

Amended 1/17/07

ORDINANCE CITY OF SAINT PAUL, MINNESOTA

Presented By: _____

An Ordinance Creating a Fire Certificate of Occupancy Program

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

Title VI of the Saint Paul Legislative Code "Building and Housing" is amended to include the following chapter:

Fire Certificate of Occupancy

Section 1. Fire Certificate of Occupancy Requirement.

All existing buildings in the City of Saint Paul are required to have and maintain a fire certificate of occupancy, issued by the fire marshal. The certificate shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public. It shall be a misdemeanor to rent or lease, or permit the occupancy of, a building or structure or portion thereof which does not have a fire certificate of occupancy.

Section 2. Exception of Owner Occupied Buildings.

Owner-Occupied single-family houses and owner-occupied duplexes shall be exempted from the requirement to have and maintain a fire certificate of occupancy.

Section 3. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

- (a) "Authorized agent." An individual(s) with legal authority and capable of executing documents for the sale of the building(s) and authority over the proceeds of such sale.
- (b) "Building." Any structure intended for supporting or sheltering any use or occupancy, including the land surrounding the structure. If the building is a multi-unit residential dwelling, a hotel or motel, or a commercial or office building, the term "building" for purposes of this ordinance means only the portion of the building within or outside the structure in which a nuisance is maintained or permitted; such as a dwelling unit, room, suite of rooms, office, common area, storage area, garage, or parking area.
- (c) "Certificate of Occupancy." A document issued by the City of Saint Paul Building Official under the authority of both state and city building codes indicating a newly constructed or substantially rehabilitated structure is, at

40 the time of inspection, code compliant, habitable and otherwise meets all requirements for its intended use.

- 41
- 42 (d) "Commercial building." Any nonresidential structure, the surrounding land and accessory use structures.
- 43
- 44 (e) "Dwelling." A building that contains one, two or multiple dwelling units, intended or designed to be used,
45 rented, leased, let or hired out to be occupied for living purposes.
- 46
- 47 (f) "Family." One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally
48 cared for children together with not more than two (2) persons not so related, living together in the whole or
49 part of a dwelling comprising a single housekeeping unit.
- 50
- 51 (g) "Fire Certificate of Occupancy." A document or emblem issued by the City of Saint Paul Fire Marshal
52 indicating the existing structure complies with all state and local safety codes allowing its use as a commercial
53 building or for residential occupancy.
- 54
- 55 (h) "Fire Marshal." The City of Saint Paul Fire Marshal and his or her designee or designees, and shall include
56 any enforcement officer under his or her supervision or direction, or other duly authorized representative. The
57 fire certificate of occupancy program shall be issued under the authority of the fire marshal.
- 58
- 59 (i) "Interested party." For purposes of section 6 of this ordinance "interested party" means any known lessee or
60 tenant of a building or affected portion of a building; or any known agent of an owner, lessee, or tenant; or any
61 other known person who maintains or permits a nuisance.
- 62
- 63 ~~(j)~~ (j) "Nuisance Activity." Two (2) or more Behavioral incidents within a period of twelve (12) months as
64 described in Minnesota Statute 617.81, subdivision 2, or Two (2) or more violations within a period of twelve
65 (12) months of any nuisance provisions of the Saint Paul Legislative Code.
- 66
- 67 ~~(k)~~ (k) "Owner." The person, firm, corporation or other entity listed in the records on file in the recorder's office as
68 holding fee title to the building, and includes the owner's authorized agent.
- 69
- 70 ~~(l)~~ (l) "Owner occupied" refers to one- and two-unit residential dwellings in which the owner resides, ~~or such~~
71 ~~dwellings or portions thereof, which otherwise qualify for homestead status under state law.~~
- 72
- 73 ~~(m)~~ (m) "Partial Fire Certificate of Occupancy." A document issued by the City of Saint Paul Fire Marshal
74 indicating that a portion of an existing structure complies with all state and local safety codes allowing its use as
75 a commercial building or for residential occupancy. The partial fire certificate of occupancy shall describe
76 specifically which portion of the building is approved for occupancy.
- 77
- 78 ~~(n)~~ (n) "Property manager." An individual(s) with the legal authority to make and act on decisions of tenancy,
79 building maintenance and repairs relating to applicable safety codes.
- 80
- 81 ~~(o)~~ (o) "Provisional Fire Certificate of Occupancy." A document or emblem issued by the City of Saint Paul Fire
82 Marshal to owners of one- and two-unit rental dwellings ~~indicating the City assumes the existing structure~~
83 ~~complies with all state and local safety codes allowing its use for residential occupancy~~ to temporarily permit
84 continued occupancy pending inspection of the existing structure. Buildings with a provisional fire certificate
85 of occupancy will be granted a fire certificate of occupancy upon the successful completion of fire certificate of
86 occupancy inspection per this chapter.
- 87
- 88 ~~(p)~~ (p) The "recorder's office" is the Ramsey County Department of Property Records and Taxation, or its division

