

Chapter 12

Public Safety and Emergency Management

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This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

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Chapter 12

Public Safety and Emergency Management

Find out how cities may protect the public safety through regulations, such as adopting and enforcing the State Building Code, and providing services like police, fire protection or ambulance. Learn about preparing for and carrying out emergency functions to prevent, minimize and repair injury and damage from disasters such as flooding or tornados.

RELEVANT LINKS:

[Minn. Stat. § 12.03, subd. 4.](#)

[Minnesota Homeland Security and Emergency Management \(HSEM\).](#)

[Federal Emergency Management Agency \(FEMA\).](#)

[FEMA National Response Framework.](#)

[Minn. Stat. § 12.25, subd. 1.](#)

[HESM Training.](#)

[Minn. Stat. § 12.25, subd. 1.](#)

[Section I-B National Incident Management System \(NIMS\).](#)

I. Emergency management

Emergency management concerns both the preparation for and the carrying out of emergency functions to prevent, minimize, and repair injury and damage resulting from disasters (such as flooding, tornados, etc.), acute shortages of energy, or incidents at nuclear power plants that pose radiological or other health concerns. Emergencies may be “minor” (affecting only a small geographic area within one city) or “major” (impacting large areas and affecting numerous people).

Emergency management requires the coordination of officials across multiple departments or services, such as police, fire, fire responder, and rescue services; medical and public health; communications; and human services. When large-scale disasters occur, cities often seek assistance through mutual aid as well as from the county, state, or federal governments.

Federal and state laws create a nationwide framework, but the foundation rests on local planning, mitigation, response, and recovery.

A. Local organizations

Cities are required to establish a local organization to perform emergency management functions. The keys to emergency response are planning and organization. It is critical to have in place a command structure (with pre-established personnel and well-defined responsibilities), as well as a common communication system.

The local emergency organization may be created by ordinance. Each organization must have a director (appointed by the mayor). The director is responsible for its organization, administration, and operation—subject to the direction and control of the city council.

An emergency organization must conform to both state and federal law. Once established, it must also meet ongoing training requirements established by the federal government under the federal National Incident Management System (NIMS).

RELEVANT LINKS:

[Minn. Stat. § 12.25, subds. 3, 5.](#)

[Minn. Stat. § 12.03, subd. 9.](#)

[Minn. Stat. § 12.26.
Minnesota Wing Civil Air Patrol.](#)

[NIMS Resource Center.](#)

[Comprehensive
Preparedness Guide 101:
Developing and
Maintaining Emergency
Operations Plans.](#)

[NIMS Compliance
Objectives and Metrics for
Local Governments.](#)

[NIMS Communications and
Information Management
standards.](#)

[NIMS Guideline for
Resource Management
Preparedness.](#)

[NIMS Training.](#)

[FEMA Fact Sheet – Elected
Officials: What you need to
know about NIMS.](#)

[44 C.F.R. § 201.](#)

[HSEM Grants.](#)

1. Common organization agreements

Generally, an emergency organization's concern is limited to its own territorial limits. However, with the approval of the state public safety director, two or more political subdivisions (counties, cities, towns, and certain metropolitan airport commissions) may determine boundaries or consolidate organizations through a "common organization agreement."

2. Taxation and expenses

Cities are explicitly authorized to make appropriations for emergency management, which can include any local contingent of the civil air patrol. In addition, cities may specially levy (without regard to any levy limitations) to fund their emergency management organizations.

B. National Incident Management System

The National Incident Management System (NIMS) was developed to help emergency responders from different jurisdictions and disciplines work together in a cohesive and effective manner when responding to large-scale disasters that cross jurisdictional lines. However, NIMS was also designed to be both flexible and scalable, allowing it to be useful for local response as well.

State and local emergency response plans must conform to federal NIMS requirements, including:

- Following the NIMS template for organizational and command structure.
- Using a NIMS-compliant communications and information management system, a common operational platform that uses plain language for emergency operations, rather than local "10-codes," which can vary from jurisdiction to jurisdiction.
- NIMS training for emergency personnel. City police, fire, and emergency medical services CEMSC staff, as well as elected officials must be trained in NIMS concepts and procedures, using a standardized curriculum.

Cities also demonstrate their commitment to compliance by adopting a resolution recognizing NIMS principles and policies. This resolution should be submitted to the Minnesota Department of Public Safety (DPS).

Financial assistance is often available to assist cities in strengthening their emergency management capabilities, as well as meeting other NIMS requirements.

RELEVANT LINKS:

[Minn. Stat. § 12.29.](#)

[Proclamation Declaring a Local Emergency](#), LMC model form.
[Extending a Local Emergency](#), LMC model resolution.

