

**TITLE 9  
BUILDING REGULATIONS**

## **CHAPTER 901 BUILDING CODE**

### **SECTION:**

- 901.01: Adoption of Code
- 901.02: Designated Building Official
- 901.03: Code Enforcement Officers
- 901.04: Conflict of Interest
- 901.05: Reserved
- 901.06: Permits, Inspections and Fees
- 901.07: Reserved
- 901.08: State Surcharge on Building Permit Fees
- 901.09: Permits Required
- 901.10: Street Assessments
- 901.11: Deposit for Protection of Concrete Curbs, to Ensure Cleaning of Streets and to Ensure Compliance with Building Code
- 901.12: Work within Public Right-of-Way
- 901.13: Reserved
- 901.14: Completion; Inspection
- 901.15: Expiration of Permits
- 901.16: Permits not Construed as Waiver of Violation

### **901.01: ADOPTION OF CODE:**

The most current Minnesota State Building Code (MSBC), one copy of which is on file in the office of the designated building official, has been adopted by Minnesota Statutes as a uniform building code applicable throughout the state. The most recent revisions, and subsequent amendments to such code are hereby adopted as the building code of the city and incorporated in this chapter as completely as if set out in full. (Ord. 1488, 11/20, 2015)

Adoption includes the following listed optional provisions of the MSBC which are hereby adopted as follows:

A. Chapter 1306 with 1306.0020, Subp. 2 of the MSBC relating to Special Fire Protection Systems.

(Ord. 1531, 7/10/2017)

### **901.02: DESIGNATED BUILDING OFFICIAL:**

The designated building official shall receive and process applications, inspect premises, ascertain compliance with the building code, issue permits and perform

such other work under the building, zoning and subdivision codes as may be delegated to him by the city manager or community development director. (1990 Code), (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **901.03: CODE ENFORCEMENT OFFICERS:**

The code enforcement officers shall perform such work in enforcing the building code and other portions of the city code as may be delegated to each by the building official or community development director or as provided for in the city code. (Ord. 1058, 3-16-1989; amd. 1995 Code), (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **901.04: CONFLICT OF INTEREST:**

No code enforcement officer shall have any financial interest in any concern engaged in a business relationship with the city or engage in any business relationship with the city within such code enforcement officer's respective field. (1990 Code)

### **901.05: RESERVED SECTION**

(Ord. 679, 9-11-1972; amd. 1995 Code), (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **901.06: PERMITS, INSPECTIONS AND FEES:**

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes and as established in City Code Section 314.05. Permit fees shall be assessed for work governed by this code and work governed by the city code. The amount of permit fees shall be the total of the following:

- A. The amount of building permit and other fees shall be as established in Section 314.05.
- B. In addition, an amount equal to eight percent (8%) of the building permit fee established by subsection A of this section, to be used to defray the cost of fire safety inspections. (Ord. 1237, 3-13-2000, eff. 5-1-2000) (Ord. 1488, 11/20, 2015)

### **901.07: RESERVED SECTION**

(Ord. 1289, 8-4-2003, eff 1-1-2004)

### **901.08: STATE SURCHARGE ON BUILDING PERMIT FEES:**

In addition to the permit fees established in section 901.06A of this chapter, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes. (Ord. 1488, 11/20, 2015)

### **901.09: PERMITS REQUIRED:**

- A. Permits shall be required as specified in the MSB Code.
- B. Permits shall be required for the following to verify compliance with the city code. Fees, based on valuation, shall be as established in the most current Fees Resolution adopted by the City Council:
  - Fences over four (4) feet tall (new and replacement)
  - Walls over four (4) feet tall (new and replacement)
  - Driveways (new and replacement)
  - Drain tile installations (new and replacement)
  - Sheds

- Permanent and Temporary Signage
  - C. Moving Of Dwellings or Buildings:
    1. Permit Required: The applicant for a permit to move a building or dwelling shall pay a fee as established in the most current Fees Resolution adopted by the City Council. Inspection of buildings outside the city limits shall be charged on an hourly rate and include a mileage charge for city vehicles. (Ord. 528, 3-13-1967)
    2. Application: The applicant for a permit to move a building to a new location within this municipality shall file an application in accordance with subsection 1004.01F of this code.
  - D. Demolition Permits: The applicant for a permit to demolish or wreck a building or in-ground pool shall pay a fee as established in the most current Fees Resolution adopted by the City Council.
  - E. Gas Apparatus:
    1. Installation Of Gas Piping And Repairs Or Alterations To Existing Gas Piping: For the installation of the necessary gas piping and for the repair or alterations of existing gas piping to furnish gas for heat, light or power to a building or structure, the permit fee charge shall be as established in the most current Fees Resolution adopted by the City Council.
    2. Heating,ventilation and air conditioning (HVAC) Equipment: For installation, repair, or alteration of HVAC equipment, the permit fee charge shall be as established in the most current Fees Resolution adopted by the City Council.
  - F. Plumbing:

Plumbing Fixtures, Devices And Connections: For the installation, alteration, repair, or extension of plumbing work the permit fee charge shall be as established in the most current Fees Resolution adopted by the City Council.
  - G. Excavations, Grading And Surfacing: For the excavation, grading, surfacing or filling for any building, structure, plot or area of ground, the permit fee charge shall be as listed in the most current Fees Resolution adopted by the City Council. No person, firm nor corporation shall do any excavating, grading, surfacing or filling in the City until they are equipped with certain communication equipment (such as cellular or mobile phones or two-way radios) which allows access to emergency call number 911. (Ord. 873, 12-22-80; amd. Ord. 1161, 5-22-95)
  - H. Signs, Billboards And Marquees:
    1. All sign fees shall be as established in the most current Fees Resolution adopted by the City Council.
  - I. Designated Building Official To Ascertain Value Of Construction: Whenever in this Chapter the permit charge is based upon market value of the work to be done, the Designated Building Official shall ascertain such value. (Ord. 528, 3-13-67)
  - J. Special Permits: The fee for all special events, temporary tents, temporary sales permits not specified by this Code shall be as listed in the most current Fees Resolution adopted by the City Council.
  - K. Minimum Fee: The minimum fee for any permit whether or not such permit is mentioned in this Code shall be twenty-five dollars (\$25.00). (Ord. 873, 12-22-80; amd. 1995 Code)
- (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **901.10: STREET ASSESSMENTS:**

- A. No permit shall be issued to construct any building upon any lot or tract of land unless the Finance Officer shall have certified:
  - 1. That such lot or tract of land has been assessed for the cost of construction of any public roads, curbs or sidewalks contiguous to said lot or tract of land.
  - 2. If no assessment has been levied for such construction cost, the proceedings for levying such assessments have been or will be completed in due course.
- B. If no such certificate can be issued by the Finance Officer, no permit to construct any building shall be issued unless the applicant shall pay a fee which shall be equal to the portion of the cost of construction of the public road, curb or sidewalk which would be assessable against said lot or tract to be served by such road, curb or sidewalk. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the road, curb or sidewalk, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of twenty (20) years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date. (Ord. 745, 12-30-74)

### **901.11: Construction Deposits:**

At any time a permit is applied for on any new construction, remodeling project or addition, which in the reasonable opinion of the Designated Building Official involves more than fifty percent (50%) of the cost evaluation of the existing structure, the permit shall also require a cash deposit. The amount of such deposit shall be as established in the most current fee schedule adopted by the City Council. Such deposit shall be required and applied as necessary to:

- A. Protect against or repair damage to the abutting street, concrete curb or other City facility occurring by reason of such construction; and
- B. Defray the cost of cleaning streets if the City is required to do so; And
- C. Defray the cost of repairs or corrections to noted deficiencies of City Code or State Building Code, if the City is required to do so. (Ord. 1524 04-10-2017)

The deposit, or unused portion, shall be refundable upon issuance of an occupancy certificate. (Ord. 1289, 8-4-2003, eff 1-1-2004) (Ord. 1488, 11/20, 2015)

### **901.12: WORK WITHIN PUBLIC RIGHT-OF-WAY:**

A permit shall be required for any work such as sidewalk construction, curb or gutter construction, driveways, tree planting, boulevards, drainage, etc., which is proposed to be done within the public right-of-way. See Section 707 of the City Code. (Ord.1289, 8-4-2003, eff 1-1-2004)

### **901.13: RESERVED SECTION**

(Ord. 1289, 8-4-2003, eff 1-1-2004)

#### **901.14: COMPLETION; INSPECTION:**

Within five (5) working days after the work has been completed, the person who has acquired any permit required under this Code shall notify the Designated Building Official that work has been completed. (Ord. 637, 11-9-70) (Ord. 1289, 8-4-2003, eff 1-1-2004)

#### **901.15: EXPIRATION OF PERMITS:**

- A. Any permit issued under the Building Code shall become invalid at the end of 180 days from the date of issuance unless the work for which the permit was issued has been started. This time limit may be extended by the Designated Building Official providing that application for such extension of time has been made in writing previous to the expiration of said permit.
- B. A permit shall expire after work has been abandoned or suspended for 180 days. (Ord. 1289, 8-4-2003, eff 1-1-2004)

#### **901.16: PERMITS NOT CONSTRUED AS WAIVER OF VIOLATION:**

In the event an owner or agent is charged with a violation of law, including any provision of this Code or other regulation, it shall be no defense that a permit was issued pursuant to this Chapter. (Ord. 842, 2-12-79)