89 which maintains title and property records, and any successor agency or department thereof.

90
91 ~~(p)~~ (q) "Rental dwelling unit." Any room or rooms, or space, in any dwelling designed or used for residential
92 occupancy by one (1) or more persons who are not the owner or a member of the owner's family.

93
94 ~~(q)~~ (r) "Residential occupancy" is occupancy in a building or portion thereof, for residential purposes, used or
95 intended to be used for living, sleeping, and/or cooking or eating purposes.

96
97 ~~(r)~~ (s) "Safety code" or "safety codes" include any fire, housing, health, safety, zoning or other similar code, law and
98 ordinance, promulgated or enacted by the United States, the State of Minnesota, the County of Ramsey and the
99 City of Saint Paul, or any lawful agency or department thereof, which are applicable to a dwelling building in
100 such city. Safety code includes, without any limitation of the foregoing sentence as a result of this specification,
101 the provisions of Chapters 33, 34, 43, 45, 49, 55, 56 and 58 of the Legislative Code.

102
103 **Section 4. Certification Process.**

104
105 (a) *Buildings and Occupancies Requiring a Fire Certificate of Occupancy.*

- 106
107 1) Buildings which receive a certificate of occupancy from the city's building official upon completion of
108 construction or major rehabilitation shall simultaneously receive a fire certificate of occupancy from the
109 fire marshal if their use or occupancy so requires.
- 110
111 2) Buildings which have a change in use or occupancy and become subject to the fire certificate of
112 occupancy requirement.
- 113
114 3) Commercial buildings and residential occupancies which have current Fire Prevention issued
115 certificates of occupancy on or after January 1, 2007 shall be subject to the ongoing requirement to
116 maintain a fire certificate of occupancy. These buildings shall be issued fire certificates of occupancy
117 and shall be subject to periodic inspection based on the date of the building's last complete certificate
118 of occupancy inspection, subject to the terms of this chapter.
- 119
120 4) One- and two-unit rental dwellings which are currently registered and certified as rental properties
121 under the requirements of this code on January 1, 2007 shall receive provisional fire certificates of
122 occupancy. These properties shall be issued fire certificates of occupancy upon the successful
123 completion of a fire certificate of occupancy inspection.
- 124
125 5) A building which has been registered as a vacant building under chapter 43 of the Legislative Code that
126 subsequently received a certificate of code compliance under section 33.06 of the Legislative Code
127 shall be issued a fire certificate of occupancy concurrently with the certificate of code compliance.

128
129 (b) *Information and Application.* Owners of all buildings subject to the fire certificate occupancy requirement shall
130 apply for a fire certificate of occupancy. The application shall be provided by the fire marshal and include, at a
131 minimum, the following information:

- 132
133 1) A description of the building;
- 134
135 2) The name, address and twenty-four (24) hour telephone numbers of the owner(s);