[HSEM.](#)
[FEMA.](#)

[Minn. Stat. § 12.37.](#)

[Handbook, *Expenditures Purchasing and Contracts*.](#)

[LMC information memo, *Meetings of City Councils*.](#)
[Minn. Stat. § 13D.021.](#)

[Minn. Stat. § 626.84, subd. 2.](#)

[Minn. Stat. § 471.59.](#)
[Minn. Stat. § 12.331.](#)

[LMC information memo, *Providing Assistance in Emergencies: Coverage and Liability Issues*.](#)

However, cities that do not comply with NIMS are ineligible for certain federal emergency management grants (such as for fire department related purchases).

C. Declaration of a local emergency

The declaration of a local emergency by the mayor activates the city's emergency organization structure. Once declared, the city's designated emergency manager should contact the county emergency management coordinator. If additional resources are needed, the county coordinator will contact the Minnesota Department of Public Safety, Homeland Security and Emergency Management (HSEM) division, which will assign a person to coordinate the city's needs and available resources. Assistance from the Federal Emergency Management Agency (FEMA) may also become available if requested by the governor and/or HSEM.

The declaration of an emergency allows cities to combat the disaster and provide emergency assistance without complying with time-consuming procedures and formalities that are generally required before:

- The performance of public work.
- Entering into contracts.
- Incurring obligations.
- Employing temporary workers.
- Renting equipment.
- Purchasing supplies and materials.
- The appropriation and expenditure of public funds.

An emergency declaration also allows cities to conduct meetings by telephone or interactive technology. However, even after a disaster declaration, cities cannot authorize their employees or other agents to carry firearms on behalf of the city if they are not licensed as peace officers or security guards.

D. Intergovernmental assistance

1. Mutual aid

Cities have a long tradition of providing others assistance, especially in times of emergency.

It is quite common (as well as recommended) for cities to enter into mutual aid agreements with their neighbors. In the absence of an agreement, cities can rely on statutory provisions that establish a structure for handling liability, workers' compensation, and equipment damage.

RELEVANT LINKS:

[Minn. Stat. § 12.27, subd. 2.](#)

[Minn. Stat. § 12.27, subd. 3.](#)

[Public Law 104-321.](#)

[Minn. Stat. § 192.89.](#)

[HSEM – EMAC.](#)

[EMAC.](#)

[Minn. Stat. § 412.221, subd. 32.](#)

[Minn. Stat. §§ 626.74-.89. POST Board.](#)

With the governor’s approval, cities may also enter into mutual aid agreements with emergency management organizations in other states for reciprocal aid and assistance if a disaster is too great to be dealt with unassisted.

a. Designated dispatcher

Cities must designate a person who will have the authority to dispatch equipment and personnel to other jurisdictions when it would be impractical for the city council to authorize such assistance itself. Typically, the city administrator or manager, public safety director, police chief, fire chief, or public works director is selected, but it can be any officer of the city. Determining whether to send assistance is a discretionary decision and one that requires consideration of the city’s needs.

When aid is dispatched by the designated dispatcher, the act is considered an act of the political subdivision for compensation of personnel, liability insurance coverage, and other matters.

2. Emergency Management Assistance Compact

The federal Emergency Management Assistance Compact (EMAC) provides an orderly and uniform mechanism through which states can assist one another in emergencies. In Minnesota, HSEM coordinates interstate mutual aid operations under EMAC. Cities that wish to assist out-of-state disasters and emergencies should contact HSEM to register their availability.

Mutual aid laws vary from state to state. As a result, local governments that self-deploy across state lines may be held responsible for accidents or injuries that arise. However, when working through the EMAC system, cities and city employees have important liability protections.

II. Police protection

While not specifically required by state law, many cities choose to provide police protection through city police departments or contracts for police services. Police departments are specifically required by some home rule charters.

Police departments are created through ordinances and policies. Use of force and pursuit policies must be submitted to and approved by the Minnesota Board of Police Officer Standards and Training Board (POST).

RELEVANT LINKS:

[Minn. Stat. § 626.89.](#)

[Minn. Stat. § 626.8455.](#)

Handbook, [Liability](#).

[Minn. Stat. § 626.88, subd. 2.](#)
[Minn. Stat. § 169.98.](#)

[Minn. Stat. §§ 626.84-.863. POST.](#)
[Minn. Stat. § 169.98.](#)
[Minn. Stat. § 169.346, subd. 4.](#)

As is the case with other departments and employees, the city council generally has the authority to appoint, prescribe duties, fix compensation, and remove city employees—subject to collective bargaining agreements, civil service commissions, and state laws that specifically address peace officer discipline.

A. Community policing

In the past, most police departments were call driven and reactive. Over time, the three strategies of rapid response, random patrol, and reactive investigations proved to be less and less effective in preventing crime. In response, cities are now turning to “community policing,” which operates on two basic principles: community/police collaboration and a problem-solving orientation.