## **CHAPTER 902 FIRE PREVENTION**

### **SECTION:**

- 902.01: Adoption of Minnesota State Fire Code
- 902.02: Establishment and Duties of Fire Marshal
- 902.03: Permits Required
- 902.04: Fire Prevention Inspections
- 902.05: Reserved
- 902.06: Storage of Flammable Liquids
- 902.07: Reserved
- 902.08: Open Flame Fire on Apartment Balconies
- 902.09: New Materials, Process or Occupancies
- 902.10: Evidence of Compliance with Code
- 902.11: Revocation of Permits
- 902.12: Day Care Facilities Fire Code Inspection
- 902.13 Appeal

### **902.01: ADOPTION OF MINNESOTA STATE FIRE CODE:**

The most recent edition of the Minnesota State Fire Code, as published by the International Code Council and adopted by the State Fire Marshal, along with all amendments to that edition adopted by the State Fire Marshal are adopted by reference and made a part of the City Code. (2015 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **902.02: ESTABLISHMENT AND DUTIES OF FIRE MARSHAL(s)<sup>19</sup>:**

- A. The Minnesota State Fire Code shall be enforced by the office of the Fire Chief of the City.
- B. The Fire Marshal(s) shall be appointed by the Fire Chief. (Ord. 976, 6-24-85)
- C. Whenever the term State Fire Marshal or Fire Chief appear in the Minnesota State Fire Code, it shall include the Fire Marshal(s) of the City. (Ord. 1060, 5-22-89)  
(Ord. 1289, 8-4-2003, eff 1-1-2004)
- D. The Chief of the Fire Department may detail members of the Fire Department as Fire Inspectors.
- E. Fire Inspectors are responsible for the examination of buildings to detect fire hazards and ensure that all federal, state, and local fire codes are met, and also may be responsible for plan review as directed.
- F. Fire Marshals are responsible for the examination of the buildings to detect fire hazards and ensure that all federal, state, and local fire codes are met. Additional duties include fire code enforcement, and/or investigation of fire cause and

origin. They are also responsible for approval of work permits, and building plan review to assure that all new and existing construction meets all federal, state, and local building codes.

### **902.03: PERMITS REQUIRED:**

A permit from the Fire Chief or his/her designee is required to conduct the following:

- A. Install any automatic fire sprinkler system.
- B. Install any automatic fire suppression or extinguishing system. (Ord. 1060, 5-22-89)
- C. Modify an automatic sprinkler, fire suppression system or fire extinguishing system. (Ord. 1095, 7-22-91)
- D. Install any aboveground or underground liquid fuel storage tank.
- E. Install any aboveground or underground-liquefied gas storage tank.
- F. Install or modify any fire alarm detection, fire suppression system, or signaling system in all structures except for owner occupied single family Fire Code Group R-3 properties.
- G. Remove an underground liquid fuel storage tank. (Ord. 1060, 5-22-89)
- H. Clean and degrease commercial hoods and ducts. (1995 Code)
- I. Fireworks, display and sale as permitted by State Statute
- J. Open Burning (prescribed burns).

A fee, as established in Section 901.06 of this Code shall be paid for each permit required by this Section. A plan check fee as authorized in Section 901.06 of this Code is required. (Ord. 1060, 5-22-89; amd. 1995 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **902.04: FIRE PREVENTION INSPECTIONS:**

The Fire Marshal, Fire Inspector, Fire Chief or his/her designee is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with MSFC Section 104.3 Right of entry, for the purpose of enforcing this code. (MSFC 106.1 Inspection authority)

### **902.05: RESERVED**

### **902.06: STORAGE OF FLAMMABLE LIQUIDS:**

- A. Outside Aboveground Tanks: The limits referred to in the Minnesota State Fire Code in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows: All areas other than that area bounded by the area of the City west of Long Lake Rd., STH No. 36, the north City limits and the west City limits.
- B. New Bulk Plants: The limits referred to in the Minnesota State Fire Code in which new bulk plants for flammable liquids are prohibited are hereby established as follows: All areas other than that area bounded by the area of the City west of Long Lake Rd., STH No. 36, the north City limits and the west City



limits. (Ord. 867, 9-22-80; amd. 1995 Code)  
(Ord. 1289, 8-4-2003, eff 1-1-2004)

C. Other Nonresidential Areas:

1. Permit: Notwithstanding the limits for aboveground storage tanks established in subsections A and B above, such storage tanks in other nonresidentially zoned areas may be allowed by issuance of a permit approved by the City Council. The permit is subject to review and recommendations of the Fire Marshal and to conditions imposed by the City Council.

2. Requirements: Storage tanks permitted by this subsection shall be designed to meet all applicable State and Federal regulations and setback requirements, shall be located in rear yards and shall be screened from eye level view from adjacent properties and public streets by buildings, landscaping or by a screen wall. Screen walls shall be constructed of similar and compatible materials to that of the principal structure.

3.

4. Termination for Noncompliance: The City Council may terminate the permit for noncompliance or require additional improvements consistent with this subsection.

5. Automatic Expiration; Extension of Permit: Such use of the land shall automatically expire five (5) years after the original date of approval. Thereafter the applicant may apply for an annual one-year extension of the permit. (Ord. 1128, 9-27-93)

**902.07: RESERVED**

**902.08: OPEN FLAME ON APARTMENT BALCONIES:**

**OPEN FLAME AND FUEL STORAGE PROHIBITED – Fire Code Group R-2 properties**

A. Open Flame prohibited. In any structure containing three or more *dwelling units*, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15feet (4572 mm) of the structure.

B. Fuel storage prohibited. No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in Section 1.1 of the Minnesota State Fire Code.

Exception: Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches (457 mm) on all sides, unless listed for lesser clearances, may be installed on balconies and patios when *approved* by the fire chief.

**902.09: NEW MATERIALS, PROCESS OR OCCUPANCIES:**

The City Manager, the Chief of the Fire Department and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to

be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in this Code. The Fire Chief or his/her designee shall post such list on the Fire Departments website and distribute copies to interested persons upon request.

## **902.10**

### **902.11: REVOCATION OF PERMITS:**

The office of the Fire Chief or Fire Marshal(s) may revoke a permit or approval issued if any violation of the Minnesota State Fire Code is found upon inspection or where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (Ord. 867, 9-22-80) (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **902.12: DAY CARE FACILITIES FIRE CODE INSPECTION:**

Department of Human Services (DHS) Licensed Facilities Fire Safety Inspection:  
All Department of Human Services (DHS) Fire Safety Inspections will be conducted in accordance with procedures and fees as determined by the State Fire Marshal's Office, Department of Human Services (DHS) and Ramsey County. (Ord. 1289, 8-4-2003, eff 1-1-2004)

### **902.13: APPEAL:**

(Ord. 1289, 8-4-2003, eff 1-1-2004)

An appeal of the following actions can be made to the City Council by the affected party within thirty (30) days of the affected party being notified of the actions:

- A. Issuance of fire prevention orders.
- B. Extension of time limits for compliance with a fire prevention order issued by the Fire Marshal.
- C. Refusal of the Fire Chief or Fire Marshal to issue permits authorized in this Code.
- D. Revocation of a permit pursuant to this Code.
- E. Affected party claims that the Code does not apply or that the intent of the Code has been misconstrued or wrongly interpreted. (Ord. 1060, 5-22-89; amd. 1995 Code) (Ord. 1512 11-07-16)

## **CHAPTER 903 ELECTRICAL CODE**

### SECTION:

903.01: Electrical Code Adopted as Part of Minnesota State Building Code (MSBC)

### **903.01: ELECTRICAL CODE ADOPTED AS PART OF MINNESOTA STATE BUILDING CODE (MSBC):**

The Electrical Code is an adopted section of the MSBC. Fees for electrical work shall be as established in the most current Electrical Inspection Services Contract approved by the City Council. (Ord.1289, 8-4-2003, eff. 1-1-2004)

## **CHAPTER 904 PLAN REVIEW**

### SECTION:

904.01: Applicant to Provide Plans

904.02: Review of Plans

#### **904.01: APPLICANT TO PROVIDE PLANS:**

At the time of application for a building permit involving exterior construction in all zoning classifications except R-1 and R-2, the applicant shall submit detailed plans to the City's Designated Building Official concerning exterior lighting, signs, exterior construction material, exterior color, outside trash and refuse receptacles, screening and such other exterior factors as the Designated Building Official requests to determine compliance with the City Code. (Ord. 886, 8-10-81) (Ord. 1289, 8-4-2003, eff 1-1-2004)

#### **904.02: REVIEW OF PLANS:**

Where the exterior construction is located on any parcel zoned other than R-1 or R-2, such plans shall be reviewed by the Designated Building Official. (Ord. 886, 8-10-81) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## **CHAPTER 905 SWIMMING POOLS**

### **SECTION:**

- 905.01: Permit Required
- 905.02: Application
- 905.03: Conditions
- 905.04: Multiple-Family Dwelling Areas

### **905.01: PERMIT REQUIRED:**

A building permit shall be required for any swimming pool with a capacity over three thousand (3,000) gallons or with a depth of over three feet and six inches (42) of water. The permit fee shall be as listed in the most current Fees Resolution adopted by the City Council.(Ord. 636, 11-9-70) (Ord. 1289, 8-4-2003, eff 1-1-2004) (Ord. 1489, 11/30/2015)

### **905.02: APPLICATION:**

An application for a building permit shall show:

- A. The type and size of pool.
- B. A site plan indicating the location of the pool; location of house, garage, fencing and other improvements on the lot; location of structures on all adjacent lots; location of filter unit, pump and wiring indicating the type of such units; location of backflush and drainage outlets; grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool; location of existing overhead or underground wiring, utility easements, trees and similar features, location of any water heating unit. (Ord. 636, 11-9-70)

### **905.03: CONDITIONS:**

- A. Location in Yard: See Section 1011.12.B.4.
- B. Utility Lines: Pools shall not be located beneath overhead utility lines nor over underground utility lines.
- C. Access for Construction: All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- D. Backflush Water: to the extent feasible, backflush water or water from pool drainage shall be directed onto the owner's property. Water shall not drain onto adjacent or nearby private land. (Ord.1388, 2-22-2010)
- E. Water: Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the City. (Ord.1289, 8-4-2003, eff 1-1-2004)
- F. Safety Fencing: Required safety fencing shall be completely installed prior to filling a pool. (Ord. 1289, 8-4-2003, eff 1-1-2004)
- G. Nuisances: Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation and the like shall not be

permitted.