- 137 3) The name, address and telephone numbers of the property manager(s);
138
139 4) The name, address and telephone number of the refuse removal person(s) or company(s) which
140 supplies refuse removal services for the building; and
141
142 5) The fire marshal may require such additional property and property management-related information as
143 will promote effective enforcement of this chapter.
144
145 (c) *Issuance.* Upon a finding of no violations of the provisions of state and local safety codes, the fire marshal shall
146 issue a fire certificate of occupancy that shall contain the following:
147
148 1) ~~The building permit number~~ type of occupancy, including number of dwelling, rooming or guest units;
149
150 2) The address of the building;
151
152 3) The name and address of the owner(s) and property manager(s);
153
154 4) A description of that portion of the building for which the certificate is issued;
155
156 5) A statement that the described portion of the building has been inspected for compliance with the
157 requirements of state and local safety codes for the group and division of occupancy and the use for
158 which the proposed occupancy is classified; and
159
160 6) The name of the fire marshal.
161
162 (d) *Smoke detectors required.* Where required, ~~No~~ fire certificate of occupancy shall be issued unless each such
163 building has a proper, adequate and operable smoke detector.
164
165 (e) *Posting.* The fire certificate of occupancy provided by the fire marshal shall be posted in a conspicuous place
166 on the building and shall not be remove except by the fire marshal.
167
168 (f) *Other Violations.* Issuance of a fire certificate of occupancy shall not be construed as an approval of a violation
169 of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority
170 to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.
171

172 **Section 5. Reserved.**

174 ~~**Section 6. Reserved.**~~

176 **Section ~~7~~ 6. Suspension, revocation and denial.**

- 177
178 (a) *Grounds for Revocation.* The fire marshal may, in writing, issue a notice to the owner(s) of the city's
179 suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an
180 application therefor:
181
182 1) Whenever the certificate was issued in error, or on the basis of incorrect information supplied;
183

- 184 2) When the owner(s) has submitted a false, incomplete or inaccurate statement as a part of the
185 application for certificate;
186
187 3) If the owner has failed or refused to pay fees to the city for inspections or certificates;
188
189 4) If it is found upon inspection of the fire marshal that the building or occupancy is in violation of ~~any~~
190 provisions of this or other applicable safety codes, ordinances, rules and regulations;
191
192 5) If the owner, in a material matter, fails to comply with the regulations in section 9 of this chapter; or
193
194 6) If the nonresidential building or structure becomes unoccupied; ~~or~~
195
196 7) If a residential building ~~or~~ is a vacant building as defined in section 43.02 of the Saint Paul legislative
197 code; or
198
199 8) Evidence of nuisance activity which shall follow the procedures stated in section 6 (b) 2) below.
200

201 (b) *Notice of suspension, revocation or denial.*
202

- 203 1) When the fire marshal revokes, suspends or denies a fire certificate of occupancy for safety code
204 violations, the notice issued by the fire marshal shall state:
205
206 a) The specific reason(s) for the city's suspension, revocation or denial of the fire certificate of
207 occupancy;
208
209 b) The effective date of the revocation, suspension or denial of the fire certificate of occupancy;
210
211 c) A statement indicating that the commercial building or residential occupancy, or portion
212 thereof, shall not again be used or occupied until such time as the said certificate is issued or
213 renewed or suspension lifted following inspection and a determination by the fire marshal that
214 the commercial building or residential occupancy, or portion thereof, is in compliance with
215 applicable safety codes under the jurisdiction of the fire marshal; and
216
217 d) A statement indicating that the suspension, revocation, or denial may be appealed to the
218 legislative hearing officer within ten (10) days of issuance.
219
220 2) When the fire marshal determines in consultation with the City Attorney that he or she has proof
221 evidence of nuisance activity as defined described in Minnesota Statutes 617.81, subdivision 2, or other
222 violations of nuisance provisions of the Saint Paul Legislative Code are maintained or permitted in the
223 jurisdiction he or she serves, the fire marshal shall send: provide the written notice as described in
224 paragraph a), by personal service or certified mail, return receipt requested, to the owner and interested
225 parties known to the fire marshal.
226
227 a) ~~A warning letter to the owner(s) identifying the problem;~~ The notice must:
228
229 b) ~~A statement indicating that if the act(s) constituting a nuisance continues unabated after the~~
230 ~~warning letter, and there is proof of two (2) or more separate events constituting a nuisance, the~~
231 ~~fire marshal shall provide written notice to the owner(s) and all interested parties as follows:~~