B. Liability

Cities are concerned about the conduct and potential liability for law enforcement employees because of the work performed and the types of injuries that can occur. Lawsuits based on police action may be more likely and more costly to resolve than lawsuits related to the actions of non-law enforcement employees.

C. Uniform and vehicle colors

Police officer uniforms must be blue, brown, or green. Patrol vehicles must be predominantly blue, brown, green, black, or white. The vehicle must display in letters at least two-and-a-half inches tall the governmental unit’s identity on both front-door panels and on the rear of the vehicle. Each vehicle must have its own identifying number on the rear of the vehicle. It is also possible for a department to use a “specially marked” police vehicle for primary use in the enforcement of highway traffic laws and ordinances if its use will contribute to the safety of the traveling public. A specially marked vehicle has only the shield of the city and the name of the authority on the front door.

D. Licensing

Police officers must be licensed by the Peace Officer Standards and Training (POST) Board. Many police-related activities such as patrolling, stopping vehicles in a marked police vehicle, or issuing citations may only be performed by licensed officers. But there are some exceptions. For example, a city may pass an ordinance allowing citizen volunteers who have received training to issue citations for unauthorized use of disabled parking.

RELEVANT LINKS:

[Minn. Stat. § 626.8468, subd. 1.](#)

[Minn. Stat. § 626.84, subd. 1\(d\).](#)
[Minn. Stat. § 626.8461.](#)
[Minn. Stat. § 626.8465, subd. 1.](#)
[Minn. Stat. § 626.8468, subd. 1.](#)

[Minn. Stat. § 626.84, subd. 1\(c\).](#)

[State v. Horner](#), 617 N.W.2d 789 (Minn. 2000).

[Minn. Stat. § 436.05.](#)

[LMCIT Contract Review Service.](#)

[Minn. Stat. § 609.5315.](#)
[Minn. Stat. § 609.5316.](#)

E. Part-time and reserve officers

Effective June 30, 2014, the state no longer licenses new part-time police officers. Licensed part-time peace officers who were unemployed after June 30, 2014 had their licenses canceled by the POST Board.

If a city employed a licensed part-time peace officer as of June 30, 2014, the city was allowed to continue to employ that officer indefinitely, and while they remain employed with that city, the part-time license is valid. However, should the city remove the part-time officer at any time now, the POST Board is required to cancel the part-time license.

Licensed part-time police officers, have either full powers of arrest or the authorization to carry a firearm while on active duty, and work on average no more than 20 hours a week (excluding on-call time), as calculated on an annual basis. Part-time officers are intended to supplement regular, fully trained, and licensed police officers and must be supervised (which may be by radio) by a licensed, full-time officer.

Reserve officers are individuals whose services are used by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer does not have full powers to arrest, authorization to carry a firearm on duty, or authority to enforce the general criminal laws of the state. Reserve officers can make a lawful citizen's arrest, but do not have the authority to investigate beyond their direct observations.

F. Contracting for police protection

There are many intergovernmental contracts for police protection. Cities not only contract with each other for police protection, but also with the county sheriff's department. Any home rule charter or statutory city, or the sheriff of any county, may contract to furnish police service to any other city. County sheriffs can request assistance from the police officers of any city. This does not, however, authorize the sheriff to acquire additional personnel by calling in city police department personnel on a continuous basis. Contracts should clearly set forth all terms of the agreement such as compensation, supervision, and assumption of liability.

G. Sale of forfeited firearms

Law enforcement agencies can sell forfeited firearms, ammunition, and accessories to federally licensed firearms dealers, or may use them for law enforcement purposes.

RELEVANT LINKS:

[Firefighter Training in Minnesota.](#)

[Minnesota Board of Firefighter Training and Education.](#)

[Ambulance Services, EMSRB.](#)

[Minn. Stat. § 412.221, subd. 17.](#)
[HR Reference Manual.](#)
LMC information memo, *Fire Department Management and Liability Issues*, Section II-B, Selection versus election.

[ISO Commercial Risk.](#)
LMC information memo, *Fire Department Management and Liability Issues*, Section VII, The ISO Fire Protection Rating System.

Handbook, *Liability*.
LMC information memo, *Fire Department Management and Liability Issues*, Section II-M, Staffing levels.
[Minn. Stat. § 604A.01.](#)
Swenson v. Waseca Mut. Ins. Co., 653 N.W.2d 794 (Minn. Ct. App. 2002).

[Minn. Stat. § 604A.01, subd. 1.](#)

In most cases, sale proceeds are distributed: 70 percent to the law enforcement agency's operating fund or similar fund, to be used for law enforcement, training, crime prevention, equipment, or capital expenses, 20 percent to the prosecuting agency, and 10 percent to the state.