- H. Filling of Pool: Filling of pools from fire hydrants or other public facilities or drainage of pools into public streets or other public drainage ways shall require permission of the appropriate City officials. Drainage of a pool shall meet city and health agencies requirements. (Ord. 1289, 8-4-2003, eff 1-1-2004)
- I. Service Drop Conductors: No swimming pool shall be placed or constructed so as to be under any service drop conductors and any other open overhead wiring, nor within ten (10) feet horizontally from the pool edge, diving structure, observation stands, towers or platforms. No service drop conductors and other open overhead wiring shall be installed over or by any existing swimming pool except in conformance with this subsection. (Ord. 636, 11-9-70) (Ord. 1489, 11/30/2015)

#### **905.04: MULTIPLE-FAMILY DWELLING AREAS:**

Private swimming pools intended for and used by the occupants of a multiple-family dwelling and the guests of the occupants of said dwelling shall adhere to the following regulations:

- A. Lot Lines: No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
- B. Service Equipment: No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line.
- C. Fencing: The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area and adjacent single-family district lot lines.
- D. Deck Areas: All deck areas, adjacent patios and other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line in an adjacent single-family district. (Ord. 636, 11-9-70) (Ord. 1489, 11/30/2015)

## **CHAPTER 906**

### **BUILDING MAINTENANCE AND PRESERVATION CODE**

#### **SECTION:**

- 906.01: Adoption
- 906.02: Conflicts and Interpretation
- 906.03: Administration
- 906.04: Definitions
- 906.05: General Requirements
- 906.06: Light, Ventilation and Occupancy Limitations
- 906.07: Plumbing Facilities and Fixture Requirements
- 906.08: Mechanical and Electrical Requirements
- 906.09: Fire Safety Requirements
- 906.10: Referenced Standards

#### **906.01: ADOPTION**

There is hereby adopted by reference, the code referred to as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, Inc., (ICC) for the establishment of minimum acceptable standards for the maintenance of existing buildings, structures, premises and facilities to protect health, safety and general welfare. Each and all of the standards, regulations and requirements, except such portions as are hereinafter deleted, amended or modified as specified in the International Property Maintenance Code, 2018 edition, are hereby adopted, referred to, incorporated and made a part hereof as if fully set out at length herein. (Ord. 1583, 4-13-2020)

Not less than one copy of the said copyrighted International Property Maintenance Code, 2018 edition, shall be on file in the offices of the Community Development Department and open for public inspection during normal business hours. (Ord. 1583, 4-13-2020)

Not less than one City of Roseville revised and codified version (as authorized by the ICC) of the said copyrighted International Property Maintenance Code, 2018 edition, shall be on file in the offices of the Community Development Department and open for public inspection during normal business hours. (Ord. 1583, 4-13-2020)

#### **906.02: CONFLICTS AND INTERPRETATIONS**

In the event any provision of this chapter and any provision of the International Property Maintenance Code, 2018 edition, conflicts with or is inconsistent in any manner with any section of the Roseville City Code or other codes adopted by

reference therein, or parts thereof, the provisions of this chapter and the International Property Maintenance Code, 2018 edition, shall supersede and take precedence over such portion or portions in conflict or inconsistent therewith. (Ord. 1583, 4-13-2020)

## **906.03: ADMINISTRATION**

### **A. General**

**1. Title.** The regulations contained in chapter 906 shall be known as the *Building Maintenance and Preservation Code* of the City of Roseville, Minnesota, hereinafter referred to as “this code.” (Ord. 1583, 4-13-2020)

**2. Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**3. Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the current edition of the Minnesota State Building Code.

**4. Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **B. Applicability**

**1. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 906.03 A. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. (Ord. 1583 4-13-2020)

**2. Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

**3. Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the Minnesota State Building Code. Nothing



in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

**4. Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

**5. Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**6. Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**7. Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Section 906.10 and in the current edition of the Minnesota State Building Code, and, considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the current edition of the Minnesota State Building Code and the referenced standards, the provisions of the current edition of the Minnesota State Building Code shall apply.

Exceptions:

a. Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

b. Where conflicts occur between provisions of this code and the referenced standards,

the provisions of this code shall apply.

c. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard. (Ord. 1583, 4-13-2020)

**8. Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

**9. Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code. (Ord. 1583, 4-13-2020)

**10. Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law. (Ord. 1583, 4-13-2020)

**C. Property Maintenance Inspection**

**1. General.** The department of property maintenance inspection is hereby created and the Building Official shall be known as the code official. (Ord. 1583, 4-13-2020)

**2. Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

**3. Deputies.** In accordance with the prescribed procedures of this jurisdiction

and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official. (Ord. 1583, 4-13-2020)

**4. Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. (Ord 1583, 4-13-2020)

**5. Legal Defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. (Ord. 1583, 4-13-2020)

#### **D. Duties And Powers Of The Code Official**

**1. General.** The code official is hereby authorized and directed to enforce the provisions of this code. (Ord. 1583, 4-13-2020)

**2. Rule-making authority.** The code official shall have authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. (Ord. 1583 4-13-2020)

**3. Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. (Ord. 1583, 4-13-2020)

**4. Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or

premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry. (Ord. 1583, 4-13-2020)

**5. Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**6. Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**7. Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of such public records. (Ord 1583, 4-13-2020)

**8. Coordination of inspections.** Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

**E. Approval**

**1. Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. (Ord. 1583, 4-13-2020)

**2. Alternative materials, design and methods of construction and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved. (Ord. 1583, 4-13-2020)

**3. Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the

jurisdiction.

a. *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

b. *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.

**4. Used Material and equipment.** Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official. (Ord. 1583, 4-13-2020)

**5. Approved materials and equipment.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval. (Ord. 1583, 4-13-2020)

**6. Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources. (Ord. 1583, 4-13-2020)

## **F. Violations**

**1. Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**2. Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 906.03.G.

**3. Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 906.03.G. shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Ord. 1583, 4-13-2020)

**4. Violation penalties.** Any person, business, organization, or entity who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues, after due notice has been served, shall be deemed a separate offense. (Ord. 1583, 4-13-2020)

**5. Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## **G. Notices And Orders**

**1. Notice to responsible party.** Whenever the code official determines that

there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be in the manner prescribed in Section 906.03.G to the responsible party for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 906.03.H.5. (Ord. 1583, 4-13-2020)

**2. Form.** Such notice prescribed in Section 906.03.G.1. shall be in accordance with all of the following:

- a. Be in writing
- b. Include a description of the real estate sufficient for identification
- c. Include a statement of the violation or violations and why the notice is being issued
- d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. (Ord. 1583 4-13-2020)

**3. Right to file appeal, right to file lien.** If compliance is not achieved within the reasonable time frame provided in the correction order, a statement of the right to appeal the order in accordance with Section 906.03.K and the right of the City to file a lien in accordance with Section 906.03.F.3 will be provided in a subsequent notice.

**4. Method of service.** Any notice prescribed under Section 906.03.G shall be deemed to be properly served if a copy thereof is:

- a. Delivered personally; or
- b. Sent by certified or first-class mail addressed to the last known address; or
- c. Posted in a conspicuous place in, on or about the structure, site or premises affected by such notice. (Ord. 1583, 4-13-2020)

**5. Unauthorized tampering.** Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official. (Ord. 1583, 4-13-2020)

**6. Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 906.03.F.4. (Ord. 1583, 4-13-2020)

**7. Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (Ord. 1583, 4-13-2020)

## **H. Unsafe Structures and Equipment**

**1. General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**2. Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure

by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**3. Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

a. **Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

b. **Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**4. Dangerous structure or premises.** For the purpose of this code, any structure or premise that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

f. The building or structure, or any portion thereof, does not meet minimum standards for its continued use and occupancy.

g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to people or persons who might enter the building, structure or premises to their danger, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act or acts.

