

CHAPTER 73

STATE FIRE MARSHAL

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NOTE: For definitions, see Section 60.02.

73.01 EX OFFICIO FIRE MARSHAL. The commissioner shall be ex officio state fire marshal, but shall receive no additional compensation therefor. He shall have all the duties and rights formerly by law conferred upon the state fire marshal.

[1925 c. 426 art. 8 s. 4] (53-31)

73.02 SPECIAL ATTORNEY. The attorney general may appoint a special attorney for the department, whose work shall be under the supervision of the attorney general, who shall fix the compensation, such compensation to be paid out of the fund created under this chapter.

[1913 c. 564 s. 4] (5953)

73.03 ORIGIN OF FIRES INVESTIGATED. The chief of the fire department of each city or village in which a fire department is established, and the mayor of each city in which no fire department exists, and the president of the village board of each village in which no fire department exists, and the town clerk of each town without the limits of any city or village, shall investigate, or cause to be investigated, the cause, origin, and circumstances of each fire occurring in the city, village, or town by which property has been destroyed or damaged when the damage exceeds \$25, except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether the fire was the result of carelessness, accident, or design.

The investigation shall be begun within two days of the occurrence of the fire and the state fire marshal shall have the right to supervise and direct the investigation when he deems it expedient or necessary.

The officer making investigation of fires occurring in cities, villages, and towns shall forthwith notify the state fire marshal and shall, within one week of the occurrence of the fire, furnish to the state fire marshal a written statement of all the facts relating to the cause and origin of the fire and such further information as may be called for by the blanks furnished by the state fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics, and circumstances, including the origin of the fires, which may be determined by the investigation provided by this chapter. These statistics shall be at all times open to public inspection.

[1913 c. 564 s. 6] (5955)

73.04 EVIDENCE, TAKING OF. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made and shall cause the same to be reduced to writing; and, if he shall be of

the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with the offense and furnish to the proper prosecuting attorney all this evidence, together with the copy of all names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and keep a record of the proceedings and progress made in all these prosecutions for arson and the result of all cases finally disposed of.

[1913 c. 564 s. 7] (5956)

73.05 TESTIMONIAL POWERS. Subdivision 1. **Attendance of witnesses.** The state fire marshal, chief assistant fire marshal, and deputy state fire marshals, shall each have the power in any county of the state to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this chapter a subject of inquiry and investigation and may require the production of any book, paper, or document deemed pertinent thereto by them, or either of them. The summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts, which shall be paid out of the fire marshal fund upon vouchers signed by the state fire marshal, chief assistant fire marshal, or deputy fire marshal before whom any witnesses shall have attended and this officer shall, at the close of the investigation wherein the witness was subpoenaed, certify to the attendance and mileage of the witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of the state fire marshal, or any subordinate, may in his discretion be private and persons other than those required to be present by the provisions of this chapter may be excluded from the place where the investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Subd. 2. **Oaths administered.** The state fire marshal, chief assistant state fire marshal, and deputy state fire marshals are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and punished as such.

Subd. 3. **Refusal to testify.** Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of the state fire marshal, chief assistant fire marshal, or deputy state fire marshal in relation to the investigation, or who fails or refuses to produce any paper, book, or document touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned to appear before them to give testimony in relation to any matter or subject under examination or investigation may be summarily punished by the state fire marshal, chief assistant state fire marshal, or deputy state fire marshals as for contempt by a fine in a sum not exceeding \$100 or be committed to the county jail until such time as such person may be willing to comply with any reasonable order made by the state fire marshal, chief assistant state fire marshal, or deputy state fire marshals, as provided in this chapter, and subject to the provisions of section 588.01.

[1913 c. 564 s. 8] (5957)

73.06 DISOBEDIENCE, HOW PUNISHED. Disobedience of any subpoena in such proceedings, or contumacy of a witness, may, upon application of the state fire marshal, be punished by any district court in the same manner as if the proceedings were pending in that court.

[1913 c. 564 s. 9] (5958)

73.07 PREMISES, WHEN ENTERED. In the performance of the duties imposed by the provisions of this chapter, the state fire marshal, and any of his subordinates, at all times of day or night may enter upon and examine any building or premises where a fire has occurred and other buildings and premises adjoining or near thereto.