III. Fire protection

There are approximately 780 fire departments in Minnesota. Of these, 88% use only volunteer or paid on-call firefighters. There is a growing trend, however, to supplement volunteer departments with some paid firefighters. There are over 20,000 firefighters in Minnesota, roughly 2,500 of whom are full-time, career licensed firefighters. About 150 departments run ambulances, and nearly 200 run specialized rescue units. Departments without specialized units frequently provide at least some rescue services.

Cities have the authority to establish fire departments but are not required to do so. However, some city charters do specifically establish or require fire departments. The fire department—unless an independent, nonprofit corporation—is a city department and subject to any applicable laws. This is particularly true regarding employment issues, as a city “volunteer” may still be considered an employee for the purposes of recruitment, discipline, and termination.

ISO Commercial Risk Services gives cities a fire rating (or fire ratings for larger cities), which are used by home and commercial insurance companies to evaluate the level of fire protection in each community. Essentially, the better a city's fire department, the lower the insurance rates for property owners in the community.

A. Liability

Cities are generally liable for the acts of firefighters, subject to important protections and immunities. Under the state's Good Samaritan Act, a volunteer firefighter who, without compensation or the expectation of compensation, renders emergency care at the scene or during transit to a hospital is not liable for any damages, unless the individual acted in a willful and wanton or reckless manner when rendering assistance. Here, “compensation” does not include payments, reimbursement for expenses, or pension benefits paid to volunteer firefighters.

The Good Samaritan Act also requires any person at the scene of an emergency to give reasonable assistance to the extent that he or she can do so without danger or peril.

RELEVANT LINKS:

[Minn. Stat. § 438.08.](#)
LMC information memo,
*Providing Assistance in
Emergencies.*

A.G. Op. 688-a (Dec. 15,
1953).

[Minn. Stat. ch. 299N.](#)
[Minnesota Board of
Firefighter Training &
Education.](#)
[29 U.S.C. §§ 651-678.](#)
[29 C.F.R. § 1910.](#)

[Minnesota Fire Service
Certification Board.](#)
[Minn. Stat. § 299F.012.](#)

[Minn. Stat. § 12.26.](#)

[Minn. Stat. § 471.3455.](#)
[Minn. Stat. § 477B.03.](#)
[Minn. Stat. § 424A.091.](#)

[Minn. Stat. § 477B.01,](#)
subd. 8.

“Reasonable assistance” can include aid from law enforcement or emergency personnel. A failure to give reasonable assistance in this situation is a petty misdemeanor.

B. Contracting for fire protection

Many cities provide fire protection for neighboring cities and townships under a variety of contracts. Contracts for fire protection are different than mutual aid agreements. Contracts for fire protection establish an ongoing service arrangement, while mutual aid agreements are intended to provide occasional, intermittent assistance when resources become overwhelmed.

Contracts for fire protection should be written and establish all critical terms and conditions, such as compensation, supervision, and assumption of liability.

C. Training and certification

In 2009, the Minnesota Legislature passed a bill that made Minnesota the first state to license firefighters. All full-time firefighters must be licensed as a condition of their employment. Licensing is optional for part-time, paid on-call, or volunteers. In addition, federal and state Occupational Safety and Health Administration (OSHA) laws and regulations contain minimum training and equipment requirements.

The Minnesota Fire Service Certification Board certifies instructors and suggests curriculum to improve the quality and uniformity of firefighter training. The Department of Public Safety may spend funds in the Fire Safety Account for training activities and programs recommended by the Fire Service Advisory Committee.

D. Finances

Cities have several methods available for financing fire department equipment. Statutory cities may levy for the purchase of equipment. Certificates of indebtedness, bonds, firefighters’ relief association general funds, additional sales contracts, civil defense funds,

Loans, leasing, and lease purchase agreements are all additional funding methods used by cities. A limited use of certificates of indebtedness by charter cities is also possible. State aid, relative to the premiums reported on the Minnesota Fire Premium Reports, provides some funds to cities with fire departments and firefighters’ relief associations. However, they must follow detailed financial guidelines to receive fire state aid.

RELEVANT LINKS:

[USDA Rural Development.](#)

[Minn. Stat. § 161.465.](#)
[Minn. Stat. § 219.761,](#)
[subd. 1.](#)

[Minn. Stat. § 415.01, subd. 2.](#)
[Minn. Stat. § 366.011.](#)
[Minn. Stat. § 366.012.](#)
[LMC information memo,](#)
[Fire Department](#)
[Management and Liability](#)
[Issues](#), Section IV-A,
Charging for Fire Calls.