- 232
- 233 i) States that a nuisance as defined in Minnesota Statute 617.81 Subdivision 2, or other
- 234 violations of the nuisance provisions of the Saint Paul Legislative Code, is being
- 235 maintained or permitted in the building or structure and must specify the kind or kinds
- 236 of nuisance being maintained or permitted;
- 237
- 238 ii) Summarizes the evidence that a nuisance is being maintained or permitted in the
- 239 building or structure, including the date or dates on which the nuisance-related activity
- 240 or activities are alleged to have occurred; and
- 241
- 242 iii) Informs the recipient that failure to abate the conduct constituting the nuisance or to
- 243 otherwise resolve the matter with the fire marshal by entering into an agreed upon
- 244 abatement plan within 30 days of service of the notice may will result in serving a
- 245 notice of intention to suspend or revoke in recommending the suspension or revocation
- 246 of the fire certificate of occupancy to the city council, and/or referring the matter to the
- 247 prosecuting attorney who serves in the jurisdiction for remedies in accordance with
- 248 Minnesota Statute 617.80 et seq. which could result in enjoining the use of the
- 249 building or structure for any purpose for one year, or in the case of a tenant, could
- 250 result in cancellation of the lease.
- 251
- 252 iv) Informs the owner of the options available under Minnesota Statute Section 617.85,
- 253 which provides that the owner of the building which is subject to a district court
- 254 abatement proceeding may file a motion before the court that has jurisdiction over the
- 255 abatement proceeding to cancel the lease or otherwise secure restitution of the premises
- 256 from the tenant or lessee who has maintained or conducted the nuisance. The owner
- 257 may assign to the prosecuting attorney the right to file this motion.

258

259 b) If the recipient of a notice under Section 6 of this ordinance either abates the conduct

260 constituting a nuisance or enters into an agreed upon abatement plan within 30 days of service

261 of the notice and complies within the stipulated time period, the fire marshal may not take

262 action to suspend or revoke the fire certificate of occupancy on the specified property regarding

263 the nuisance activity described in the notice.

264

265 c) If the recipient fails to abate the nuisance within 30 days of service of the notice, or fails to

266 comply with the agreed upon abatement plan, the fire marshal will refer the matter to the City

267 Council recommending suspension or revocation of the fire certificate of occupancy or refer the

268 matter to the prosecuting attorney in accordance with Minnesota Statute 617.80 et seq.

269

270 3) The notice of intent to suspend or revoke the fire certificate of occupancy for nuisance activity shall be

271 served by personal service or by certified mail , return receipt requested. The notice shall state:

272

273 a) The specific reason(s) the fire marshal recommends suspension or revocation of the fire

274 certificate of occupancy;

275

276 b) The date, time and place of the legislative hearing and public hearing.

277

278 ~~(c) Service of the notice. Service of notice of the city's intention to revoke, suspend or deny a fire certificate of~~

279 ~~occupancy; and service of notice of the revocation, suspension or denial of a fire certificate of occupancy; shall~~

280 ~~be provided to all owner(s) and property manager(s) of record with the fire marshal and Ramsey County for tax~~

281 ~~purposes. Service of an order shall be adequate if provided by:~~

282

283 ~~1) Personal service;~~

284

285 ~~2) U.S. mail; or~~

286

287 ~~3) If the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the~~
288 ~~order in a conspicuous place on the premises. Provided, however, that in the case of rental housing,~~
289 ~~notice shall also be sent by United States Mail to the address listed on the document required under~~
290 ~~Chapter 35 of this Code.~~

291
292 (d) *Appeals and Stays of Enforcement for Revocations, Suspensions and Denials of Fire Certificates of Occupancy.*
293

- 294 1) Voluntary vacation of premises. No suspension, revocation or denial of the fire certificate of occupancy
295 shall be imposed upon any owner who serves written notice upon the legislative hearing officer stating
296 and intent to permanently vacate the premises within thirty (30) days of the receipt of the notice of
297 suspension, revocation or denial. Written notice of intention to vacate, along with the date of vacation,
298 must be filed with the hearing officer within ten (10) days from the receipt of the notice and shall
299 include proof that notice of eviction was served upon the occupants of the premises.
300
- 301 2) Stay pending appeal. Enforcement proceedings on the suspension, revocation or denial of the fire
302 certificate of occupancy, or orders to correct violations, shall be held in abeyance if the owner shall file
303 an appeal to the legislative hearing officer within ten (10) days of receiving the written order issued by
304 the enforcement officer, except in the case of an order to vacate a structure which is deemed to be in an
305 unsafe condition and dangerous to life or limb, the enforcement officer shall proceed to order the
306 building vacated until it is made safe or a final determination is made by the legislative hearing officer
307 allowing re-occupancy of the building. This decision shall be presented to the city council for
308 ratification at its next available public hearing. Abeyance of enforcement proceedings shall continue
309 until such time as the hearing officer shall have issued a final determination or in the event the owner
310 should not prosecute the appeal in a timely fashion.
311