[1913 c. 564 s. 10] (5959)

73.08 BUILDINGS, ENTERED WITHIN REASONABLE HOURS. The state fire marshal, his chief assistant, deputies, and subordinates, the chief of the fire department of each city or village where a fire department is established, the mayor of a city or village where no fire department exists, or the clerk of a town in terri-

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tory without the limits of a city or village, at all reasonable hours may enter into all buildings and upon all premises within their jurisdiction for the purpose of examination.

[1918 c. 564 s. 11] (5960)

73.09 BUILDINGS REPAIRED OR TOEN DOWN, ENTRANCE TO. The state fire marshal may condemn, and by order direct the destruction, repair, or alteration of, any building or structure which, by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus, or other defect is especially liable to fire and which building or structure in the judgment of the state fire marshal, is so situated as to endanger life or limb or other buildings or property in the vicinity. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom the order is served shall make such repairs as thereby directed and the order may direct that the structure be closed and not further used or occupied until the repairs are made. Any person who shall wilfully disobey the order directing the closing of the building pending the making of these repairs shall be guilty of a misdemeanor.

[1918 c. 564 s. 12; 1917 c. 469 s. 1] (5961)

73.10 STRUCTURES REPAIRED OR DEMOLISHED. The state fire marshal is hereby authorized to petition the district court of any county for an order of condemnation directing the destruction, repair, or alteration of any building or structure located on land owned by, or on land held in trust by, the state which is especially liable to fire and dangerous to life and limb within the purview of the provisions of section 73.09. In case the petition is for an order requiring repairs, the person authorized by law to make the repairs and upon whom the order is served, shall make these repairs as thereby directed and the order may direct that the building or structure be closed and not further used or occupied until the repairs are made. Upon the filing of the petition with the district court wherein any such building or structure is located, the court shall make a temporary order directing the state fire marshal to serve a copy of the petition and a copy of the temporary order upon the commissioner of taxation and the county board of the county wherein the lands are situated; and, if the lands are situated in a city of the first class, then upon the assessor of this city of the first class, within such time as may be fixed by the court in its order. If, within 20 days, no objections are filed to the petition by the parties so served, the court may require the state fire marshal to present sufficient proof to sustain the allegations set forth in his petition, and thereupon the court may or may not, as the case may require, make an order of condemnation and direct the state fire marshal to proceed with the destruction of the building or structure; but if objections are filed and a copy of the objections have been duly served upon the state fire marshal within 20 days of the service of the copy of the temporary order and copy of the petition hereinbefore referred to, the court upon application by the state fire marshal shall make its order fixing the time and place for hearing of the matter, which place may be at any convenient point, at any general or special term, or out of the term, or in chambers, within the judicial district where the lands are situated, and which time shall be within ten days from the date of the filing of the objections or as soon thereafter as may be. If upon the hearing the petition shall be sustained, the court shall issue an order of condemnation and fix the time within which the building or structure shall be destroyed, repaired, or altered in compliance with the order and that upon failure of the proper person or persons to comply with the order the state fire marshal shall proceed with the destruction thereof. If upon the hearing the petition of the state fire marshal is not sustained, the court shall deny the petition.

In all cases where the order of the court has not been complied with and the state fire marshal is authorized to proceed with the demolition of any building or structure, the state fire marshal shall sell and dispose of the salvage materials therefrom at public auction upon three days posted notice and all expenses incurred by the state fire marshal shall be paid out of the moneys received from the auction of salvage material, and any deficit remaining unpaid thereafter may be paid out of the funds created by and provided for in section 73.20. Should any surplus remain of the amount received for salvage material, after deducting the expenses incurred by the state fire marshal, this surplus shall be paid to the treasurer of the county where the property was situated to be distributed by him as provided by law.

[1939 c. 200; 1941 c. 123] (5961-1)

73.11 EXITS OPENED, ORDER. When the state fire marshal upon inspection shall find a building of such construction and use that the exits and means of egress already provided do not afford reasonably safe escape in case of fire for the number of people customarily within he may order such exits to be opened and such means of escape to be provided as in his judgment are reasonably necessary to eliminate the danger arising therefrom.