[LMC information memo,](#)
[Fire Department](#)
[Management and Liability](#)
[Issues](#), Section IV,
Managing city fire
department finances.
[Minn. Stat. § 412.141.](#)
[Minn. Stat. § 465.03.](#)

[Minn. Stat. § 424A.04,](#)
[subd. 1.](#)

[Minn. Stat. § 13D.01.](#)
[DPO 94-043.](#)
[Minn. Stat. ch. 424A.](#)
[DPO 97-037.](#)

The United States Department of Agriculture (USDA)'s Rural Development division administers direct loan and grant programs for essential community facilities, including public safety services such as fire departments. Rural cities, those with no more than 20,000 residents according to the latest U.S. Census data, are eligible for this program.

Cities are entitled to recover expenses related to fire protection provided to state trunk highways, railroad rights-of-way, or operating property.

Cities have express statutory authority to adopt ordinances and charge for emergency services, including fire, rescue, medical, and other related services., as well as certify any unpaid service charges against real property owned by that person anywhere in the state. In considering whether a city should charge for fire calls, a city should weigh the advantages of a fee system over the more traditional use of property taxes.

1. Accounting and funds

It is important to clarify whether money relates to the fire department or the fire relief association. Money should be handled differently, depending on which organization is involved.

a. Fire departments

In most situations, the fire department is a department of the city. As a result, any fire department funds are the city's responsibility. They should be turned over to the city treasurer and controlled by the city council. The fire department does not have any independent authority to accept, control, or spend department funds.

b. Fire relief associations

Each fire relief association is governed by a nine-member board of trustees. Six trustees must be members of and elected by the relief association. Three trustees represent the city and must be: one elected official, one elected or appointed official, and the fire chief.

Fire relief associations are subject to both the Minnesota Data Practices Act and the Minnesota Open Meeting Law. Under state law, the fire relief association must have two separate funds—a general fund and a special fund. The financial records of the special fund, used for pension benefits, are public.

The financial records for the general fund, which can be used for any purpose that benefits the association and its members, are available to its members, but are not available to the general public.

RELEVANT LINKS:

[Minn. Stat. ch. 353G. Statewide Volunteer Firefighter Retirement Plan Description from PERA.](#)

[Transition Steps](#), for those wishing to use the state plan for firefighter retirement benefits.

[Minn. Stat. § 353G.082.](#)

[Minn. Stat. § 353G.01.](#)

[Minn. Stat. § 424A.091.](#)

[Minn. Stat. ch. 299F. State Fire Marshal. Minn. R. ch. 7511. Minn. R. 7511.0101.](#)

[Minn. Stat. § 299F.46.](#)

[Minn. Stat. §§ 624.20-.25. State Fire Marshal – Fireworks. Minn. Stat. § 624.22.](#)

Despite the statutory requirement of a special fund for pension purposes, cities and their relief associations can choose to have the relief association's retirement benefits provided through the Statewide Volunteer Firefighter (SVF) Plan. This state plan was created in 2009 and is administered by PERA. In the event the city or relief association board decide to use the state plan, there is a process for transition, beginning with cost-based analysis of the switch and ending with assets of the special fund being transferred to the state plan.

Beginning January 1, 2025, a defined contribution plan is added as an option for participants in the SVF Plan. New legislation requires PERA to establish a fire department account for each participating employer, which will consist of the individual accounts for the volunteers employed or providing services to the participating employers.

A “defined contribution plan” provides each member with a retirement benefit equal to the member's individual account balance, to which state aid, contributions forfeitures, and investment earnings and losses have been credited. Previously, participants in the SVF plan were only eligible for a defined benefit plan, in which members have a retirement benefit that is a one-time lump sum.

Relief associations may accept and provide donations and must manage their funds in compliance with the Volunteer Firefighters' Relief Association Financing Guidelines Act.

E. Uniform state fire code

The uniform fire code is effective throughout the state of Minnesota, regardless of whether it is specifically adopted. A city may adopt the state fire code by ordinance and adopt rules for the prevention and control of fires and fire hazards. City regulations may be more restrictive as necessary to protect life or property in the community.

Cities have some discretion in determining who will perform fire inspections. However, if the city enters into an agreement with the commissioner of public safety to conduct hotel inspections, the agreement may call for certain minimum staff requirements and qualifications.

1. Fireworks

The sale, possession, and use of certain non-explosive and non-aerial consumer fireworks are permitted in Minnesota. Examples of legal fireworks include items such as sparklers, cones and tubes that emit sparks, and novelty items like snakes and party poppers.

RELEVANT LINKS:

LMC information memo,
Fair Labor Standards Act
(FLSA): *Police and Fire*
Employees.
HR Reference Manual.

Minn. Stat. §§ 403.025-.15.
Minn. R. ch. 7580.
Minnesota Statewide 911
Program.

Minn. Stat. §§ 403.20-.40.
Statewide Emergency
Communications Board.
DPS – Emergency
Communications Network.

Minn. Stat. § 169.03, subd.
1.

Minn. Stat. § 169.03, subd.
2.

Minn. Stat. § 169.17.

