narcotic or illicit drugs; or

4. Has been within the last ten (10) years, treated for alcohol addiction, admitted to any hospital or institution for treatment of alcohol addiction or certified by a licensed medical doctor as being addicted to alcohol; or
 5. Has been within the past ten (10) years, admitted to any hospital or institution because of or for treatment of any mental deficiency, or certified by a licensed medical doctor as being mentally ill or mentally deficient; or
 6. Has been within the past ten (10) years, acquitted of any criminal charge by reason of insanity; or
 7. Is not twenty-one (21) years of age at the time when application for such permit is made.
- E. If the Council grants the permit, the Village Clerk shall, upon receipt of a fee of Five and No/100 Dollars (\$5.00), prepare and deliver to said applicant such permit as is requested in said application, provided, that no permit shall be granted for a period exceeding one (1) year.

(Ord. 70-04, Sec. 3, 12/8/70)

1301.004. **PERMIT APPLICATION.** The application for a user's permit shall be sworn to by the applicant and shall contain the following information:

- A. Name and address of the applicant;
- B. The applicant's date of birth;
- C. Where applicant intends to permanently store the explosives he intends to use and the storage security measures provided at the storage and use sites;
- D. The applicant's intended use for explosives he purchases pursuant to any permit that may be issued to him; and
- E. All such additional information as may be prescribed by the Village Council in determining whether the applicant is qualified pursuant to Section of this Ordinance to possess such permit.

(Ord. 70-04, Sec. 4, 12/8/70)

1301.005. **PERMIT REVOCATION.** A permit may be revoked or suspended at any time by order of the Village Council for any violation of the provisions of this Ordinance or upon the creation or existence of any condition which would be in the opinion of the Chief of the Fire Department (or Chief of Police) create or tend to create a serious fire hazard.

(Ord. 70-04, Sec. 5, 12/8/70)

1301.006. **MAY NOT TRANSFER TO UNAUTHORIZED PERSON.** No person shall sell, transfer or give away any explosive or blasting agent to any one who does not possess a valid permit issued pursuant to Section 3 this Ordinance.

(Ord. 70-04, Sec. 6, 12/8/70)

1301.007. **SELLER'S RECORD.** Every person selling or giving away any explosives covered by this Ordinance, shall keep at all times an accurate record in a bound book, of all such explosives handled by him, indicating a detailed account of:

- A. Date of each transference of explosives;
- B. Amount of each such transference;
- C. Name and address of each purchaser or transferee;
- D. Manufacturer of the explosives being transferred;
- E. The type of and any identification numbers of explosives being transferred;
- F. Explosives owner's or user's permit number;
- G. Intended place of storage of the explosive by the purchaser or transferee;
- H. Intended use site; and
- I. Security measures provided at the storage site and at the use site.

Such record book shall at all reasonable times be open to the inspection of the Chief of the Fire Department (or Chief of Police) and all duly constituted law enforcement officials of the Village of Winsted. In addition on the first day of every month the seller or transferor shall make a report to the Chief of the Fire Department (or Chief of Police) of the transactions which took place that month.

(Ord. 70-04, Sec. 7, 12/8/70)

1301.008. **STORAGE AND SECURITY REQUIREMENTS.** Any person storing, handling, using or in any way disposing of explosives covered by this Ordinance shall maintain

minimum safety and security features of all permanent and temporary storage facilities in a manner prescribed by the Rules and Regulations of the Minnesota State Fire Marshal governing the storage, handling, use and transportation of blasting agents and explosives.

(Ord. 70-04, Sec. 8, 12/8/70)

- 1301.009. **REPORT OF THEFTS.** Any person who has explosives in his possession and who incurs a loss or theft of all or a portion thereof upon discovery of such loss or theft shall immediately, and in no event longer than twenty-four (24) hours from the time of discovery, inform the Office of the local Chief of Police of the loss or theft, the amount missing and the approximate time of the occurrence.

(Ord. 70-04, Sec. 9, 12/8/70)

- 1301.010. **BOMB THREATS.** It shall be unlawful for any one:

- A. As a hoax, to communicate or cause to be communicated the fact that a bomb or any other explosive device has been placed in any building or in any location other than a building.
- B. As a hoax, to threaten to bomb any person, place or building.
- C. To knowingly permit any telephone or other means of communication under his control to be used for any purposes prohibited by this Section.
- D. As a hoax, to place or cause to be placed in any location any article, constructed or placed with intent to give the impression that said article possesses explosive capability.

(Ord. 70-04, Sec. 10, 12/8/70)

- 1301.011. **PENALTY.** Any person who shall violate any provision of this Ordinance shall upon conviction thereof before the Municipal Court of the Village of Winsted, be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for a period of not more than ninety (90) days, or both, for each such offense.