312 (e) *Reinstatement following suspension or revocation.* If a fire certificate of occupancy is suspended or revoked for
313 a building, or portion thereof, that building or portion thereof, shall not be occupied until such time as the fire
314 certificate of occupancy is reinstated.
315

316 (f) *Reinstatement following second suspension or revocation.* If a fire certificate of occupancy is suspended or
317 revoked for a second time within a two-year time period under the same ownership, the building for which it
318 was issued shall not again be occupied until such time as the following has occurred:
319

- 320 1) The fire marshal has determined that the building is in compliance with applicable safety codes;
321
- 322 2) Up to a ~~two~~ five thousand dollar (\$2,000.00) (\$5,000.00) performance deposit or bond has been
323 posted with the city; the purpose of said bond shall be to off-set potential city expenses associated with
324 abating nuisance conditions at this property and shall be returned to owner upon completion of two (2)
325 years with no legislative code violations requiring city abatement; and
326
- 327 3) If either of the preceding two (2) suspensions or revocations within the two-year time period were
328 based on criminal or nuisance conduct of residential occupants, the fire marshal may require that a
329 reputable tenant screening agency be used, that the landlord adhere to the guidelines and advice
330 required by the police department and code enforcement officials, that the leases used for rental
331 dwellings include provisions allowing for the immediate eviction of tenants or their guests engaged in
332 criminal or nuisance activity; and that the owner or property manager attend a reputable landlord
333 training.
334

335 (g) *Reinstatement following third suspension or revocation.* If a fire certificate of occupancy is suspended or
336 revoked for a third time within a three-year time period under the same ownership, the building ~~premise~~ for
337 which it was issued shall not again be occupied until a nuisance abatement plan is developed by the property
338 owner, reviewed by the legislative hearing officer and approved by the city council. If a nuisance abatement

339 plan is not developed and approved, the premise for which the fire certificate of occupancy was issued shall not
340 again be used or occupied for a period of six (6) months.

341

342 **Section 7. Inspections.**

343

344 (a) *Scope of inspection.* The fire marshal is authorized, in conformity with this chapter, to inspect all buildings,
345 whether having a fire certificate of occupancy hereunder or not. The inspection may include the building or
346 structure, the land upon which it is located and accessory uses or structures. All inspections authorized by this
347 chapter shall be limited to those which are done for the purpose of seeking compliance with applicable safety
348 codes, and shall take place only at reasonable hours or as may otherwise be agreed upon by the owner and the
349 fire marshal.

350

351 (b) *Notice of violations.* The fire marshal shall give written notice to the owner of any violations of the applicable
352 safety codes which are discovered during any inspection.

353

354

355 **Section 8. Reserved.**

356

357

358 **Section 9. Regulations.**

359

360 (a) *Notice by owner.* The owner of a building for which a fire certificate of occupancy has been issued is under a
361 continuing obligation to give written notice to the fire marshal of any changes in the information supplied as
362 part of the application for the certificate. This includes any changes or modifications of ownership of the
363 building, and any change in use or occupancy status of the building.

364

365 (b) *New owner.* A new owner of a building with a fire certificate of occupancy shall file with the fire marshal a
366 written application for a modification of the certificate if such premise is still being used or occupied under an
367 existing certificate. Such application shall be filed within thirty (30) days after such new owner obtains new
368 ownership in the building, whether or not such interest has been recorded.