Cities can, by ordinance, require a local permit for fireworks retail sale or storage, but are limited in regard to permit fees, and must allow retail stands that comply with the fire code.

IV. Compensation

State and federal compensation laws apply to firefighters, police, and other emergency personnel—although there are some special rules that may apply. Volunteer firefighters are not necessarily exempt from these laws. While some volunteers receive no payment, many receive an hourly wage or may be reimbursed for each run. Because of state and federal minimum wage and overtime laws, cities should review their compensation policies to address any issues.

V. Communications

A. 911 emergency systems

The Minnesota Statewide 911 program provides immediate access from all telephones to critical public safety services. Each county must operate a 911 emergency telephone system.

A system receives emergency service request calls at a central office, provides automatic location identification, and dispatches appropriate emergency service personnel and equipment. Services that must be available through this 911 system include police, fire, and emergency medical and ambulance services. Participating cities share in the cost of the services.

B. Public safety radio communication

The Statewide Emergency Communications Board is responsible for developing guidelines and standards as well as coordinating the use of a shared public safety radio system in Minnesota. This system is known as the Allied Radio Matrix for Emergency Response, or ARMER.

VI. Emergency vehicles

While emergency vehicles are generally subject to the state traffic laws, there are exceptions. For example, when responding to an emergency:

- Emergency vehicles may proceed cautiously past a red light or stop sign after slowing down for safety.
- Speed limits do not apply.

RELEVANT LINKS:

[Minn. Stat. § 626.8458.](#)

[Kari v. City of Maplewood](#),
582 N.W.2d 921 (Minn.
1998).
[Nelson v. Wrecker Services,
Inc.](#), 622 N.W.2d 399
(Minn. Ct. App. 2001).
[Pletan v. Gaines](#), 494
N.W.2d 38 (Minn. 1992).
[Mumm v. Mornson](#), 708
N.W.2d 475 (Minn. 2006).

[Minn. Stat. § 471.476.](#)
[EMSRB.](#)
[Minn. Stat. ch. 144E.](#)

[Minn. Stat. § 471.345,](#)
[subd. 10.](#)

[Minn. Stat. § 471.476,](#)
[subds. 2, 3.](#)
[Minn. Stat. § 465.037.](#)

In either scenario, emergency vehicle drivers must sound an audible signal by siren and display at least one lighted red light to the front. Law enforcement vehicles must either sound a siren or display at least one lighted red light to the front. A driver of an authorized emergency vehicle is still required to drive with due regard for the safety of people using the street. The statute does not protect the driver of an authorized emergency vehicle from the consequences of a reckless disregard of the safety of others.

Every five years, all peace officers who may be involved in a police pursuit must be provided at least eight hours of training on emergency vehicle operations and the conduct of police pursuits. Each law enforcement agency is required to have a written pursuit policy that meets the criteria specified in the law.

The drivers of emergency vehicles are protected by the legal doctrine of official immunity from suit for discretionary actions taken in the course of their official duties. This has protected the drivers of emergency vehicles who used sirens and lights properly from liability when they failed to yield the right-of-way to pedestrians and caused injury. In the case of police officers, it has protected them from liability for damages caused in high-speed chases. It may not, however, protect those who engage in non-discretionary decisions or malicious misconduct.

VII. Ambulance service

Cities have authority to provide general ambulance services. The Emergency Medical Services Regulatory Board (EMSRB) licenses all ambulance services in the state, including those provided by cities and counties. The EMSRB also approves training programs. The Board defines the primary service area for each licensed service. With the approval of the EMSRB director, a city ambulance service can establish standards in addition to those required by law.

Ambulance services may purchase supplies and materials through shared service purchasing arrangements without following the competitive bidding process. Shared ambulance purchasing programs may also award contracts to more than one bidder if doing so does not decrease the service level or diminish the effects of competition. Cities may finance the purchase of equipment in the same manner as fire equipment. Cities may also make contributions to an emergency medical service agency that serves the city.

RELEVANT LINKS:

[Minn. Stat. § 604A.01.](#)
[Minn. Stat. ch. 466](#)
(municipal tort liability).
[Bailey v. City of St. Paul](#),
678 N.W.2d 697 (Minn. Ct.
App. 2004).

Handbook, [Liability](#).

[Minn. Stat. § 412.221](#),
subd. 16. [Minn. Stat. §](#)
[447.05](#).
[Minn. Stat. § 475.52](#).

[Minn. Stat. § 144.551](#).
[Minn. Stat. § 144.552](#).
MN House Research,
[Minnesota's Hospital](#)
[Construction Moratorium](#).

[Minn. Stat. § 471.59](#).
[Minn. Stat. §§ 447.31-.37](#).
[Minn. Stat. § 465.037](#).

[Minn. Stat. § 471.345](#),
subd. 10.