- h. Any building or structure which has been constructed, exists or is maintained in violation of any specific requirement or of any law or ordinance applicable to such building or structure provided by the approved building or fire code of the jurisdiction.
- i. Any building, structure or premise which presents a substantial risk of fire, building collapse or any other threat to life and safety, as determined by the code official.
- j. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- k. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- l. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public. (Ord. 1583, 4-13-2020)

**5. Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up and secured so as not to be an attractive nuisance. Upon failure of the owner to close up and secure the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. (Ord. 1583, 4-13-2020)

**6. Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 906.03.B.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter. (Ord. 1583, 4-13-2020)

**7. Placarding.** Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions contained in a notice prescribed under section 906.03G within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 906.03.G.34. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 906.03.G.2.

a. **Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code. (Ord. 1583, 4-13-2020)

**8. Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code. (Ord. 1583, 4-13-2020)

**9. Abatement methods.** The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. (Ord. 1583, 4-13-2020)

#### **I. Emergency Measures**

**1. Imminent danger.** When, the code official determines that, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same. (Ord. 1583, 4-13-2020)

**2. Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe



whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**3. Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**4. Emergency repairs.** For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**5. Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**6. Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## **J. Demolition**

**1. General.** The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official. (Ord. 1583, 4-13-2020)

**2. Notices and orders.** All notices and orders shall comply with Section 906.03.G.

**3. Failure to comply.** If the owner or owner's authorized agent of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Ord. 1583, 04-13-2020)

**4. Salvage materials.** Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ord. 1583, 04-13-2020)

**K. Means of Appeal**

**1. Means of Appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Roseville City Council or its designee. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. (Ord. 1583, 4-13-2020)

**L. Stop Work Order**

**1. Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of City Code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order. (Ord. 1583, 4-13-2020)

**2. Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. The stop work order may be posted in a conspicuous location on the property if no one is onsite to receive said order. Upon issuance or posting, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. (Ord. 1583, 4-13-2020)

**3. Emergencies.** Where an emergency exists, the code official shall not be required to give written notice prior to stopping the work. (Ord. 1583, 4-13-2020)

**4. Failure to comply.** Any person who shall continue any work after having been served with a stop work order or having the premises posted with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an Administrative Offense detailed in City Code Chapter 102 and subject to fines as per the adopted fee schedule of the municipality. (Ord. 1583, 4-13-2020)

**906.04: DEFINITIONS:**

**A. General**

1. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

2. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

3. Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

4. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

5. Parts. Whenever the words "dwelling unit," "dwelling," "premises,"

“building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

**B. General Definitions**

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Acceptable to the code official.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** See sleeping room.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, administrative fees, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals. (Ord. 1583, 4-13-2020)

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure. (Ord. 1583, 4-13-2020)

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** See Pest Elimination. (Ord. 1583, 4-13-2020)

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HISTORIC BUILDING.** Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.

2. Designated as historic under an applicable state or local law.

3. Certified as a contributing resource within a National Register or state or locally designated historic district. (Ord. 1583, 4-13-2020)

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials or products which have been affixed with a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for the specific purpose. (Ord. 1583, 4-13-2020)

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure. (Ord 1583, 4-13-2020)

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other

pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods. (Ord. 1583 4-13-2020)

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or other parcel of land that is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet. (Ord. 1583, 4-13-2020)

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SLEEPING ROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit. (Ord. 1583, 4-13-2020)

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units. (Ord. 1583, 4-13-2020)

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength. (Ord. 1583, 4-13-2020)

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## **906.05: GENERAL REQUIREMENTS:**

### **A. General**

**1. Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**2. Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**3. Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**B. Exterior Property Areas**

**1. Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**2. Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

**3. Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**4. Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8". All noxious weeds, as listed by the Minnesota Department of Agriculture, shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 906.03.F.3. and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. (Ord 1583, 4-13-2020)

**5. Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly eliminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. (Ord. 1583, 4-13-2020)

**6. Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**7. Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**8. Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**9. Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **C. Swimming Pools, Spas And Hot Tubs**

**1. Swimming pools.** In addition to and including the requirements of Chapters 905 and 1011, Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Ord. 1583, 4-13-2020)

**2. Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section. (Ord. 1583, 4-13-2020)

### **D. Exterior Structure** (Ord. 1583, 4-13-2020)

**1. General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. (Ord. 1583, 4-13-2020)

**2. Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- c. Structures or components thereof that have reached their limit state.
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not

maintained, weather resistant or water tight.

- e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the code official. (Ord. 1583, 4-13-2020)

**3. Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All



metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. (Ord. 1583, 4-13-2020)

**4. Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). (Ord. 1583, 4-13-2020)

**5. Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. (Ord. 1583, 4-13-2020)

**6. Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. (Ord. 1583, 4-13-2020)

**7. Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. (Ord. 1583, 4-13-2020)

**8. Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. (Ord. 1583, 4-13-2020)

**9. Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (Ord. 1583, 4-13-2020)

**10. Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. 1583, 4-13-2020)

**11. Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. (Ord. 1583, 4-13-2020)

**12. Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. 1583, 4-13-2020)

**13. Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (Ord. 1583, 4-13-2020)

**14. Window, skylight and door frames.** Every window, skylight, door and

frame shall be kept in sound condition, good repair and weather tight.

*a. Glazing.* All glazing materials shall be maintained free from cracks and holes.

*b. Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. (Ord. 1583, 4-13-2020)

**15. Insect screens.** During the period from May 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. (Ord. 1583, 4-13-2020)

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**16. Doors.** All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 906.09.B. (Ord. 1583, 4-13-2020)

**17. Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. (Ord. 1583, 4-13-2020)

**18. Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. (Ord. 1583, 4-13-2020)

**19. Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (Ord. 1583, 4-13-2020)

#### **E. General Requirements**

**1. Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

**2. Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

**3. Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

**4. Gates.** Exterior gates, gate assemblies, operator systems if provided, and

hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. (Ord. 1583 4-13-2020)

## **F. Interior Structure**

1. **General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**2. Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.

c. Structures or components thereof that have reached their limit state.

d. Structural members are incapable of supporting nominal loads and load effects.

e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the code official. (Ord. 1583, 4-13-2020)

**3. Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. (Ord. 1583, 4-13-2020)

**4. Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. (Ord. 1583, 4-13-2020)

**5. Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. (Ord. 1583, 4-13-2020)

**6. Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (Ord. 1583, 4-13-2020)

**7. Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the

attachment hardware. (Ord. 1583, 4-13-2020)

**G. Component Serviceability.**

**1. General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**i. Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code:

1. Soils that have been subjected to any of the following conditions:
  - 1.a. Collapse of footing or foundation system.
  - 1.b. Damage to footing, foundation, concrete or other structural element due to soil expansion.
  - 1.c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
  - 1.d. Inadequate soil as determined by a geotechnical investigation.
  - 1.e. Where the allowable bearing capacity of the soil is in doubt.
  - 1.f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
  
2. Concrete that has been subjected to any of the following conditions:
  - 2.a. Deterioration.
  - 2.b. Ultimate deformation.
  - 2.c. Fractures.
  - 2.d. Fissures.
  - 2.e. Spalling.
  - 2.f. Exposed reinforcement.
  - 2.g. Detached, dislodged or failing connections.
  
3. Aluminum that has been subjected to any of the following conditions:
  - 3.a. Deterioration.
  - 3.b. Corrosion.
  - 3.c. Elastic deformation.
  - 3.d. Ultimate deformation.
  - 3.e. Stress or strain cracks.
  - 3.f. Joint fatigue.
  - 3.g. Detached, dislodged or failing connections.
  
4. Masonry that has been subjected to any of the following conditions:
  - 4.a. Deterioration.
  - 4.b. Ultimate deformation.
  - 4.c. Fractures in masonry or mortar joints.
  - 4.d. Fissures in masonry or mortar joints.
  - 4.e. Spalling.
  - 4.f. Exposed reinforcement.
  - 4.g. Detached, dislodged or failing connections.
  
5. Steel that has been subjected to any of the following conditions:
  - 5.a. Deterioration.
  - 5.b. Elastic deformation.

- 5.c. Ultimate deformation.
  - 5.d. Metal fatigue.
  - 5.e. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
- 6.a. Ultimate deformation.
  - 6.b. Deterioration.
  - 6.c. Damage from insects, rodents and other vermin.
  - 6.d. Fire damage beyond charring.
  - 6.e. Significant splits and checks.
  - 6.f. Horizontal shear cracks.
  - 6.g. Vertical shear cracks.
  - 6.h. Inadequate support.
  - 6.i. Detached, dislodged or failing connections.
  - 6.j. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the code official. (Ord. 1583, 4-13-2020)

#### **H. Handrails and Guardrails**

1. **General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code. (Ord. 1583, 4-13-2020)

#### **I. Rubbish and Garbage**

1. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

2. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

*a. Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

*b. Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

3. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

a. *Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

b. *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. (Ord 1583, 4-13-2020)

## **J. Pest Elimination**

**1. Infestation.** All structures shall be kept free from insect and rodent infestation.

All structures in which insects or rodents are found shall be promptly exterminated eliminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

a. *Owner.* The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

b. *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

c. *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for pest elimination.

d. *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. (Ord 1583, 4-13-2020)

## **906.06 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS:**

### **A. General**

**1. Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**2. Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

**3. Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

### **B. Light**

**1. Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**2. Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**3. Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

C. **Ventilation**

**1. Habitable spaces.** Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 906.06.B.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated. (Ord 1583, 4-13-2020)

**2. Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 906.06.C.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

**3. Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exceptions:

- a. Where specifically approved in writing by the code official.

b. Devices including, but not limited to, coffee pots and microwave ovens shall not be considered cooking appliances. (Ord 1583, 4-13-2020)

**4. Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

**5. Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

**D. Occupancy Limitations**

**1. Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**2. Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**3. Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

a. In one-and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

b. Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

c. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included. (Ord. 1583, 4-13-2020)

**4. Sleeping and living room requirements.** Every sleeping and living room shall comply with the requirements of Sections 906.06.D.4.a. through 906.06.D.4.e.