369

370 (c) *Change of use.* Changes in the use of a building shall not be made without the approval of the ~~building official~~
371 ~~and the~~ fire marshal, and the building may be occupied for other purposes provided the new or proposed use is
372 less hazardous, based on life and fire risk, than the existing use. If the use or occupancy of a fire certificate of
373 occupancy premise changes, it shall immediately be required to meet all requirements of law, including the
374 requirement for a certificate of occupancy before being used for such new or changed use. No change in the
375 existing occupancy classification of a building or structure or portion thereof shall be made, until the fire
376 marshal has issued a fire certificate of occupancy therefor as provided herein. Dwelling units occupied by an
377 owner shall be exempted from this requirement if the residence contains three (3) or more dwellings units.
378 Properties occupied by an owner shall be exempted from this requirement if the residence contains one or two
379 dwelling units. The word "owner" means a natural person, and does not include a corporation, partnership or
380 other entity.

381

382 (d) *Posting.* The fire certificate of occupancy shall be posted in a conspicuous place on the premises and shall not
383 be removed except by the fire marshal.

384

385

386 **Section 10. Fees.**

387

- 388 (a) *Original issue, new building or substantially rehabilitated buildings.* There shall be no fee charged for an
389 issuance of the fire certificate of occupancy for new buildings at the completion of their construction or
390 following substantial rehabilitation if the city's building official issues a certificate of occupancy or certificate
391 of code compliance.
- 392
- 393 (b) *Renewal fee for residential occupancies.* Fourteen dollars (\$14.00) per residential unit, minimum fee one
394 hundred twenty-eight (\$128.00), maximum fee five hundred seventy-six (576.00) for buildings with one
395 hundred (100) or fewer units, and a maximum fee of seven hundred twenty dollars (\$720.00) for buildings with
396 one hundred (100) or more units. The fee charged for inspections of nuisance dwellings as defined in section
397 42.01(2) of the Legislative Code shall be in an amount as established by the fire marshal to recover the costs of
398 the inspections.
- 399
- 400 (c) *Renewal fee for A (Assembly), E (Education), I (Institutional), H (Hazardous), F (Factory), M (Mercantile), S*
401 *(Storage) and B (Business) occupancies.* Twelve dollars (\$12.00) per one thousand (1,000) square feet,
402 minimum fee one hundred fifty-six dollars (\$156.00), maximum fee five hundred seventy-six dollars (\$576.00),
403 for buildings with fewer than one hundred eighteen thousand (118,000) square feet of aggregate floor space,
404 and a maximum fee of seven hundred twenty dollars (\$720.00) for buildings with one hundred eighteen
405 thousand (118,000) square feet or more of aggregate floor space.
- 406
- 407 (d) *Reinspection fee.* The renewal fee established in subsections (2) and (3) above allows for one (1) inspection and
408 one (1) reinspection for the renewal of the fire certificate of occupancy. A reinspection fee of fifty (50) percent
409 of the renewal fee shall be levied for each additional reinspection required to demonstrate compliance with
410 applicable safety codes.
- 411
- 412 (e) *Referral (or complaint-based) reinspection fee.* Whenever a written correction order is issued to the owner or
413 responsible agent of the owner for a violation of this code and after a reasonable time for compliance has
414 elapsed, a reinspection shall be made. If the violation has not been corrected at the time of the reinspection, a
415 referral reinspection fee of sixty dollars (\$60.00) shall be collected for every subsequent reinspection until the
416 violation is corrected.
- 417
- 418 (f) *Partial fire certificate of occupancy fee.* A fee of one hundred thirty-eight dollars (\$138.00) will be charged for
419 each partial certificate of occupancy requested. The issuance of a partial fire certificate of occupancy is at the
420 discretion of the building official and fire marshal and the portion of the building covered by the certificate
421 must be legally completed and ready to occupy along with all other life and safety requirements.
- 422
- 423 (g) *Provisional fire certificate of occupancy.* A fee of fifty dollars (\$50.00) will be charged for each provisional
424 certificate of occupancy. This is an annual fee until the building is granted a fire certificate of occupancy upon
425 the successful completion of fire certificate of occupancy inspection per this chapter. The value of these fees
426 will be discounted from the cost of the first fire certificate of occupancy fee, up to a value of ~~one hundred fifty~~
427 ~~dollars (\$100.00)~~ (\$50.00).
- 428
- 429 (h) *No entry fee.* The fire marshal shall give notice of all inspections to the building owner. If any reason exists
430 that the inspection cannot be conducted at the identified time, the building owner, or a responsible agent of the
431 owner, shall contact the fire marshal in writing, no later than 8:00 a.m. on the date of the scheduled inspection.
432 If the fire marshal does not receive such notice and is unable to conduct the inspection because the owner fails
433 to cooperate with the inspector, the owner shall be assessed a sixty dollars (\$60.00) no-entry fee.
- 434
- 435 (i) *Discounted fee.* Whenever a fire certificate of occupancy renewal inspection finds no violations of any safety
436 code, the renewal fees set forth in subsections (b) and (c) of this paragraph shall be discounted twenty-five (25)
437 percent.
- 438