[Minn. Stat. § 326B.121](#).
[Minnesota State Building](#)
[Code](#).
[Minnesota State Building](#)
[Code Adoption Guide](#)
(DLI).

The Good Samaritan Act offers some protection against negligence by ambulance service volunteers. Also, ambulance crews are protected by the legal doctrine of official immunity when performing official duties and providing emergency medical services. Ambulance services can be a separate city department, which puts them under the protection of the Municipal Tort Liability Act. Some cities have ambulance services that act as nonprofit corporations.

VIII. Hospitals

Cities also have the authority to provide hospitals and may issue bonds for their establishment and maintenance.

However, Minnesota has a moratorium on the construction of new hospitals and the addition or redistribution of licensed beds in the state. For a city to construct a new hospital or increase or redistribute hospital beds, it must obtain an exception through enactment of an exception in statute or obtain an emergency waiver.

The moratorium also contains exceptions for redistribution of beds within a hospital building, the replacement of a hospital within five miles of the existing site if the capacity of the hospital is less than 130 beds, and construction for increased mental health bed capacity. Any increase in mental health beds under this exception requires those beds be used only for mental health services and the facility must accept Medical Assistance and MNCare, and have agreements with other providers.

The Joint Powers Act allows for a joint city-county general hospital. State law also authorizes the establishment of hospital districts. In addition, cities are authorized to make contributions to private, nonprofit, or public hospitals that serve the city.

City hospitals are also authorized to participate in shared service purchasing arrangements for materials, supplies, and equipment without using the competitive bidding process and may award contracts to more than one bidder if doing so does not decrease the service level or diminish the effects of competition.

IX. Building inspection

The State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, and repair of buildings and other structures of the type governed by the code. The State Building Code supersedes the building code of any municipality.

RELEVANT LINKS:

[Minn. Stat. § 326B.121, subd. 2 \(a\).](#)

[Minn. Stat. § 326B.121, subd. 2 \(a\).](#)

[Minn. Stat. § 326B.121, subd. 2 \(b\).](#)

[Minn. Stat. § 326B.121, subd. 2 \(c\).](#)

[Minn. Stat. § 326B.121, subd. 1a.](#)

[Minn. Stat. § 326B.121, subd. 2 \(c\).](#)

[Minn. Stat. § 326B.121, subd. 2\(f\).](#)
[Minn. Stat. § 471.59.](#)

[Minn. Stat. § 462.353, subd. 5.](#)

If, as of Jan. 1, 2008, a municipality had in effect an ordinance adopting the State Building Code, the municipality must continue to administer and enforce the State Building Code within its jurisdiction. The municipality is prohibited by state statute from repealing its ordinance adopting the State Building Code.

This does not apply to cities that meet both of these criteria:

- Have a population of less than 2,500, according to the last federal census.
- Are located outside of the seven-county metropolitan area.

These cities may repeal an ordinance adopting the State Building Code and are not required to administer and enforce the code, although the State Building Code will remain in effect.

A city must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code. However, a city may:

- With the approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance.
- Adopt ordinances establishing time limits for completion of exterior work, so long as these meet the minimums in the State Building Code.
- Adopt ordinances related to preserving the safe and sanitary nature of existing components or systems.

A city may enforce the State Building Code by any means that are convenient and lawful. It can enter into contracts with other governmental entities and with qualified individuals and reimburse them through the building permit fees collected. If a municipality has no qualified employees available to carry out inspection and enforcement, the commissioner is required to train and designate individuals. The commissioner may be reimbursed for the inspection by retention or remission of some or all of the building permit fee collected or by other means.

Cities may require that all delinquent tax and special assessments be paid before a building permit is issued.

RELEVANT LINKS:

[Minn. Stat. § 326B.121, subd. 2 \(d\).](#)

[Minn. Stat. § 326B.121, subd. 2 \(e\).](#)

[Minn. Stat. § 326B.127, subd. 5.](#)

[Minn. Stat. § 326B.153, subd. 1.](#)
[Minn. R. 1300.0160.](#)
[Minn. Stat. § 326B.148, subd. 1.](#)

[Minn. Stat. § 326B.153, subd. 4.](#)
[Minn. Stat. § 326B.107.](#)

[Minn. Stat. § 326B.145.](#)

[Minn. Stat. § 326B.133, subds. 2, 3.](#)

[Minn. Stat. § 326B.133, subd. 8.](#)

[Minn. Stat. § 326B.121, subd. 3.](#)

[Minn. Stat. § 326B.135, subd. 4.](#)

[Minn. R. 1301.1400.](#)

Cities may, by ordinance and with permission of the township board, extend their enforcement of the State Building Code up to two miles outside their borders if the code is not in effect in the territory. A city cannot administrate or enforce the code outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each affected town. A public hearing on the proposed administration and enforcement must be held not less than 30 days after the notice has been provided. Administration and enforcement of the code by the city outside of its jurisdiction commences on a date determined by the city that is not less than 90 days or more than one year after the public hearing.

