

Section 1150 – Combustible Material Removed

Section 1150:00. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 299F.18, relating to the removal of any combustible or explosive material, rubbish, rags, waste, or inflammable matter of any kind, except liquids covered by section 299F.19 upon order and notice of the fire marshal, providing for removal, providing a penalty, and all other matters pertaining to such notice, removal, and penalty are adopted and made a part of this ordinance as if set out in full.

Section 1150:02. Definitions. For the purpose of this ordinance, the following words shall have the meanings given them in the following subdivisions:

Subd. 1. “Person” as used in this ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, societies, and all other entities of any kind capable of being sued.

Subd. 2. “City” as used in this ordinance is the City of Foley, Minnesota.

Section 1150:04. Enforcement. The chief of the Foley Volunteer Fire Department, the assistant chief, or any captain, who finds in any building or upon any premises any combustible or explosive material, rubbish, rags, waste or inflammable matter regulated under Minnesota Statutes, Chapter 299F.18 as adopted by Section 1150:00 of this ordinance, shall order these conditions removed or the dangerous condition corrected forthwith, in accordance with the procedures set forth therein.

Section 1150:06. Duty of Land Owner. It shall be the duty of the owner, lessee, agent, or occupant upon whom an order of notice to remove combustible materials or correct a dangerous condition shall be served to comply therewith within 24 hours thereafter, unless the order prescribes a longer period within which it may be complied with.

Section 1150:08. Notice. If the provisions of the foregoing sections are not complied with, the fire chief, or assistant fire chief, shall serve written notice of such fact upon the owner, lessee, agent, or occupant.

Subd. 1. Contents of Notice. Such notice shall state:

- (1) The date the order to remove combustible materials or correct a dangerous condition was served;
- (2) The name of the person upon whom such notice was served;
- (3) The date and time within which compliance was ordered;

- (4) A copy of the original order or notice shall be attached to any notice given pursuant to this section.
- (5) A brief description of the combustible materials ordered to be removed or the dangerous condition ordered to be corrected;
- (6) A statement that such order has not been complied with, or in the event of partial compliance, a statement of which provisions of the order have not been complied with.
- (7) A statement that if such order is not complied with by a specified time the City will cause such combustible material to be removed or dangerous condition to be corrected at the expense of the owner of the building and premises or the person upon whom the service is so made, or both, and that such expenses may be recovered either pursuant to Section 1150:00 of this ordinance or by assessment against the property pursuant to Section 1150:10 of this ordinance.

Section 1150:10. Assessment of Expenses. The actual expenses of removing combustible material or correcting dangerous conditions, plus the sum of Ten (\$10.00) Dollars for each inspection and other additional costs therewith incurred by the City in enforcing this ordinance may be certified by the fire chief to the City Council of the City prior to the 1<sup>st</sup> day of October, each year or he may pursue such expenses as otherwise provided by this ordinance. If he chooses to certify such expenses to the City Council, the amount so charged against said premises, lots or parcels of land shall be a lien upon the property on which said combustible materials or dangerous conditions were located, and shall be added to, and become, and form a part of the taxes next to be assessed and levied upon such lot or land, and the City Council shall, by appropriate resolution, assess the costs above mentioned against said premises, and certify the same to the County Auditor of Benton County, Minnesota. The same shall be collected and enforced in the same manner as the collection of real estate taxes.

Section 1150:12. Manner of Serving Orders or Notices. Any written order or notice required to be served upon any person by this ordinance shall be deemed properly served if it shall be in writing, and, either (1) personally delivered to such person; or (2) deposited in the United States Mail at the City Post Office, addressed to the last known post office address of such person, with proper postage affixed. Service of an order or notice by mail as herein set forth shall be deemed complete at the time of mailing, provided that when service is made by mail 72 hours shall be deemed to be added to any specified time for compliance with such order or notice.

Sections 1150:00, 1150:02, 1150:04, 1150:06, 1150:08, 1150:10, and 1150:12 were added to the 1974 Ordinance Code of Foley by Ordinance Number 162, passed November 20, 1979 and effective December 26, 1979.