**a. Room area.** Every sleeping room occupied by one person shall contain not less than 70 square feet (6.5 m<sup>2</sup>) of floor area, and every sleeping room occupied by more than one person shall contain not less than 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof. Every living room shall contain not less than 120 square feet. (Ord. 1583, 4-13-2020)

**b. Access from sleeping rooms.** Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms. (Ord. 1583, 4-13-2020)

**c. Water closet accessibility.** Every sleeping room shall have access to at least one water closet and one lavatory without passing through another



sleeping room. Every sleeping room in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the sleeping room or an adjacent story. (Ord. 1583, 4-13-2020)

**d. Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

**e. Other requirements.** Sleeping room shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Section 906.07.; the heating facilities and electrical receptacle requirements of Section 906.08.; and the smoke detector and emergency escape requirements of Section 906.09. (Ord. 1583, 4-13-2020)

**5. Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 906.06.D.5. or Section 1002.02 of the Roseville City Code, whichever is more restrictive.

TABLE 906.06.D.5. MINIMUM AREA REQUIREMENTS SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a,b</sup>	120	120	150
Dining room <sup>a,b</sup>	No requirements	80	100
Sleeping room <sup>a,b</sup>	Shall comply with Section 906.06.D.4.		

For SI: 1 square foot = 0.093 m<sup>2</sup>.

.a. See Section 906.06.5.b. for combined living room/dining room spaces.

.b. See Section 906.06.5.a. for limitations on determining the minimum occupancy area for sleeping purposes.

**a. Sleeping area.** The minimum occupancy area required by Table 906.06.D.5. shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 906.06.D.4.

**b. Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 906.06.D.5. if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. (Ord. 1583, 4-13-2020)

**6. Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

a. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by 906.06.D 2 and 3. (Ord 1583, 4-13-2020)

b. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

- c. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
  - d. The maximum number of occupants shall be three.
7. Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## **906.07: PLUMBING FACILITIES AND FIXTURE REQUIREMENTS:**

### **A. General**

- 1. Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- 2. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### **B. Required Facilities**

- 1. Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- 2. Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- 3. Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- 4. Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
  - a. Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- 5. Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises. (Ord. 1583, 4-13-2020)

### **C. Toilet Rooms**

- 1. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared

bathrooms and toilet rooms in a multiple dwelling.

2. Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

3. Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

4. Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### D. Plumbing Systems And Fixtures

1. General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

2. Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

3. Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### E. Water System

1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

2. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

3. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

4. Water heating facilities. Water heating facilities shall be properly installed,

maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**F. Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 1702.15 of the Minnesota State Plumbing Code.

**1. Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1702.15 of the Minnesota State Plumbing Code. (Ord 1583, 4-13-2020)

**G. Sanitary Drainage System**

**1. General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**2. Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**3. Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official. (Ord 1583, 4-13-2020)

**H. Storm Drainage**

**1. General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. (Ord 1583, 4-13-2020)

**906.08: MECHANICAL AND ELECTRICAL REQUIREMENTS:**

**A. General**

**1. Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**2. Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

**B. Heating Facilities**

**1. Facilities required.** Heating facilities shall be provided in structures as required by this section.

**2. Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable

rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used to provide required heating. (Ord. 1583, 4-13-2020)

3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, shall furnish heat to the occupants thereof shall supply heat during the period from September 30th to April 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. (Ord 1583, 4-13-2020)

4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 30th to April 30th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

a. Processing, storage and operation areas that require cooling or special temperature conditions.

b. Areas in which persons are primarily engaged in vigorous physical activities.

5. Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

**C. Mechanical Equipment**

1. Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

2. Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

3. Clearances. All required clearances to combustible materials shall be maintained.

4. Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

5. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

6. Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

**D. Electrical Facilities**

**1. Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 906.08.E.

**2. Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

**3. Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

a. *Abatement of electrical hazards associated with water exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

b. *Electrical equipment.* Electrical distribution equipment, motor circuits, power equipment, trans- formers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

b.1. Enclosed switches, rated not more than 600 volts or less.

b.2. Busway, rated not more than 600 volts.

b.3. Panelboards, rated not more than 600 volts.

b.4. Switchboards, rated not more than 600 volts.

b.5. Fire pump controllers, rated not more than 600 volts.

b.6. Manual and magnetic motor controllers.

b.7. Motor control centers.

b.8. Alternating current high-voltage circuit breakers.

b.9. Low-voltage power circuit breakers.

b.10. Protective relays, meters and current trans- formers.

b.11. Low- and medium-voltage switchgear.

b.12. Liquid-filled transformers.

b.13. Cast-resin transformers.

b.14. Wire or cable that is suitable for wet loca- tions and whose ends have not been exposed to water.

b.15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.

b.16. Luminaires that are listed as submersible.

b.17. Motors.

b.18. Electronic control, signaling and communication equipment.

c. *Abatement of electrical hazards associated with fire exposure.* The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

d. *Electrical equipment.* Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's

representative indicates that the equipment has not sustained damage that requires replacement. (Ord. 1583, 4-13-2020)

**E. Electrical Equipment**

**1. Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**2. Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location. (Ord. 1583, 4-13-2020)

**3. Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection. (Ord. 1583, 4-13-2020)

**4. Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings. (Ord. 1583, 4-13-2020)

**F. Elevators, Escalators and Dumbwaiters**

1. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17. I. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction. (Ord 1583, 4-13-2020)

2. Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**G. Duct Systems**

1. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

**906.09: FIRE SAFETY REQUIREMENTS:**

**A. General**

1. Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

2. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

**B. Means Of Egress**

**1. General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall

comply with the International Fire Code.

**2. Aisles.** The required width of aisles in accordance with the International Fire Code shall be unobstructed.

**3. Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

**4. Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. (Ord 1583, 4-13-2020)

**C. Fire-Resistance Ratings.**

**1. Fire-resistance-related assemblies.** The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings. (Ord 1583, 4-13-2020)

**2. Unsafe conditions.** Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 110 of the Minnesota State Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 110 of the Minnesota State Fire Code. (Ord 1583, 4-13-2020)

**3. Maintenance.** The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

a. Fire blocking and draft stopping. Required fire blocking and draft stopping



in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

b. Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

c. Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80. (Ord 1583, 4-13-2020)

**4. Opening protectives.** Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

a. *Signs.* Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

a.1. For doors designed to be kept normally open: FIRE DOOR - DO NOT BLOCK.

a.2. For doors designed to be kept normally closed: FIRE DOOR - KEEP CLOSED.

b. *Hold-open devices and closers.* Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position

c. *Door operation.* Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position. (Ord 1583, 4-13-2020)

**5. Ceilings.** The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited. (Ord 1583, 4-13-2020)

**6. Testing.** Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained. (Ord 1583, 4-13-2020)

**7. Vertical shafts.** Interior vertical shafts, including stairways, elevator hoist ways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code. (Ord 1583, 4-13-2020)

**8. Opening protective closers.** Where openings are required to be protected, opening protective shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135 °F(57°C). (Ord 1583, 4-13-2020)

D. Fire Protection Systems

1. **Inspection, testing and maintenance.** Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the Minnesota State Fire Code in an operative condition at all times, and shall be replaced or repaired where defective. (Ord 1583, 4-13-2020)
2. Fire protection systems required by this code, the Minnesota State Fire Code or the Minnesota State Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code, the Minnesota State Fire Code or the Minnesota State Building Code has been granted shall be considered to be a required system. (Ord 1583, 4-13-2020)
3. **Fire protection systems.** Fire protection systems shall be inspected, maintained and tested in accordance with the following Fire Code requirements. (See Chapter 9 Minnesota State Fire Code)
  - a. Automatic sprinkler systems.
  - b. Automatic fire-extinguishing systems protecting commercial cooking systems.
  - c. Automatic water mist extinguishing systems.
  - d. Carbon dioxide extinguishing systems.
  - e. Carbon monoxide alarms and carbon monoxide detection systems.
  - f. Clean-agent extinguishing systems.
  - g. Dry-chemical extinguishing systems.
  - h. Fire alarm and fire detection systems.
  - i. Fire department connections.
  - j. Fire pumps.
  - k. Foam extinguishing systems.
  - l. Halon extinguishing systems.
  - m. Single- and multiple-station smoke alarms.
  - n. Smoke and heat vents and mechanical smoke removal systems.
  - o. Smoke control systems.
  - p. Wet-chemical extinguishing systems.
4. **Standards.** Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 906.6.1 and as required in this section. (Ord 1583, 4-13-2020)

**TABLE 901.6.1**

**FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

SYSTEM	STANDARD
--------	----------

Portable fire extinguishers	NFPA10
Carbon dioxide fire-extinguishing system	NFPA12
Halon 1301 fire-extinguishing systems	NFPA12A
Dry-chemical extinguishing systems	NFPA17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA25
Fire alarm systems	NFPA72
Smoke and heat vents	NFPA204
Water-mist systems	NFPA750
Clean-agent extinguishing systems	NFPA2001

5. **Records.** Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

a. **Records information.** Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation. (Ord 1583, 4-13-2020)

6. **Systems out of service.** Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the Minnesota State Fire Code to bring the systems back in service.

a. **Emergency impairments.** Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901 of the Minnesota State Fire Code.

b. **Removal of or tampering with equipment.** It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs

c. **Removal of or tampering with appurtenances.** Locks, gates, doors, barricades, chains, enclosures, signs, tags and

seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

- d. **Termination of monitoring service.** For fire alarm systems required to be monitored by the Minnesota State Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated. (Ord 1583, 4-13-2020)

**7. Fire department connection.** Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

- a. **Fire department connection access.** Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

**Exception:** Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912 of the Minnesota State Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times

- b. **Clear space around connections.** A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections. (Ord 1583, 4-13-2020)

**8. Smoke Alarms.** Single or multiple-station smoke alarms shall be installed and maintained in existing Group I-1 and R occupancies in accordance with Section 907 of the Minnesota State Fire Code and the following:

- a. **Where required.** Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms.
- b. Interconnection and power sources shall be in accordance with Section 907.