The state building official, under the Minnesota Department of Labor and Industry's (DLI) jurisdiction, has final interpretative authority relating to all component codes of the State Building Code, except the plumbing code and electrical code.

Building permit fees are determined by state law or as adopted by a municipality. Any building permit fee schedule developed by a city must be "by legal means and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed." A state surcharge is imposed on all building permits. State law sets the fees cities may collect if the city has contracted with the state for building code inspection duties of public and state-licensed facilities.

Cities that collect over \$5,000 per year in construction and development-related fees from developers, builders, and subcontractors must file a report with the DLI Building Codes and Standards Division by June 30 of each year or face a penalty.

Building officials must be certified, either through examination or by documenting successful completion of certain training programs and must satisfactorily complete a state-prescribed program of continuing education every two years to retain their certification. If DLI determines that the code is not being properly administered, the commissioner may have the state building inspector or a licensed inspector enforce the code.

The local building official either makes inspections or hires construction code inspectors.

All construction code inspectors must, within one year of hire, be in compliance with the minimum competency criteria developed by the commissioner of DLI. Construction code inspectors include building inspectors, mechanical inspectors, plumbing inspectors, and combination inspectors under the supervision of the building official. A person holding current certification as a building official is exempt from this section.

RELEVANT LINKS:

[City of Hutchinson v. Otto](#),
306 Minn. 136, 235
N.W.2d 604 (1975).
[Minn. Stat. § 326B.139.](#)

[Minn. Stat. § 326B.16.](#)

[Minn. Stat. § 326B.35.](#)
[Minn. R. 1300.0215.](#)

[Minn. Stat. §§ 327.31-.36.](#)
[Minn. Stat. § 462.357,](#)
[subd. 1.](#)
[A.G. Op. 59A-32](#) (Nov. 10,
1982).

[Minn. Stat. § 326B.184,](#)
[subd. 4.](#)
[DLI - Elevator Contractors.](#)

[Minn. Stat. § 326B.112.](#)

LMC information memo,
[Park and Recreation Loss](#)
[Control Guide](#), section VII-
J, Bleachers.

A building official may refuse to issue a permit unless the person seeking the permit submits detailed plans of the proposed construction. If any person “aggrieved” by a final decision regarding the application of the building code and disagrees with the inspection results, he or she may appeal the building official’s result to the commissioner within 180 days of the decision.

A. Mandatory enforcement

It is important to note that all cities including cities that do not enforce the building code, must nonetheless enforce the building code requirements for people with disabilities by either entering into a joint powers agreement for enforcement with another city or contracting for enforcement with a certified individual.

In addition, the electric and plumbing codes are mandatory, independent from the building code. Cities may enter into agreement with the state to enforce the state plumbing code, if the city meets extensive state requirements in state law and rules.

B. Manufactured homes

A separate code exists for manufactured (mobile) homes. All jurisdictions enforcing the State Building Code must administer and enforce the rules concerning manufactured home installation.

Local ordinances regulating mobile homes in effect on April 1, 1981, also apply to manufactured homes and manufactured home courts. Cities may regulate the placement of manufactured homes on residential lots and the location of manufactured home courts although they may not completely prohibit them from residential districts.

C. Elevators and bleachers

Cities may conduct elevator inspections and issue permits for elevators that comply with the State Building Code. Cities may establish and retain fees for inspections and for issuing annual operating permits for elevators in the city.

All cities, whether or not they have adopted the State Building Code must have city bleachers certified under the Minnesota Safety Act. Cities must send a certificate of compliance for each set of bleachers that are covered to the Department of Labor and Industry, Building Code & Standards Division. The League’s Insurance Trust sponsors a low-interest loan program for cities to repair old bleachers or to purchase new bleachers to comply with the law.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 22.](#)

[Minn. Stat. ch. 145.](#)

[Minn. Stat. ch. 145A.](#)

X. Public health

Although the statutory city code permits cities to protect the public health in a variety of ways, including establishing a board of health, the state has transferred all the powers and duties of local boards of health to community health boards (generally known as county health departments) and has preempted local health boards. There are a few exceptions, which include:

- Pre-existing health departments in first- and second-class cities that operate a community health services program within a county with a population of 300,000 or more.
- Those operating under a joint powers agreement or delegation authority.
- Certain cities receiving specific subsidies under state law.

While generally preempted from enforcing the health-related regulations in the state's community health services and public health acts, most cities retain broad authority to adopt health-related ordinances.

XI. How this chapter applies to home rule charter cities

The method of establishing fire departments, police departments, and ambulance services may vary in home rule charter cities depending on the contents of the city charter. While charter cities should always look to their charters for any specific authority or restrictions, this chapter generally applies to all cities.