[1913 c. 564 s. 12; 1917 c. 469 s. 1] (5962)

73.12 ORDER TO BE IN WRITING. The order shall be in writing, recite the grounds therefor, and be filed in the office of the clerk of the district court of the county in which the building or structure so ordered to be altered, repaired, or demolished is situated and thereupon all further proceedings for the enforcement thereof shall be had in that court.

[1913 c. 564 s. 13; 1917 c. 469 s. 1] (5963)

73.13 NOTICE, SERVICE ON OWNER. A copy of the order filed in accordance with section 73.12, together with a written notice that the same has been so filed and will be put in force unless the owner or occupying tenant shall file with the clerk of the court his objections and answer thereto within the time specified in section 73.14, shall be served upon the owner of the building or structure so directed to be altered, repaired, or demolished; and, if there be a tenant occupying the building, then also upon this occupant. Service shall be made upon the owner and occupying tenant, if there be one, personally, either within or without the state. It shall be deemed a personal service of the order and notice if the copy thereof be left at the house of the usual abode of the person to be served, with some person of suitable age and discretion then residing therein. If the whereabouts of the owner is unknown and the same cannot be ascertained by the state fire marshal in the exercise of reasonable diligence, then, upon his filing in the office of the clerk of the district court his affidavit to this effect, service of the notice upon the owner may be made by publishing the same once in each week for three successive weeks in a newspaper printed and published in the county in which the building or structure is located and by posting a copy thereof in a conspicuous place upon the building or structure, and the service so made shall be deemed to be complete upon the expiration of the publication period. Proof of service of the notice shall be filed in the office of the clerk of the district court not less than five days before the filing of a motion for an order affirming the state fire marshal's order of condemnation in case of default as provided for by section 73.14, or in case written objections are filed and served, not less than five days before the time fixed for the hearing provided for by section 73.15.

[1913 c. 564 s. 14; 1917 c. 469 s. 1; 1947 c. 417 s. 1] (5964)

73.14 WRITTEN OBJECTIONS FILED BY OWNER. The owner of any building or structure so condemned, or any occupying tenant upon whom the notice and order are served, within 20 days from the date of the service, as herein provided, may file with the clerk of the district court and serve upon the state fire marshal, either personally or by registered mail, written objections to the order in the form of an answer denying the existence of any of the facts therein recited which he desires to controvert. If no answer is so filed and served, the owner and all other persons in interest shall be deemed to be in default and thereupon the court shall affirm the order of condemnation and direct the state fire marshal to proceed with the enforcement thereof; but, if an answer be filed and served, as herein provided, the court shall hear and determine the issues so raised and make its order as provided for by section 73.15.

[1913 c. 564 s. 15; 1917 c. 469 s. 1; 1947 c. 417 s. 2] (5965)

73.15 HEARING. The court upon motion of the state fire marshal shall make its order fixing a time and place for the hearing, which place may be at any convenient point within the judicial district, and which time shall be within ten days from the date of the filing of the answer, or as soon thereafter as may be. Upon the trial the order of the state fire marshal shall be prima facie evidence of the existence of the facts therein recited. If upon the trial the order of the state fire marshal shall be sustained, the court shall make its order accordingly and shall fix a time within which the building or structure shall be altered, repaired, or demolished, as the case may be, in compliance with the order of the state fire marshal, but otherwise the court may annul and set aside such order of the state fire marshal, or modify it if the facts so warrant.

[1913 c. 564 s. 16; 1917 c. 469 s. 1; 1947 c. 417 s. 3] (5966)

73.16 FAILURE TO COMPLY WITH ORDER. Subdivision 1. **Sale or destruction of building.** If the owner or other party in interest shall fail to comply with the order of the state fire marshal within the time fixed thereby, or with such order as affirmed or modified by the court, within the time fixed by court, in case a trial is had as provided for in section 73.15, the state fire marshal may proceed to cause the building or structure to be altered, repaired, or demolished in accordance with the directions contained in the order. Where a building or structure is demolished in accordance with the order the state fire marshal may sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice. In lieu of demolishing the building or structure the state fire marshal may sell it at a public auction, upon the same notice, provided the purchaser signs a written agreement to demolish the building and remove the salvage within such time from the date of sale as the state fire marshal shall announce before the sale. In case any such purchaser shall fail to so demolish the building or structure and remove the salvage within the specified time, the sale to him shall be void, and the purchase price paid by him shall be retained by the state fire marshal as liquidated damages for breach of the agreement. Any amount collected for the sale of salvage, or the building or structure, or as liquidated damages for breach of the agreement shall be deposited with the state treasurer and credited to the fund of the state fire marshal.