**Exceptions:**

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with

- requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms. (Ord 1583, 04-13-2020)
- c. **Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:
1. In sleeping areas.
  2. In every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.
  3. In each story within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- d. **Groups R-2, R-3, R-4 and I-1.** Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:
1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bed- rooms.
  2. In each room used for sleeping purposes.
  3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- e. **Installation near cooking appliances.** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a required location.
1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.
  2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
  3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.
  4. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.
  5. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
  6. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.
- f. **Installation near bathrooms.** Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a required smoke alarm. (Ord 1583, 04-13-2020)

**9. Power Source.** Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exceptions:**

1. Smoke alarms are permitted to be solely battery operated in buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated ~~and~~ in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes. (Ord 1583, 4-13-2020)

**10. Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exceptions:**

- a. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
- b. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes. (Ord 1583, 4-13-2020)

**11. Smoke Detection System.** Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following provisions of the Minnesota State Fire Code:

- a. The fire alarm system shall comply with all applicable requirements of the Minnesota State Fire Code.
- b. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit.

c. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored. (Ord 1583, 4-13-2020)

12. **Testing And Maintenance.** Single and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined. (Ord 1583, 4-13-2020)

13. **Carbon Monoxide Alarms And Detection.** Carbon monoxide alarms shall be installed in dwellings in accordance with the Minnesota State Building Code.

a. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced. (Ord 1583, 4-13-2020)

## **906.10: REFERENCED STANDARDS:**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, and, the effective date and title. The application of the referenced standards shall be as specified in Section 906.03.B.7. (Ord. 1583, 4-13-2020)

**ASME**  
Engineers

American Society of Mechanical

Two Park Ave  
New York, NY 10016-5990

**ASME A17.1-2016/CSA B44—16:Safety Code for Elevators and Escalators 606-1**

**ASTM**

ASTM International  
100 Bar Harbor Dr  
PO Box C700  
West Conshohocken, PA 19428-

2959

F1346-91 (2010): Performance Specifications for Safety Covers and labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs.

ICC

International Code Council  
500 New Jersey Ave NW 6<sup>th</sup>

Floor

Washington, DC 20001

**IBC-18: International Building Code®**

102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

**IECC-18: International Energy Conservation Code®**

102.3

**IEBC-18: International Existing Building Code®**

102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

**IFC-18: International Fire Code®**

102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1,  
704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

**IFGC-18: International Fuel Gas Code®**

**IMC-18: International Mechanical Code®**

102.3, 201.3

**IPC-18: International Plumbing Code®**

102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

**IRC-18: International Residential Code®**

102.3, 201.3

**IZC-18: International Zoning Code®**

102.3, 201.3

## NFPA

National Fire Protection Association

1 Batterymarch Park

Quincy, MA 02169-7471

**10-17: Standard for Portable Fire Extinguishers**

Table 704.2

**12-15: Standard on Carbon Dioxide Extinguishing Systems**

Table 704.2

**12A-15: Standard on Halon 1301 Fire Extinguishing Systems**

Table 704.2

**17-17: Standard for Dry Chemical Extinguishing Systems**

Table 704.2

**17A-17: Standard for Wet Chemical Extinguishing Systems**

Table 704.2

**25---17: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems**

Table 704.2

**70-17: National Electrical Code**

102.3, 201.3, 604.2

**72-16: National Fire Alarm and Signaling Code**

Table 704.2

**80-16: Standard for Fire Doors and Other Opening Protectives**



703.3.3, 703.4

105---16: **Standard for Smoke Door Assemblies and Other Opening  
Protectives**

703.3.2

**204-15: Standard for Smoke and Heat Venting**

Table 704.2

720-15: **Standard for the Installation of Carbon Monoxide (CO) Detection and  
Warning Equipment**

[F] 705.2

750-14: **Standard on Water Mist Fire Protection Systems**

Table 704.2

**2001-15: Standard on Clean Agent Fire Extinguishing Systems**

Table 704.2

**UL**

**268--09: Smoke Detectors for Fire Alarm Systems** 704.6.4

Underwriters Laboratories, LLC

333 Pfingsten Road

Northbrook, IL 60062

Excerpts reprinted from the International Property Maintenance Code with  
permission from the International Code Council.

\\metro-inet.us\Roseville\CommDev\PLANNING\_AND\_ZONING\PLANNING\_FILES\3700-3749\3708\_IPMC  
(Ord)\Chpt906BldgMaintAndPres06082006.rtf

**CHAPTER 907**  
**REGISTRATION OF RESIDENTIAL RENTAL**  
**PROPERTY OF 1 TO 4 UNITS**

SECTION:

- 907.01: Purpose
- 907.02: Definitions
- 907.03: Registration Requirements
- 907.04: Expiration of Registration
- 907.05: Fees
- 907.06: Manner of Registration.
- 907.07: Notice to Tenant, Requirement to Post
- 907.08: Registration Fee and Posting Exemptions
- 907.09: Registration Suspensions and Revocation
- 907.10: Violation
- 907.11: Appeals
- 907.12: Maintenance of Records
- 907.13: Authority
- 907.14: Applicable Laws
- 907.15: Rules, Policies and Procedures
- 907.16: No Warranty by the City
- 907.17: Severability

**907.01: PURPOSE:**

The City recognizes a need for an organized registration program of residential rental property with 1 to 4 units within the City in order to:

- A. Gather accurate contact information for property owners of residential rental properties; and
- B. Provide educational materials to property owners and occupants of residential rental properties; and
- C. Identify and quantify these units in the City; and
- D. Provide information and a method to enforce minimum standards to meet City and State safety, health, fire property maintenance and zoning codes within the City; and
- E. Provide a more efficient system to ensure that the stock of residential rental property within the City is properly maintained.

The City recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of residential rental property with 1 to 4 units within the City.

## **907.02: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section”

- A. City: the City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.
- B. Family: shall mean one of the following: (City Code Section 1001.10)
  - 1. Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; or
  - 2. up to four people not so related, living together as a single housekeeping unit; or
  - 3. any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or
  - 4. any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.
- C. Local Agent: Owner’s representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington, and is authorized by the owner to make or order repairs or services for the property if in violation of the City or State Codes.
- D. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.
- E. Person: includes natural persons as well as business entities, whether one or more.
- F. Rent: includes money or services in exchange for occupation of the unit.
- G. Residential rental property: any building, structure, room, enclosure, or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. Residential rental property does not mean on-campus college housing, hospital units, nursing home units, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.
- H. Short-Term Rental: A non-owner-occupied dwelling unit rented for a period of thirty (30) consecutive days or less. Rentals less than seven (7) consecutive days are prohibited between October 1<sup>st</sup> and May 1<sup>st</sup> and rentals less than ten (10) consecutive days are prohibited between May 1<sup>st</sup> and October 1<sup>st</sup>. The use of recreational vehicles, campers or other similar vehicles as rentals shall be prohibited. Short-term rentals are governed by Chapter 909, requiring a license. (Ord 1595, 2-8-2021)
- I. Unit: means all or a portion of a residential rental property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group. (Ord 1595, 2-8-2021)

## **907.03: REGISTRATION REQUIREMENTS:**

A. Except as provided in Sections 907.06(1) and 907.08, it shall be unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential rental property of 1 to 4 units within the City for which an application for registration has not been properly made and filed with the City or after the time that a registration is suspended or revoked. Registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

1. Name, street address and phone number of the property owner and, if the owner is a business entity, the name, street address and phone number of a designated agent for the owner. In cases where the owner of the dwelling lives outside of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington counties, the owner must also provide the name, street address, and phone number of a local agent authorized by the owner to make or order repairs or services for the property if in violation of City or State Codes. The designated local agent must live or work in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington Counties.
2. The name, street address, and phone number, of any person authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner or local agent.
3. The street address of the rental property.
4. The type of units within the rental property (single family, twinhome, townhome, condo, duplex, triplex or fourplex).
5. The number of bedrooms and bathrooms in the unit.
6. Certification and attestation that the maximum occupancy per unit is either 4 or less unrelated adults or one family pursuant to Roseville City Codes 906.06 and 1001.10.

