

## CHAPTER 438

### FIRE PREVENTION

<p>438.05 Fire marshal. 438.06 Duties, powers, compensation. 438.08 Municipalities to fight fires outside of limits.</p>	<p>438.09 Municipalities to arrange for compensation at outside fires. 438.10 Firefighters serving on outside fires in line of regular duties. 438.11 Cities; expenses to conventions, payment.</p>
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- 438.01** [Repealed, 1949 c 119 s 110]  
**438.02** MS 1969 [Repealed, 1976 c 44 s 70]  
**438.03** [Repealed, 1976 c 44 s 70]  
**438.04** [Repealed, 1976 c 44 s 70]

#### **438.05 FIRE MARSHAL.**

In every city of the first class in the state which does not now have an official in its fire department designated and acting as fire marshal, under the charter of the city, there is hereby created the office of fire marshal and it shall be the duty of the chief of the fire department of the city to appoint from among the members of the fire department a fire marshal, and he shall hold office until removed for cause.

**History:** 1911 c 94 s 1 (1423)

#### **438.06 DUTIES, POWERS, COMPENSATION.**

It shall be the duty of the fire marshal to examine all property within the city and enforce the ordinances of the city relating to the care of chimneys, the storage and handling of explosives and enforce all other ordinances and laws of the state pertaining to precautions against danger from fires. The fire marshal shall have power to enter any dwelling or other building between 7:00 a.m. and 6:00 p.m. for the purpose of making this examination, and he shall examine into the cause of every fire which shall happen in the city and make a complete report of the same, and make a report thereof monthly to the chief of the fire department. He shall report all violations of ordinances of the city and laws of the state relating to the public safety, in all public buildings, and shall sign and file complaints before the proper prosecuting officers for the enforcement of these ordinances. The fire marshal shall receive as his compensation a sum to be fixed by the board of fire commissioners, not less than the salary paid a captain of the fire department of the city.

**History:** 1911 c 94 s 2 (1424)

- 438.07** [Repealed, 1976 c 44 s 70]

#### **438.08 MUNICIPALITIES TO FIGHT FIRES OUTSIDE OF LIMITS.**

The council or any other body of any municipality having control of its fire department may by resolution adopted by a five-sevenths vote authorize its fire department, or any portion thereof, to attend and serve at fires outside of the limits of the municipality either within or without the state. In case the fire department is controlled by an individual this authorization shall be by written notice posted at the headquarters of the fire department.

**History:** 1929 c 232 s 1 (1919-1)

**438.09 MUNICIPALITIES TO ARRANGE FOR COMPENSATION AT OUTSIDE FIRES.**

The body or person having control of a municipal fire department shall have authority to contract with other municipalities or private groups for compensation for services rendered in fighting fires as provided in section 438.08. The compensation agreed shall be a legal charge and collectible by the municipality rendering the service in any court of competent jurisdiction.

**History:** 1929 c 232 s 2 (1919-2)

**438.10 FIREFIGHTERS SERVING ON OUTSIDE FIRES IN LINE OF REGULAR DUTIES.**

All municipal firefighters attending and serving at fires outside of the limits of the municipality as authorized in section 438.08 shall be considered as serving in their regular line of duties as fully as if they were serving within the limits of their own municipality.

**History:** 1929 c 232 s 3; 1977 c 429 s 63 (1919-3)

**438.11 CITIES; EXPENSES TO CONVENTIONS, PAYMENT.**

The governing body of any city of this state, however organized, may appropriate such reasonable sums of money as it deems proper to defray the expenses of members of its regularly organized fire department in attending the state convention of the Minnesota State Fire Department Association, the Minnesota State Fire School, and to meetings of regional firefighter's associations.

The term "expenses" shall include payment of a reasonable per diem while in attendance at any such meeting to members of a fire department who are not on a fixed monthly salary.

**History:** 1931 c 150 s 1; 1953 c 429 s 1; 1973 c 123 art 5 s 7; 1977 c 429 s 63 (1919-4)