Subd. 2. **Statement of moneys received and expenses incurred; surplus to owner.** The state fire marshal shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the state fire marshal and his deputies from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, or as liquidated damages for breach of the agreement, and shall report his action under the order, with a statement of monies received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account and, if the amount received from the sale of the salvage, or of the building or structure, or for liquidated damages for breach of the agreement does not equal or exceed the amount of expenses as allowed, the court shall by its order certify the deficiency in the amount so allowed to the county auditor for collection. The owner or other party in interest shall pay the same within 30 days thereafter, with 25 percent penalty added thereon, and in default of payment the auditor shall enter this expense on the tax lists of the county as a special charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected, including the penalty thereon, shall be paid into the state treasury and credited to the fund of the state fire marshal. When any real estate on which the building or structure is or was situated forfeits to the state for taxes, this expense shall be apportioned by the county auditor from the net proceeds of the sale or rental of such forfeited land to the state treasury to be credited to the fund of the state fire marshal in the same manner as any other special assessment is apportioned as provided in section 282.08, clause (2). If the amount received for the sale of the salvage, or of the building or structure, or for liquidated damages for breach of the agreement to remove the building or structure exceeds the expense incurred by the state fire marshal, as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court for his use and benefit. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the county treasurer to be applied on such taxes.

There is hereby appropriated to the persons entitled to such surplus, from the fund in the state treasury to which the money was credited, an amount sufficient to make the payment.

[1913 c 564 s 17; 1917 c 469 s 1; 1947 c 417 s 4; 1959 c 157 s 5] (5967)

73.17 COMBUSTIBLE MATERIAL REMOVED. The state fire marshal, the chief assistant fire marshal, or any deputy fire marshal, who finds in any building or upon any premises any combustible or explosive material, rubbish, rags, waste, or inflammable matter of any kind, except liquids covered by section 73.171, endangering the safety of the building or property or the occupants thereof or the occupants of adjoining buildings shall order these materials removed or the dangerous condition corrected forthwith. This order shall be in writing and directed generally to the

owner, lessee, agent, or occupant of the building or premises and any owner, lessee, agent, or occupant upon whom such notice shall be served who fails to comply therewith within 24 hours thereafter, unless the order prescribes a longer period within which it may be complied with, shall be guilty of a misdemeanor, and the material may be removed or dangerous condition 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 the state fire marshal may maintain all necessary actions for the recovery thereof.

[1913 c 564 s 18; 1917 c 469 s 1; 1949 c 292 s 1] (5968)

73.171 REGULATIONS ON FLAMMABLE LIQUIDS AND EXPLOSIVES. Subdivision 1. The state fire marshal shall make, promulgate, and enforce reasonable rules and regulations for the safekeeping, storage, handling, use, transportation, or other disposition of flammable liquids and explosives except transportation by petroleum carriers as covered in Laws 1947, Chapter 281; but the size and weight of loads of and vehicles transporting such products upon public highways within this state shall be governed by the uniform provisions in Minnesota Statutes, Sections 169.80 to 169.88.

Subd. 2. For the purposes of this section, and the rules and regulations adopted pursuant thereto, flammable liquids shall be divided into three classes according to flash point:

(1) Liquids with a flash point at or below 25 degrees Fahrenheit (minus four degrees Centigrade) closed cup tester;

(2) Liquids with a flash point above that for class (1), and at or below 80 degrees Fahrenheit (27 degrees Centigrade) closed cup tester;

(3) Liquids with a flash point above that for class (2), and at or below 187 degrees Fahrenheit (86 degrees Centigrade) closed cup tester;

The term "flammable liquids" includes liquefied gases which exist as liquids at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

For the purposes of this section, and the rules and regulations adopted pursuant thereto, explosives shall be divided into three classes:

(1) Class A explosives: possessing detonating or otherwise maximum hazard, such as dynamite, nitrolycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, detonating primers, fuses, including military ammunition and jet thrust units for aircraft;