#### **907.04: EXPIRATION OF REGISTRATION:**

- A. Term: All registrations issued under this Chapter are effective upon issuance and shall expire one year (365 days) from the date of issuance. All required renewal registration application materials shall be received and submitted prior to the expiration date.
- B. Late fee: Any renewal registrations submitted 30 days after expiration will be considered late and subject to fee penalties.
- C. Violation: Any registration not renewed 60 days from expiration will be considered in violation of this ordinance. Renters will not be allowed to occupy a property if the renewal registration is not received within 60 days after expiration.  
(Ord. 1539 1-8-2018)

#### **907.05: FEES:**

- A. All fees and fines shall be charged to and payable by the property owner.
- B. Residential Rental Properties in violation of this ordinance may be subject to administrative fines, in addition to any other fees or penalties per Section 907.10 or other applicable sections of the City Code.

#### **907.06: MANNER OF REGISTRATION:**

- A. An owner who has an existing rental property as defined by this Chapter that is not already registered must apply for registration pursuant to this Chapter no later than 60 days following the effective date of this Chapter.
- B. An owner of a property that after the effective date of this Chapter wishes to convert the property into a rental property, shall apply for and register the property prior to its conversion.
- C. If there is a change in the type of occupancy from the type stated on the registration form, a new registration form shall be filed within 30 days of the change.
- D. When a previously registered property is sold, the new owner shall register within 30 days of the sale, if the property continues to be a residential rental property.

### **907.07 NOTICE TO TENANT, REQUIREMENT TO POST**

A. The owner or its agent must post, in accordance with the instructions provided by the City, in each rental unit a current copy of the Registration Certificate provided by the City upon registration. This certificate shall specifically include the following minimum information:

- 1. The street address of the registered property; and
- 2. The name, street address, and telephone number of either the owner or the designated agent,
- 3. The expiration date of the registration; and
- 4. Information about how to access the *Landlord and Tenants Rights and Responsibilities Handbook* provided by the Minnesota Attorney General.

### **907.08 EXEMPTIONS:**

A. All owners of residential rental properties are required to register their properties according to Section 907.06, however, the following property owners are exempt from the registration fee and the requirement to post a registration certificate.

- 1. Owners of residential rental properties where all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner or agent affirms in the registration that each of the renters is one of these relations.
  - 2. Owners of residential rental property licensed by the State of Minnesota as a group home and used as such. The owner or agent must provide the current license number on the registration form.
- B. Rentals that are owner-occupied during the duration of the rental period. (Ord 1595, 2-8-2021)
  - C. Rentals that are licensed under Chapter 909 shall not be required to obtain a registration under this Chapter. (Ord 1595, 2-8-2021)
  - D. Accessory Dwelling Units permitted under Title 10, Zoning, of the City Code when said Accessory Dwelling Unit is not detached from the

principal dwelling unit. (Ord 1595, 2-8-2021)

E. In all cases, an owner must notify the City in writing within 30 days if an exemption, as described in this Chapter, is no longer applicable. (Ord. 1426, 6-18-2012) (Ord 1595, 2-8-2021)

### **907.09: REGISTRATION SUSPENSIONS AND REVOCATION:**

A. A rental registration may be revoked or suspended by the City Council at any time under the provisions of this chapter for grounds including, but not limited to, the following:

1. Three or more confirmed violations of this section within 180 days. (Ord 1595, 2-8-2021).
2. False or misleading information given or provided in connection with a registration application.
3. Failure to maintain the residential rental property in a manner that meets pertinent provisions of City Code including, but not limited to, Code Chapters 407 and 906.
4. Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises including, but not limited to, the following:
  - a) Minn. Stat. 609.75 through 609.76, which prohibit gambling;
  - b) Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
  - c) Minn. Stat. 152.01 through 152.025 and 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
  - d) Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic beverages;
  - e) Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
  - f) Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
  - g) Minn. Stat. 609.72, which prohibits disorderly conduct;
  - h) Roseville City Code Section 407, prohibiting public nuisances, Section 405, noise control, Section 906, property maintenance, Sections 1004 and 1005, land use and Section 1018, parking; and
  - i) Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.
- B. Registration suspension shall be for a term not less than: 180 days for the first suspension and 365 days for the second suspension. Depending on the gravity of the offense, the Council may impose longer suspension timeframes than noted in this paragraph. (Ord 1595, 2-8-2021)
- C. Registration revocation shall be considered by the City Council when violations occur under paragraph A of this section and when two prior suspensions occurred under the same registrant. (Ord 1595, 2-8-2021)

- D. In order to reinstate a suspended Rental Registration, the applicant shall apply following the same process as if applying for a new Rental Registration. Reinstatements following suspension will only be considered when the circumstances leading to the suspension have been remedied, the suspension penalty imposed by the City Council has been satisfied, and upon City Council approval. (Ord 1595, 2-8-2021)
- E. If a Rental Registration is revoked, reinstatement may only be considered by the City Council if there is an ownership change. Ownership change to a family member of the prior owner, or entity affiliated with the prior owner shall not constitute compliance with this requirement. (Ord 1595, 2-8-2021)
- F. Repeat Nuisance Service Call fees shall be applied pursuant to City Code Section 511. (Ord 1595, 2-8-2021)

**907.10: VIOLATION:**

A. Misdemeanor: Except as provided in Sections 907.06(1) and 907.08, any person who maintains a residential rental property without having the property registered, or after the registration for the property has been revoked or suspended, or who permits new occupancy in violation of Section 907 is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense.

B. Administrative fee: In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Each day of violation constitutes a separate offense.

1. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for habitation.

C. Prohibited occupancy: Pursuant to 907.10B.1 the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until:

1. The administrative fee has been paid; and

2. A rental registration is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit; and

3. Completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407.06, 407.07 and 407.08.

**907.11: APPEALS:**

A. An Appeal pertaining to any violation, suspension, or revocation decision addressed in this Chapter may be filed by a residential rental property owner.

- 1. The appeal shall be submitted to the City Manager within ten (10) calendar days after the making of the order or decision being appealed.
- 2. The appeal shall state the specific grounds upon which the appeal is made.
- 3. The appeal shall be accompanied by the fee set forth in Chapter 314.

B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Community Development Director.

**907.12: MAINTENANCE OF RECORDS:**

All records, files and documents pertaining to the Rental Registration Program shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

**907.13: AUTHORITY:**

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on registration including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent.

**907.14: APPLICABLE LAWS:**

Residential Rental Property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

**907.15: RULES, POLICIES, PROCEDURES:**

The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Ordinance.


**907.16: NO WARRANTY BY THE CITY:**

By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental registration.



**907.17: SEVERABILITY:**

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby. (Ord. 1361, 3-17-2008) (1495, 2/22/2016) (Ord. 1523 04-10-2017)



**CHAPTER 908**  
**RENTAL LICENSING FOR MULTIFAMILY RENTAL**  
**PROPERTIES OF 5 OR MORE UNITS**

SECTION:

- 908.01: Purpose
- 908.02: Definitions
- 908.03: Licensing Requirements
- 908.04: Licensing Term
- 908.05: Fees
- 908.06: Local Agent Required
- 908.07: Licensing Suspensions, Revocation, Denial, and Non-Renewal
- 908.08: Appeals
- 908.09: Maintenance of Records
- 908.10: Authority
- 908.11: Rules, Policies, and Procedures
- 908.12: No Warranty by the City
- 908.13: Severability

**908.01: PURPOSE**

It is the purpose of this Chapter to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. The operation of an MRD is a business enterprise that entails responsibilities. Operators are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

**908.02: DEFINITIONS**

For the purpose of this Chapter, the following terms shall be defined as set forth below.

- A. City: Shall mean the City of Roseville.
- B. City Council: Shall mean the City Council of the City of Roseville.

- C. City-Approved Inspector's Report or Inspection Report: Shall mean a rental dwelling inspection report prepared and signed by a City Fire Marshal, Fire Inspector or inspector contracted by the City to conduct an inspection and provide a report to the City.
- D. Denial: The refusal to grant a license to a new or renewing applicant by the City.
- E. Dwelling Unit: Any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
- F. Family: Defined in City Code Section 1001.10.
- G. Fire Chief: The Chief of the Roseville Fire Department or his/her duly authorized representative(s).
- H. Fire Inspector(s): City of Roseville Fire Inspector as designated by the Fire Chief and/ or his/her duly authorized representative(s).
- I. Fire Marshal(s): City of Roseville Fire Marshal as designated by the Fire Chief and/ or his/her duly authorized representative(s).
- J. Follow-up Inspection: A follow-up inspection that is: a) conducted to determine if a code violation has been corrected; or b) needed because a licensee, owner or other responsible party fails to attend a scheduled inspection; or c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.
- K. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.
- L. License: The formal approval of an activity specified on the certificate of license issued by the City.
- M. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
- N. Memorandum of Understanding: A document outlining the terms and details of an agreement between parties, including each party's requirements and responsibilities.
- O. Manager: An individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. Manager does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.
- P. Multifamily Rental Dwelling (MRD): Any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health-licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed homeowner associations, cooperatives, or on-campus college housing.
- Q. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

- R. Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building per City Code.
- S. Person: Includes natural persons as well as business entities, whether one or more.
- T. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.
- U. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
- V. Revoke: To take back a license issued by the City.
- W. Safety: The condition of being reasonably free from danger and hazards that may cause accidents or disease.
- X. Suspend: To make a license temporarily inoperative.
- Y. Tenant: Any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the MRD.