- 439 (j) *Late fees.* A late fee shall be charged and collected whenever the owner or responsible agent for the owner
440 makes application for renewal of the fire certificate of occupancy after the expiration date of such certificate.
441 Separate late fees shall also be charged and collected whenever the owner or responsible agent for the owner
442 pays late any other fees due and payable under this section. All late fees shall be ten (10) percent of the
443 certificate renewal fee. A late fee shall accrue for each thirty-day period or portion thereof which has elapsed
444 after the expiration date of the certificate or the date of inspection on which the underlying fee is based. In no
445 event shall any one (1) late fee exceed fifty (50) percent of the certificate renewal fee. The late fee(s) shall be in
446 addition to any other fee or payment required.
- 447
- 448 (k) *Exceptions:* The fees for the fire certificate of occupancy and inspection are provided in chapter 33 of this code
449 shall be required on buildings owned and occupied by any governmental agency, including county and state
450 governmental agencies. The City of Saint Paul, and any other agencies specifically exempted from such fees
451 under state law, shall be exempt from payment of such fees.

452 **Section 11. Collection of Unpaid Fees.**

453 It is the intent of the city council, by the adoption of this section, to impose and collect the costs associated with the
454 inspections and reinspections conducted by the city, under this chapter, to maintain the health and safety of the users of
455 Saint Paul's built environment. If the charges for these services are not paid by the owner of the property in a timely
456 fashion, the city shall collect such costs by assessment against the real property receiving these inspection and
457 reinspection services, pursuant to Minnesota Statutes, Section 429.101, which authorizes the council to provide for
458 reinspection fees to be collected by special assessment and allows cities to collect the costs associated with removal or
459 elimination of public health or safety hazards and chapter 14 of the Saint Paul City Charter.

462 (a) *Written notice.*

- 463
- 464
- 465 1) Written notice of violations. When the fire marshal conducts an initial inspection of a building and
466 determines that violations of safety codes under the jurisdiction of the fire marshal exist, the fire
467 marshal shall, in addition to any other action the fire marshal may undertake, serve written notice of the
468 violation in conformance with the requirements set forth in this chapter.
- 469
- 470
- 471
- 472 2) Notice for collection of inspection and reinspection shall include the following information:
- 473
- 474 a) Fee for the fire certificate of occupancy inspection and associated reinspections are the
475 responsibility of the building owner and shall be paid within the time period(s) identified in the
476 notice; and
- 477
- 478 b) The fire marshal may require an inspection following a complaint or referral. If the fire
479 marshal finds a violation of safety codes during a referral or complaint-related inspection, the
480 fire marshal will issue correction orders. If the violation is not corrected by the compliance
481 date provided in the notice of violation, the building owner(s) shall be assessed fees for any
482 necessary reinspections.

- 483
- 484 (b) *Fee and liability.* The city shall be entitled to collect its costs of fire certificate of occupancy inspections and
485 reinspection. The fees associated with the fire certificate of occupancy program shall be a debt owed to the city
486 and shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101 and the
487 charter. Action under this section does not preclude any other civil or criminal enforcement procedure.

488 (c) *Cost; collection.*

- 489
- 490
- 491 1) Cost records. The fire marshal shall keep a record of the costs for fire certificate of occupancy services,
492 the name and address of the owner, the dates of the inspections, the observed violations of safety codes

493 and the total amount of the costs these to be collected against a particular property, and shall report such
494 information to the director of financial services.

