

## CHAPTER 438

### PREVENTION OF, AND PROTECTION FROM, FIRES

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**438.01** [Repealed, 1949 c 119 s 110]

**438.02 FIRE LIMITS IN BOROUGHES.** The councils of all boroughs in this state shall have authority and power, by ordinance, rule, or by-law, to establish and prescribe fire limits in their respective boroughs and to prohibit and regulate the erection of buildings made of wood or other combustible material within such fire limits.

It shall be unlawful for any person or corporation to erect any building made of wood or other combustible material within such fire limits, except in accordance with such ordinance, rule, or by-law.

Such council shall have power in such ordinance to prescribe penalties for the violation thereof, not to exceed a fine of \$100 or three months' imprisonment in the county jail.

[1897 c. 85]

**438.03 CONDEMNATION OF PROPERTY FOR FIRE DAMAGE.** In all villages, boroughs, and cities of the fourth class, where any property has been condemned or ordered removed, by virtue of damages by fire or other cause, the owner of the property may appeal to the district court of the county from the decision of the board of aldermen or other officers condemning the property within 30 days after notice served of the decision; provided that this section shall not apply to buildings made of brick or stone.

[1913 c. 178 s. 1] (1931)

**438.04 NOTICE OF APPEAL; TRIAL.** Notice of the appeal shall be filed with the clerk of the village, borough, or city. It shall be the duty of the clerk to file in the office of the clerk of the court copies of the proceedings had in the matter, with the notice of appeal, within ten days after the filing of the notice of appeal. The case shall thereupon be tried in the court in the same manner as if originally commenced therein and the court may order issues joined and pleadings filed.

[1913 c. 178 s. 2] (1932)

**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.

[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.

[1911 c. 94 s. 2] (1424)

**438.07 MAXIMUM EXPENDITURE FOR FIRE DEPARTMENT.** Any city of the first class in this state, in addition to all powers now possessed by it, shall have the power and authority by and through its council, to fix the maximum expenditure each year for the support and maintenance of its fire department, and to include the amount so fixed in the current annual tax levy for the city.

[1907 c. 286 s. 1] (1425)

**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.

[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.

[1929 c. 232 s. 2] (1919-2)

**438.10 FIREMEN SERVING ON OUTSIDE FIRES IN LINE OF REGULAR DUTIES.** All municipal firemen 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.

[1929 c. 232 s. 3] (1919-3)

**438.11 CITIES AND VILLAGES MAY PAY EXPENSES TO CONVENTIONS.** The governing body of any village or 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 or the Northwest Fire School, or both.

[1931 c. 150] (1919-4)