(Ord. 70-04, Sec. 11, 12/8/70)

- 1301.012. **SEVERABILITY.** The contents of this Ordinance are declared to be severable and should any section, clause, paragraph or provision hereof be declared by a Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

(Ord. 70-04, Sec. 12, 12/8/70)

SECTION 2

1302.000. **ADOPTION OF MINNESOTA UNIFORM FIRE CODE.**

1302.001. **UNIFORM FIRE CODE.** The Minnesota Uniform Fire Code, 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 explosions. Every provision contained in this Code, except as modified or amended by this Ordinance, is hereby adopted and made a part of this Ordinance as is fully set forth herein. The Fire Chief may issue permits where required under the Minnesota Uniform Fire Code where applications are properly submitted as required by the Code for the particular permit being sought. The Chief shall not issue a permit for a period to exceed one year. The Chief shall issue permits having a duration of less than one year where the circumstances deem same to be reasonable and proper. No permit shall be issued under the Code until the applicant has paid the City Clerk \$5.00 for said permit.

(Ord. 76-02, Sec. 1, 1/20/76)

1302.002. **ENFORCEMENT.**

- A. The Chief of the Fire Department serving the City of Winsted, or his representative authorized by him, shall enforce the provisions of this Ordinance.

- B. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department may recommend the employment of technical inspectors, who, when authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department and appointments made after examination shall be for an indefinite term with removal only for cause.

(Ord. 76-02, Sec. 2, 1/20/76)

1302.003. **DEFINITIONS.**

- A. Wherever the word "jurisdiction" is used in the Minnesota Uniform Fire Code, it shall be held to mean the City of Winsted.

- B. Whenever the term "corporation counsel" is used in the Minnesota Uniform Fire Code, it shall be held to mean the attorney for the City of Winsted.

(Ord. 76-02, Sec. 3, 1/20/76)

1302.004. **ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS TO BE PROHIBITED.**

A. The limits referred to in Section 15.201 of the Minnesota Uniform Fire Code in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby established as follows: (1) Fire Zone 1 as defined in Ordinance No. 63-04 Section 6 (C) (1); and Fire Zone 3 as defined in Ordinance No. 63-04 Section 6 (C) (3).

B. The limits referred to in Section 15.60 of the Minnesota Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: (1) Fire Zone 1 as defined in Ordinance No. 63-04 Section 6 (C) (1); and Fire Zone 3 as defined in Ordinance No. 63-04 Section 6 (C) (3).

(Ord. 76-02, Sec. 4, 1/20/76)

1302.005. **ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.** The limits referred to in Section 20.105 (a) of the Minnesota Uniform Fire Code, in which bulk storage of liquefied petroleum gases is restricted are hereby established as follows: (1) Fire Zone 1 as defined in Ordinance No. 63-04 Section 6 (C) (1); and Fire Zone 3 as defined in Ordinance No. 63-04 Section 6 (C) (3).

(Ord. 76-02, Sec. 5, 1/20/76)

1302.006. **ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.** The limits referred to in Section 11.106 (b) of the Minnesota Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: (1) Fire Zone 1 as defined in Ordinance No. 63-04 Section 6 (C) (1); and Fire Zone 3 as defined in Ordinance No. 63-04 Section 6 (C) (3).

(Ord. 76-02, Sec. 6, 1/20/76)

1302.007. **AMENDMENTS MADE IN THE MINNESOTA UNIFORM FIRE CODE.** The Minnesota Uniform Fire Code is adopted in its entirety along with any and all amendments thereto.

(Ord. 76-02, Sec. 7, 1/20/76)

1302.008. **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 meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Council with 30 days from the date of the decision of the appeal.

(Ord. 76-02, Sec. 8, 1/20/76)

1302.009. **NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.** The President of the Planning Agency, the Building Inspector and the Chief 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. The Chief shall post such list in a conspicuous place in this office, and distribute copies thereof to interested persons.

(Ord. 76-02, Sec. 9, 1/20/76)

1302.010. **PENALTIES.**

A. Any person who shall violate any provisions of this Code hereby adopted or fail to comply therewith, 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 City Council or by a Court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not exceeding \$700.00 and by imprisonment for a period not exceeding 90 days. 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.

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

(Ord. 76-02, Sec. 10, 1/20/76)

1302.011. **REPEAL OF CONFLICTING ORDINANCES.** All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

(Ord. 76-02, Sec. 11, 1/20/76)

1302.012. **HISTORY OF REPEALS.** Ordinance 36 has been repealed.