

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

**Section 1. Ditches; towns; appeal from assessment order.** A town which has been assessed benefits or awarded damages by reason of a ditch proceedings commenced pursuant to Minnesota Statutes 1961, Chapter 106, and any act amendatory thereof, and which believes itself to be aggrieved by reason of such award of benefits or damages because it claims a road for which it was assessed benefits and allowed damages is not a public road under its jurisdiction, may appeal from such order of the county board in the event such order is dated not more than five years prior to passage of this act at any time within six months from the effective date of this act, notwithstanding that its time to appeal may have otherwise expired by operation of law.

Approved May 11, 1965.

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#### CHAPTER 385—H. F. No. 869

*An act relating to fire extinguishers; providing penalties; amending Minnesota Statutes 1961, Section 73.30.*

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

**Section 1.** Minnesota Statutes 1961, Section 73.30, is amended to read:

**Subdivision 1. Fire extinguishers.** *No person, firm or corporation shall sell, expose for sale, buy, exchange, give, receive or, after the period allowed by the order provided for in subdivision 3 have in possession any fire extinguisher containing any of the following materials: carbon tetrachloride,  $CCl_4$ ; chlorobromomethane,  $CH_2BrCl$ ; dibromodifluoromethane,  $CBr_2F_2$ ; 1,2 dibromo-2-chlor-1, 1-2-trifluoroethane,  $CBrF_2CBrClF$ ; 1,2 dibromo-2, 2-difluoroethane,  $CH_2BrCBrF_2$ ; ethylene dibromide,  $CH_2BrCH_2Br$ ; hydrogen bromide,  $HBr$ ; methylene bromide,  $CH_2Br_2$ ; bromodifluoromethane,  $CHBrF_2$ ; methyl bromide,  $CH_3Br$ .*

**Subd. 2.** ~~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. It shall be unlawful for any person, firm or corporation directly or through an agent, to sell or offer for sale or, after the~~

**Changes or additions indicated by italics, deletions by strikeout:**

period allowed by the order provided for in subdivision 3 have in possession any make, type or model of extinguisher, either new or used, for use as a fire extinguisher as required by state or local laws, unless such make, type or model of extinguisher has first been tested and is approved and labeled by the Factory Mutual Laboratories, Underwriters' Laboratories, Inc., or other testing laboratory approved by the state fire marshal, as providing adequate and reliable tests and examinations; and it shall be unlawful for any person to deliver or make available for use in the state of Minnesota any make, type or model of extinguisher which is not tested or serviced as required in the standards of the National Fire Protection Association entitled "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers" (NFPA No. 10) dated June 1959.

Subd. 3. 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. The state fire marshal, his chief assistant, deputies, and subordinates, the chief of the fire department of each city, village, borough, or other subdivision of government where a fire department is established, who finds in any building or upon any premises any fire extinguisher containing any of the materials listed in subdivision 1, or in dangerous or not in efficient operating order, or does not conform to the standards described in subdivision 2, shall order the extinguisher removed or repaired. This order shall be in writing and directed generally to the owner, lessee, agent or occupant of the building or premises and shall allow a period of 15 days in which to make required repairs or to remove the extinguisher, and any owner, lessee, agent, or occupant who fails to comply therewith shall be guilty of a misdemeanor, and the party issuing the order may remove the fire extinguisher.

Subd. 4. It shall be the duty of the sheriff and his deputies in areas not served by a fire department to report the existence of any extinguisher containing any of the materials listed in subdivision 1, or any extinguisher not in an efficient operating order, to the fire marshal, his chief deputy assistants, or subordinates when such extinguishers are found.

Subd. 5. Any person, firm or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Approved May 11, 1965.

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