(2) Class B explosives: possessing flammable hazard, such as rocket ammunition, certain ammunition for cannon, propellant explosives (including some smokeless powders), photographic flash powders, some pyrotechnic signaling devices;

(3) Class C explosives: possessing minimum hazard such as certain types of manufactured articles which contain Class A, or Class B explosives, or both, as components but in restricted quantities, and certain types of fire works;

Subd. 3. No local government shall enact any regulation or ordinance which is inconsistent with the rules and regulations adopted by the state fire marshal pursuant to this section. Nothing in this section shall be construed to affect the power of any local government, when so authorized by law, to regulate the use of land by zoning. Any city or village in which there is no comprehensive zoning ordinance in effect may prohibit the installation or erection of flammable liquid bulk plants within areas which are predominantly residential or in areas used predominantly for retail mercantile purposes. Any city or village may prescribe routes for the transportation of flammable liquids through such city or village by motor vehicle transport.

Subd. 4. The fire marshal of each city of the first class, the chief of the fire department of each other city or village in which a fire department is established, the mayor of each city in which no fire department exists, the president of the village board of each village in which no fire department exists, and the town clerk of each town without the limits of any city or village shall, upon direction of the state fire marshal, enforce within their respective jurisdictions all rules and regulations adopted pursuant to this section and shall render such other assistance as may be requested.

Subd. 5. Any violation of a rule or regulation shall constitute a misdemeanor.

[1949 c 292 s 2; 1957 c 424 s 1-3]

73.18 [Repealed, 1955 c 61 s 1]

73.19 FAILURE TO COMPLY, PUNISHMENT. Any officer referred to in section 73.03 who neglects to comply with any of the requirements of this chapter shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$100 for each neglect or violation.

[1913 c. 564 s. 20] (5970)

73.20 FIRE INSURANCE COMPANIES TO PAY COST OF MAINTENANCE. For the purpose of maintaining the office of the state fire marshal and paying all the expenses incident thereto, every insurance company, including reciprocals, inter-insurance exchanges or Lloyds, doing business in the state, excepting farmers' mutual fire insurance companies and township mutual fire insurance companies, shall hereafter pay to the state treasurer on or before April 30th annually, a tax upon its fire premiums or assessments or both, as follows:

A sum equal to one-half of one percent of the gross premiums and assessments, less return premiums, on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, including premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise. In the case of a mutual company or reciprocal exchange the dividends or savings paid or credited to members in this state shall be construed to be return premiums. The money so received into the state treasury shall be set aside as a special fund and it is hereby appropriated for the maintenance of the office of the state fire marshal and the expenses incident thereto. The state shall not be liable in any manner for the salary of the state fire marshal, his chief assistant, deputies, clerks, and other employees, or for the maintenance of the office of fire marshal or any expenses incident thereto, and the same shall be payable only from the special fund provided for in this section.

[1913 c. 564 s. 23; 1915 c. 341 s. 1; 1937 c. 77 s. 1; 1949 c. 315 s. 1] (5973)

73.21 ITEMIZED STATEMENT KEPT. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his office and approve all vouchers issued therefor before the same are submitted to the state auditor for payment, which vouchers shall be allowed and paid in the same manner as other claims against the state.

[1913 c. 564 s. 24] (5974)

73.22 RECORDS TO BE PUBLIC, EXCEPT IN CERTAIN CASES. All records on file in the state fire marshal's office shall be public, except any testimony, correspondence, or other matter taken in an investigation under the provisions of this chapter, which the state fire marshal, in his discretion, may withhold from the public.

[1913 c. 564 s. 26] (5976)

73.23 COUNTY ATTORNEYS TO ASSIST. The county attorney of any county, upon request of the state fire marshal, his deputies or assistants, shall assist such officers upon an investigation of any fire, which in their opinion is of suspicious origin.

[1913 c. 564 s. 27] (5977)

73.24 FIRE DRILLS IN SCHOOLS. It shall be the duty of the state fire marshal, his deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours.

[1913 c. 564 s. 28] (5978)

73.25 PENALTIES PAID INTO STATE TREASURY. All penalties, fees, or forfeitures collected under the provisions of this chapter shall be paid into the state treasury for the benefit of the state fire marshal fund.