- 495
- 496 2) Resolution approving total, setting date of public hearing. On or before October 1 of each year, the
497 director of financial services or his or her designee shall notify the city council of the total cost of such
498 fire certificate of occupancy inspection and reinspection services performed during the previous year
499 and the portion of such costs to be assessed against each lot and parcel of property that utilized these
500 services. Upon receipt thereof, the council shall by resolution fix a date for public hearing at which time
501 the council shall consider adopting and levying the service charges. The date of public hearing shall be
502 at least twenty (20) days after adoption of said resolution.
503
- 504 3) Notice of council hearing. Following the adoption of the resolution provided in paragraph (b) above,
505 the director of financial services shall publish a notice of the hearing in a daily newspaper of the city at
506 least five (5) days prior to the public hearing. The notice shall state the date, time and place of hearing,
507 the purpose of the hearing, identify the services provided and the property to be assessed a service
508 charge therefor, and shall state the proposed rates of service charges to be considered by the council.
509
- 510 4) Notice to owner and interested parties. At least ten (10) days before the hearing, notice thereof shall be
511 mailed by first class mail to the owner and any interested party known to the city, at his or her last
512 known address. Such notice shall also inform the recipient of the notice:
513
- 514 a) Of the procedures he or she must follow under the charter in order to appeal the assessments to
515 the district court, and
516
- 517 b) Of the provisions of Minnesota Statutes, Sections 435.193 to 435.195 and the existence of any
518 deferment procedure established pursuant thereto.
519
- 520 c) Public hearing; adoption of assessment roll. On the date of public hearing the council shall
521 meet to consider the adoption of the proposed service charges. The council shall hear all
522 interested parties concerning the proposed charges. At such meeting or at any adjournment
523 thereof, the council may amend the proposed service charges, and shall, by resolution, adopt
524 the service charges as a special assessment against the properties which utilized excessive
525 inspection services. Special assessments levied hereunder shall be payable in a single
526 installment.
527
- 528 d) Certification to county for collection with taxes. After adoption by resolution of the service
529 charges and assessment rates therefor, and no later than November 15, the city clerk shall
530 transmit a certified copy of said resolution to the county department of property taxation to be
531 extended on the proper tax list of the county and collected the following year along with current
532 taxes.
533
- 534 e) Appeal. Within twenty (20) days after adoption of the resolution adopting the service charges,
535 any person aggrieved may appeal to the district court in the manner set forth in chapter 14 of
536 the city charter.
537

538 **Section 12. Illegal occupancy.**

539

540 No person shall occupy any building which does not have a fire certificate of occupancy. Any unit or structure which is
541 so occupied shall be subject to the provisions of section 34.23(2) of the legislative code relating to illegal occupancy.
542 Such illegal occupancy also constitutes a hazard to the health, safety or welfare of the occupants and the public, and
543 may be condemned by the appropriate enforcement officer under section 34.23 of the legislative code.
544

545 **Section 13. Penalty.**

546

547 A violation of, or failure to comply with, any section, provision or requirement in this chapter shall be a misdemeanor
548 and shall be subject to sections 1.05 and 1.06 of the legislative code, and to applicable state statutes. This chapter is a
549 part of the city health, safety, housing, building, fire prevention and housing maintenance codes, and a violation shall be
550 deemed to be a violation for purposes of state statutes allowing escrow of rent to remedy violations.

551

552 **Section 14. Appeal to legislative hearing officer.**

553

554 Orders of the fire marshal are subject to section 18.02 of the Legislative Code. Orders of the fire marshal pertaining to
555 revocation, suspension or denial of application are also governed by section 7 of this chapter.

556

557 **Section 15. Applicability of other laws.**

558

559 Nothing in this chapter is intended to waive, replace or amend the applicability or enforcement of any other law,
560 ordinance or regulation applicable to commercial buildings and residential dwellings, including but not limited to,
561 zoning, nuisance abatement, or licensing ordinances.

562

563

564

Section 2

565

566 This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.

	Yeas	Nays	Absent
Benanav	x		
Bostrom	x		
Harris	x		
Helgen	x		
Lantry	x		
Montgomery	x		
Thune	x		
	7	0	0

By: _____

Requested by Department of:

By: _____

Form Approved by City Attorney

By: _____

Approved by Mayor for Submission to Council

By: _____

Adopted by Council: Date January 24, 2007 _____

Adoption Certified by Council Secretary

By: _____

Approved by Mayor: Date: _____