

shall not be available for the payment of current expenses so long as the association has undivided profits. It shall not be available for the payment of dividends; but any association may charge against such fund any losses upon investments, whether resulting from depreciation or otherwise, without encroaching upon its undivided profits or its net earnings until the contingent or reserve fund is exhausted. Provided, that associations issuing serial stock only may accumulate a separate contingent or reserve fund for each series of stock, and distribute the same among the stockholders of each such series, as each such series matures and is cancelled."

Approved April 14, 1937.

CHAPTER 225—H. F. No. 1440

An act to amend Mason's Minnesota Statutes of 1927, Sections 5984, 5991, 5992, 5994, 5996, 6012, 6014, 6017 and 6018, relating to the dry cleaning and dry dyeing business.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5984, be amended so as to read as follows:

"5984. **Dry cleaning and dyeing establishments must be licensed.**—For the purpose of this act a dry cleaning or dry dyeing business is defined to be the business of clearing, or dyeing cloth, clothing, feathers, or any sort of fabrics or textiles or cleaning or dyeing by processes known as dry cleaning and dry dyeing.

No person, firm or corporation shall advertise as conducting a dry cleaning or dry dyeing business, or either, until such person, firm or corporation shall have made application to the state fire-marshal for permission to engage in such business and paid the fee as hereinafter provided.

The term "flammable liquid" as used in this act is defined as any liquid which, under operating conditions, gives off vapor which, when mixed with air is combustible and explosive, or any liquid with a flash point 187 degrees Fahrenheit (86 degrees Centigrade) closed cup tester. The flash point shall be determined with the Elliott, Abel, Abel Pensky, or the Tag closed cup-testers, but the Tag closed cup tester (standardized by the United States Bureau of Standards) shall be authoritative in case of dispute. All tests shall be made in accordance with the methods adopted by the American Society for Testing Materials."

Sec. 2. Law amended.—That Mason's Minnesota Statutes of 1927, Section 5991, be amended so as to read as follows:

"5991. Buildings to be fire-proofed.—All buildings or establishments used or to be used for the purpose of the business of dry cleaning or dry dyeing as above defined shall be of fire-resisting design and construction and not to exceed three stories in height and shall be without basement, cellar or open space below the ground floor, the workroom where all dry cleaning is done to be located on the ground floor. Such building must also comply in all other respects with the provisions of this act. Fire-resisting construction is defined to consist of the use of fire-resisting material as follows: Brick, hollow tile, steel and concrete or reinforced concrete. Any building in which gasoline, naphtha, benzol, carbon bisulphide or light petroleum or coal tar products are used in connection with a dry cleaning or dry dyeing business must be at least fifteen (15) feet from any other building or lot, except the building used for operating a dry cleaning or dry dyeing business, *unless separated therefrom by an unpierced fire wall. In no event shall more than two sides of such building have walls without openings. The roof of such building shall be of fire-resistive construction.*"

Sec. 3. Law amended.—That Mason's Minnesota Statutes of 1927, Section 5992, be amended so as to read as follows:

"5992. Construction.—All walls of such dry cleaning and dry dyeing buildings or establishments shall be of brick laid in cement mortar, or of reinforced concrete not less than twelve inches in thickness, or of stone, laid in cement mortar not less than sixteen inches in thickness, or of other non-combustible and fire-resistive material constructed of a thickness of not less than twelve inches. The roof of such building shall be of fire-resistive construction. *Provided, however, that the construction specified in this section shall not apply to any building or establishment in which no flammable liquid, product or substance shall be present, handled or used.*"

Sec. 4. Law amended.—That Mason's Minnesota Statutes of 1927, Section 5994, be amended so as to read as follows:

"5994. Same.—Ventilating apertures of size not less than sixty square inches in area shall be placed in the walls of such dry cleaning and dry dyeing buildings at or near the level of the floor, and spaced not over six feet apart from center to center; such openings shall be covered with 2x2 wire mesh, number sixteen galvanized wire web or its equal, and shall be kept clear of all obstructions and such ventilating apertures shall be so arranged as to completely change the air volume every *three* minutes while the plant is in operation. Other ventilating systems may be substituted for the above, which will completely change the air every *three* minutes, while the plant is

in operation provided same are approved before constructed by the state fire marshal."

