

Chapter 9

FIRE PROTECTION AND PREVENTION

Article VI.

Special Assessments for Fire Protection Systems

Section 131. Definitions.

Unless the context clearly indicates otherwise, the following words, combination of words, terms, and phrases used in Article V shall have the meaning set forth in the subdivisions of this section which follow:

- a. Fire Protection System. The definition of Fire Protection System as set forth in Minnesota Statutes, Section 429.011, Subd. 14, as amended from time to time, is hereby adopted by reference as if fully set forth herein. Fire Protection Systems shall also include, but are not limited to, sprinkler systems, fire hydrants, fire alarm systems, special suppression systems, and smoke removal systems in affiliation with high-piled storage.
- b. Improvement. This term shall mean the construction, reconstruction, installation, alteration, extension, operation, maintenance, and promotion of a Fire Protection System in an existing building regardless of its use as a residence, business, institution, or other category of use.

Section 132. Petition

Whenever all owners of real property named as the location of any contemplated improvement shall petition the City Council to construct the improvement and to assess the entire cost against the property, the Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement.

- a. Except as may otherwise be provided in Article V, the petition, its consideration, and all activities taken pursuant to petition shall comply with the provisions of Minnesota Statutes, Chapter 429, as they apply to fire sprinkler systems and improvements.
- b. The City will not accept any petition requesting that the municipality own and install a fire protection system.
- c. The petition shall contain the plans and specifications for the improvement and the estimated cost of the improvement.
- d. Unless warranted by special circumstances, all petitions for the special assessment of the project must be received and acted upon by the City Council prior to the start of any improvement.
 1. Consideration of any petition is subject to a determination by the City Council in its sole discretion that sufficient City funds are available for the project. City staff shall periodically advise the Council with regard to the availability of appropriate funds.

2. The petition will not be approved unless the improvement is a permanent built-in fire protection feature.
 3. The City shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition.
- e. The owners shall be responsible for contracting for the actual installation of a Fire Protection System. However, the City shall have the final right to disapprove of any contractor selected by the owner.
 - f. Petitioner(s) shall waive all rights to a public hearing and any appeal of the special assessments adopted by the City Council including, but not limited to, those set forth in Minnesota Statutes, Section 429.031, Subdivision 3, and Section 429.081. (Ord. No. 720, Art. V, Section 132f, dated 01-07-02)
 - g. Prior to the start of any improvement, the petitioner must obtain at petitioner's expense all permits and approvals required by the City and any other governmental authority having jurisdiction in the matter.
 - h. No payment shall be made by the City for any installation or construction until work is completed, reviewed, inspected, tested, and finally approved by the City. Partial payments may be made for work already completed, reviewed, inspected, and tested as above. However, in that event, a 5% retainage shall be retained by the City until such time all of the work is completed and the Fire Protection System is approved by the City, at which time payment in full for such improvement may be made. Any payment made shall be payable to the Petitioner(s) (Property Owners) and the Contractor. (Ord. No. 720, Chap. 9, Art. V, Sec. 132(h), dated 01-07-02)
 - i. The amount to be paid by the City and specially assessed for the project shall not exceed the amount of the construction estimate contained in the petition, plus any City administrative costs and interest charges. The petitioners shall be responsible for any construction costs exceeding the amount of the construction estimate. However, if actual construction costs exceeds the construction estimate set forth in the petition, the petitioner may apply to City council to request an increase in the amount paid by the City and assessed against the property. Whether or not said additional amount shall be paid by the City and assessed shall be in the sole and absolute discretion of the City Council.
 - j. No special assessments will be made for a period of more than ten (10) years, except as otherwise determined by the Council.
 - k. If the petitioners request the abandonment of the special assessment project, all City costs incurred must be reimbursed by the petitioners. Abandonment may not be requested once any contract has been awarded in connection with the project.

Section 133. Financing

At any time after an improvement is ordered, the City Council may issue obligations in such amount as it deems necessary to defray in whole or part the expense incurred and estimated to be incurred in making the improvement, including every item of cost of the kinds authorized in Minnesota Statutes, Section 475.65.

- a. The Council may by resolution adopted prior to the sale of obligations pledge the full faith, credit, and taxing power of the City for the payment of the principal and interest (improvement bonds), or may choose not to pledge the full faith and credit of the municipality, but rather promise to pay solely out of the proper special fund or funds pledged to the payment of such obligations (revenue bonds). The effect of each such obligation shall be as set forth in Minnesota Statutes, Section 429.091.
- b. The financing of the improvement shall be governed further by the provisions of Minnesota Statutes, Section 429.091. (Ord. No. 688, Sec 1-3, 11-20-00)

Sections 134-145. Reserved.