[1913 c. 564 s. 29] (5979)

73.26 DECLARATION FOR PUBLIC SAFETY. It is hereby declared that this chapter is necessary for the public safety, health, peace, and welfare, is remedial in nature, and shall be construed liberally and this chapter shall not be declared unconstitutional and void for the reason that any section or provision thereof may be in contravention of the constitution.

[1913 c. 564 s. 30] (5980)

73.27 ANNUAL REPORT. The state fire marshal shall submit annually as early as consistent with full and accurate preparation and not later than the fifteenth day of February a detailed report of his official actions to the governor.

[1913 c. 564 s. 31] (5981)

73.28 COMPENSATION FOR FIRES REPORTED. There shall be paid to the chiefs of fire departments, and mayors of cities, who do not receive to exceed \$50 annually as compensation for their services as such chiefs and mayors, and to presidents of the village boards, and to the town clerks of towns, who are by this chapter required to report fires to the state fire marshal, the sum of \$1 for each fire reported to the satisfaction of the state fire marshal; and in addition thereto mileage at the rate of ten cents per mile for each mile traveled to and from the place of fire. These allowances shall be paid by the state fire marshal at the close of each fiscal year out of any funds appropriated for the use of the office of the state fire marshal.

All chiefs of departments who receive a stated salary and devote their entire time to the duties of chiefs of the department and those mayors of cities who receive a stated salary exceeding \$50 as such officer shall be precluded from receiving any extra allowance from the report herein mentioned.

[1913 c. 564 s. 32] (5982)

73.29 STATEMENT NOT USED IN CIVIL ACTION, WHEN. No statement or admission of assured in any fire insurance policy given to the fire marshal's office in any investigation or proceeding had by that office shall be used in any civil action based upon such policy of insurance.

[1913 c. 564 s. 33] (5983)

73.30 FIRE EXTINGUISHERS. Subdivision 1. [Repealed, 1955 c 791 s 3]

Subd. 2. **Minimum specifications; sales.** The state fire marshal shall adopt and promulgate reasonable rules and regulations governing the minimum specifications for approved fire extinguishers. No fire extinguisher of a type not approved by the state fire marshal shall be sold or offered for sale within the state.

Subd. 3. **Penalty.** Any person, firm, or corporation who shall sell or offer for sale any fire extinguisher of a type not approved by the state fire marshal shall be guilty of a misdemeanor.

[1953 c 430 s 1-3; 1955 c 791 s 1, 2]

73.41 FIRE SAFETY CODE. The state fire marshal after holding a public hearing in accordance with law, shall establish a fire safety code. The regulations in the code shall provide for reasonable safety from fire, smoke, and panic therefrom, in all hospitals, nursing homes, rest homes, board and care homes, as defined by the state board of health, schools, hotels, as defined in Minnesota Statutes, Section 60.91, Subdivision 2.

[1957 c 723 s 1; 1961 c 560 s 8]

73.42 REQUIREMENTS OF CODE. The code shall specify reasonable minimum requirements for fire safety in new and existing buildings and facilities. Regulations may be in accordance with the size, type of construction and nature of use or occupancy of such buildings or facilities. No regulation made in accordance with sections 73.41 to 73.43, shall be inconsistent with the provisions of the statutes nor impair the rights of municipalities to enact ordinances and make orders with respect to buildings as provided by law, so far as such ordinances or orders specify requirements equal to, additional to or more stringent than the regulations issued under the authority of sections 73.41 to 73.43.

[1957 c 723 s 2]

73.43 FILING OF CODE AND AMENDMENTS. The code and all amendments thereto shall be filed with the secretary of state and published in accordance with Minnesota Statutes, sections 15.046 to 15.049, and in addition thereto a copy shall be provided each local fire marshal, fire chief, building inspector, or other governmental official who request a copy of the code.

[1957 c 723 s 3]

73.44 VIOLATIONS. Any person who violates any provision of the fire safety code shall be fined not more than \$200 or imprisoned not more than three months or both. No person shall be convicted of violating the fire safety code unless he shall have been given notice of the violation in writing and reasonable time to comply.