Sec. 5. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5996, be amended so as to read as follows:

"5996. **Same.**—As a means of fire extinguishment in any such buildings, the same shall be equipped with a high pressure boiler of sufficient size and horse power, such boiler to be located in a fire-proof building at least ten (10) feet from any building used for the purpose of dry cleaning or dry dyeing, such boiler to be connected with a two-inch steam supply pipe in the dry cleaning or dry dyeing room so installed as to give as nearly as possible an equal distribution of steam, and to be so placed that the steam when turned in will immediately fill the entire room; such steam pipes shall be provided with perforations or jets of one-quarter of one inch in diameter, equally spaced, so that there is one opening to each twenty-five square feet of floor space; a standard globe valve shall be placed in the steam service line or lines connected to this perforated steam pipe outside of the building, and to be accessible for operation in case of fire. The steam supply for such pipes shall be continually available for service while the plant is in operation, and shall be sufficient to completely fill the room space in less than one minute, and continue the flow of steam sufficient to keep the room space filled with steam for a period of at least thirty minutes.

This section shall not apply to any business or establishment where the dry cleaning or dry dyeing is accomplished by a non-flammable liquid, or liquids having a flash point exceeding 187 degrees Fahrenheit or 86 degrees Centigrade, product or substance."

Sec. 6. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 6012, be amended so as to read as follows:

"6012. **Separate buildings for gas, etc.**—No carbon bi-sulphide, gasoline, naphtha, benzol or light petroleum or coal tar product used in the dry cleaning and dry dyeing business shall be distilled or redistilled in connection with the said dry cleaning or dry dyeing business except in a building of fire-proof construction, which building must be located more than fifteen (15) feet from any other building or lot, except the buildings used in said dry cleaning and dry dyeing business, *unless separated therefrom by an unpierced fire wall. But in no event shall more than two sides of such building have walls without openings. The roof of such building shall be of fire-resistive construction.*"

Sec. 7. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 6014, be amended so as to read as follows:

"6014. **Abandoned buildings.**—Should any building, business or establishment of dry cleaning or dry dyeing as herein defined, be discontinued or not carried on in any building which does not conform to the provisions herein set forth, for a period of *ninety (90) days*, such business shall be considered as having been abandoned, and before the same can again be carried on in such building, the said building must be so constructed, repaired or rebuilt as to conform to the provisions of this act.

The period of ninety (90) days herein stated is not to be construed as such period when the plant is under construction or repair or operated in its regular capacity as a going business. Operation of the plant for short periods of time within the said period of ninety (90) days with the intent to evade the provisions of this section shall be considered as an attempt to interfere with the operation of this act."

Sec. 8. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 6017, be amended so as to read as follows:

"6017. **Fire marshal to enforce Act.**—It shall be the duty of the state fire marshal, his deputies and assistants, to enforce the provisions of this act, and he shall have the same power and authority in the enforcement of the provisions hereof as are given to the state fire marshal under the provisions of the state fire marshal law, namely, sections 5129-5166 of the General Statutes of Minnesota, 1913.

They shall administer and enforce the laws relating to the construction, regulation, safety, and operation of dry cleaning and dry dyeing establishments; investigate, ascertain, declare and prescribe what reasonable standards for the adoption of improvements or other means or methods including the prescribing, modifying and enforcement of reasonable orders pertaining thereto, necessary to prevent fires and explosions and for the protection and safety of employees and the public in dry cleaning and dry dyeing establishments, not inconsistent with this act, and in particular, provisions of Mason's Minnesota Statutes for 1927, Section 6013, but such requirements and regulations shall also be required of alterations and changes undertaken by existing dry cleaning and dry dyeing establishments.

Sec. 9. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 6018, be amended so as to read as follows:

"6018. **Disposition of fines.**—All fees, penalties or forfeitures collected by the state fire marshal, his deputies or assistants under the provisions of this act, shall be paid into the state treasury and be credited to the *State Fire Marshal Fund*, and shall be disbursed in the same manner as other moneys in said fund are disbursed."

Approved April 14, 1937.