[1957 c 723 s 4]

73.51 PUBLIC POLICY. It is the intent of the Minnesota legislature to protect the public welfare and promote safety in the filling and use of pressure vessels containing liquefied petroleum gases through implementing both the interstate commerce commission regulations, within the State of Minnesota, the rules and regulations of the Minnesota state fire marshal, and the national standards of safety

on the filling of these containers. It is deemed necessary to insure that containers properly constructed and tested be used and that a liquefied petroleum gas of suitable and safe vapor pressure be placed in these containers. To attain this end the filling or refilling of liquefied petroleum gas containers by other than the owner or authorized person must be controlled and specific authority to prevent violation and encourage enforcement be established.

[1957 c 768 s 1]

73.52 DEFINITIONS. The term "person" shall mean and include any person, persons, firm, firms, corporation or corporations.

The term "owner" shall mean and include (a) any person who holds a written bill of sale or other instrument under which title to the container was transferred to such person, (b) any person who holds a paid or receipted invoice showing purchase and payment of such container, (c) any person whose name, initials, mark, or other identifying device has been plainly and legibly stamped or otherwise shown upon the surface of such container for a period of not less than one year prior to the final enactment and approval of sections 73.51 through 73.56, or (d) any manufacturer of a container who has not sold or transferred ownership thereof by written bill of sale or otherwise;

The term "liquefied petroleum gas" as used in sections 73.51 through 73.56 shall mean and include any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and iso-butane), and butylenes.

[1957 c 768 s 2]

73.53 LIQUEFIED PETROLEUM GAS CONTAINERS, IDENTIFYING DEVICES; UNLAWFUL ACTS. If a liquefied petroleum gas container shall bear upon the surface thereof in plainly legible characters the name, mark, initials or other identifying device of the owner thereof, it shall be unlawful for any person except such owner or a person authorized in writing by him: (a) To fill or refill such container with liquefied petroleum gas or any other gas or compound;

(b) To buy, sell, offer for sale, give, take, loan, deliver or permit to be delivered, or otherwise use, dispose of, or traffic in any such container; or

(c) To deface, erase, obliterate, cover up or otherwise remove or conceal or change any such name, mark, initials or other identifying device of the owner or to place the name, mark, initials or other identifying device of any person other than the owner on such container.

[1957 c 768 s 3]

73.54 PRESUMPTIVE EVIDENCE OF UNLAWFUL USE OF LIQUEFIED PETROLEUM GAS CONTAINERS. The use of a liquefied petroleum gas container or containers by any person other than the person whose name, mark, initial or device shall be or shall have been upon such liquefied petroleum gas container or containers, without written consent or purchase of such marked and distinguished liquefied petroleum gas container, for the sale of liquefied petroleum gas or filling or refilling with liquefied petroleum gas, or the possession of such liquefied petroleum gas containers by any person other than the person having his name, mark, initial or other device thereon, without the written consent of such owner, shall and is hereby declared to be presumptive evidence of the unlawful use, filling or refilling, transition of, or trafficking in such liquefied petroleum gas containers.

[1957 c 768 s 4]

73.55 VIOLATIONS, SEARCH WARRANTS. Whenever any person, or the president, secretary, treasurer, or other officer of any corporation mentioned in sections 73.41 to 73.44, or his duly authorized agent who has personal knowledge of the facts, shall make oath in writing before any justice of the peace or police judge, or other magistrate, that the party so making such affidavit has reason to believe and does believe that any of his, her, its or their liquefied petroleum gas containers marked with the name, initials, mark or other device of said owner, are in the possession of or being used by or being filled or refilled or transferred by any person whose name, initials, mark or other device does not appear on said containers, and who is in the possession of, filling or refilling, or using any such containers without the written consent of the owner of such name, initials or trade mark, the said magistrate may, when satisfied that there is reasonable cause, issue a search warrant and cause the premises designated to be searched for the purpose of discovering and

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obtaining the same, and may also cause to be brought before him the person in whose possession such containers may be found, and shall then inquire into the circumstances of such possession; and if such magistrate finds that such person has been guilty of a violation of sections 73.51 through 73.56, he shall impose the punishment herein prescribed, and he shall also award the possession of property taken upon such search warrant to the owner thereof.

[1957 c 768 s 5]

73.56 MISDEMEANOR. Any person who shall fail to comply with any of the foregoing provisions of sections 73.51 through 73.56 shall be deemed guilty of a misdemeanor for each separate offense.

[1957 c 768 s 6]