### **908.03: LICENSING REQUIREMENTS**

General Rule: No person shall operate, let, or cause to be let an MRD that has not been properly licensed by the City of Roseville in the manner required by this Ordinance. A license must be obtained for each MRD. Upon receipt of a properly executed initial or renewal application for a rental license, the Roseville Fire Department shall cause an inspection to be made of the MRD to determine compliance with all applicable codes, standards and ordinances. The standards for compliance shall include the Minnesota State Fire Code, Chapter 906 (Building Maintenance and Preservation Code) City of Roseville Ordinances and other applicable Codes or other nationally recognized standards and the laws of the State of Minnesota, as adopted by the City Council. A minimum of one-third (1/3) of all rental dwelling units shall be inspected to determine if they comply with all applicable codes and ordinances. Previously inspected units with noted violations shall have a follow-up inspection completed to verify corrections of noted violations have occurred.

- A. Licensing: A license will be granted on an annual (one year) basis. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire annually.
- B. Criminal Background Check: The licensee shall conduct criminal background checks on all prospective tenants. The owner shall acknowledge and comply with the Kari Koskinen Manager Background Check Act in Minnesota State Statutes 299C.66 to 299C.71. Proof of background checks shall be made available upon City request. The Criminal Background Check must include the following:
  1. A statewide (Minnesota) criminal history check covering at least the last three years; the check must be done utilizing the most recent update of the state criminal history files.
  2. A criminal history check in their previous states of residence, unless not allowed, covering at least the last three years if they have not resided in Minnesota for three years or longer.

3. A criminal history check shall be conducted in accordance with the standards of the Federal Fair Housing Act.
- C. Disorderly Behavior Lease Provisions: All tenant leases shall contain crime-free, drug-free provisions as on file with the City or equivalent that prohibit disorderly behavior identified in City Code Section 511.02. These lease provisions shall be incorporated into every new or renewing lease for a tenancy and shall comply with Minnesota Statutes Section 504B.205. (Ord. 1546, 4-9-2018)
- D. Occupancy Register: Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit. Such register shall be made available for review by the City upon request. The Occupancy Register must contain the following information:
1. Dwelling unit address.
  2. Number of bedrooms in dwelling unit and size of each bedroom, including the maximum number of occupants allowed.
  3. Legal names and dates of birth of adult occupants.
  4. Number of adults and children (under 18 years of age) currently occupying each dwelling unit.
  5. Dates renters occupied and vacated dwelling units
  6. A list of complaints and requests for repair by dwelling unit occupants that relate to the provisions of this Code of Ordinances.
  7. A similar list of all corrections made in response to such requests and complaints.
- E. Application Submittal: A license application shall be submitted to the Fire Department on forms furnished by the City of Roseville and must contain the following information:
1. Name, address, telephone number, and e-mail address of the owner of the MRD. This is the address that all future correspondence from the City will be sent to. The owner shall indicate if the business entity is a corporation, partnership, sole proprietorship, or other.
  2. Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD, if applicable.
  3. Street address (es) and unit numbers for the MRD.
  4. Number of dwelling units including: unit size, bedroom size (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
  5. Owner shall certify compliance with the requirements found in 908.03B for conducting background checks.
  6. Owner shall certify compliance with the requirement in 908.03C to include disorderly behavior lease provisions.
  7. Owner shall certify compliance with the requirement of 908.03D occupancy register.
- F. Changes in Ownership: A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must submit an application for a new license within thirty (30) calendar days of acquiring the property. The applicant shall be responsible for compliance with all sections listed herein under City Code Chapter 908.
- G. Amended Licenses: If changes occur to any information required on the application for a current license, the owner must submit an amended license

application to the City with thirty (30) calendar days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

- H. Complaint-Based Inspection: The City may, upon receipt of a creditable third party complaint or a complaint by residents with reasonable concerns, require an inspection. A complaint-based inspection may require additional units to be inspected. As a result of the additional inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.
- I. Additional Requirements: The City may require additional educational training or participation in programs related to the license.
- J. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

#### **908.04: LICENSING TERM**

Licenses will be issued for a period of one year. All licenses will be reviewed and renewed each year by the property owner or other authorized representative.

- A. New Licenses: MRDs that have legally not been required to have a rental license due to new construction must submit a rental license application to the City within thirty (30) calendar days from the issuance of a Conditional or Permanent Certificate of Occupancy. The applicant shall be responsible for compliance to all sections listed herein under City Code Chapter 908.
- B. Operating without Valid License: Properties found operating without a valid rental license from the City, properties failing to meet City Code requirements, or properties that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this chapter, may be subjected to other enforcement measures as allowed under City Code.
- C. License Renewals: All licensed rental properties shall be required to submit a renewal application.
- D. Chronic Code Violations: For properties having chronic code violations that are not being resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.
- E. Property Code and Nuisance Violations: Standards for property maintenance will be based on compliance with City and other applicable Codes or other nationally recognized standards, as adopted by the City Council.
- F. License Process and Renewal:
  - 1. All owners or owner's representatives of MRDs in the City must submit a full application to the Fire Department.
  - 2. The Fire Department will notify the applicant of the inspection date, approximately thirty (30) calendar days prior to inspection.
  - 3. After the inspection has been completed a notice of licensing approval/denial and inspection report will be sent to the applicant.
  - 4. The licensing fee will be due and payable by the license renewal date.

5. After staff verifies all documentation, fees and all other requirements have been satisfied, a license may be issued for each MRD. (Ord. 1547, 4-9-2018)
  6. A renewal application packet will be sent to the owner of each licensed MRD. License renewal applications shall be submitted to the Fire Department by the owner/agent between 90 and 120 days prior to the license expiration date.
- G. Issuance of License: The City shall issue a license once the City deems the property to not have any unsafe, unsanitary, or dilapidated conditions as defined in Section 906.03H or elsewhere in Roseville's City Code), or a Memorandum of Understanding (MOU) has been signed and submitted, and, all City fees and fines have been paid. Every Owner of an MRD shall conspicuously post the current license within fourteen (14) calendar days of receipt in the main entryway or other conspicuous location within the MRD. For MRDs that do not have a shared common area or entrance, the Owner must provide a copy of the license to each tenant by attaching a copy to the tenant's copy of the executed lease agreement. Notwithstanding Section 301.02 of City Code, the Fire Chief or his/her designee is authorized to issue a license under this Chapter upon satisfaction, in the Fire Chief's or his/her designee's sole discretion, of all requirements contained herein. (Ord. 1547, 4-9-2018)

#### **908.05: FEES**

There shall be a licensing fee as established by the City Fee Schedule in Section 314.05. All fees and fines shall be charged to and payable by the property owner.

#### **908.06: LOCAL AGENT REQUIRED**

Local Agent: No operating license shall be issued or renewed for a nonresident owner of an MRD (one who does not reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the Fire Chief and/or his/her designee, the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive notice of violations of the provisions of the City Code of Ordinances, to receive and to effect such orders, and to accept all service or process pursuant to law.

#### **908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL**

- A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension, revocation or nonrenewal by the City Council.
- B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any

new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.

- C. Grounds for License Action: The City Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:
1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
  2. Failure to pay any application fee, fine, penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
  3. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in an Inspection Report or other compliance notices within the time specified.
  4. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses noted deficiencies and violations of any property maintenance, zoning, health, building, nuisance, or other City Codes.
  5. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
  6. Failure to actively pursue the termination of the tenancy of tenants who have violated the provision of this Chapter or Lease Addendum on file with the City or have otherwise created a public nuisance in violation of City, state, or applicable laws.
  7. Failure to eliminate imminent health and life safety hazards as determined by the City or its authorized representatives.
  8. Failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and ordinances.
- D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either this Section or any other Section of Chapter 908.
- E. Notification, Hearing and Decisions Basis:
1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds, and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
  2. Decision Basis: The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been remedied or avoided, and the good faith efforts to comply. The City Council shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings.
- F. Affected MRD: The City Council may suspend, revoke or not renew a license for part or all of an MRD.
- G. License Actions, Reapplication:



1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after the period of suspension be reinstated subject to compliance with this Chapter and any conditions imposed by the City Council at the time of suspension.
2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the City Council's written decision, which shall not exceed one (1) year. The City Council shall specify in its written decision the date when an application for a new license will be accepted for processing. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an application for a new facility will not take the form of a suspension or revocation unless false statements have been made by the applicant in connection with the application. A decision to deny an application shall state conditions of reapplication.
3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as specified by City Council resolution, in addition to all other fees required by this Chapter.
4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. The City Council may, in its sole discretion, include in its written decision any necessary conditions a licensee must satisfy prior to reinstatement or reissue of a license. Such conditions may include but are not limited to, requiring a licensee to retain at its own expense a City-approved professional property maintenance and/or management contractor. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension, or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and Codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of revocation, suspension, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, or non-renewal specified in the City Council's written decision or in paragraph 6 of this Section. (Ord. 1603, 10-25-2021)
5. New License Prohibited: A property owner who has a rental license revoked may not receive a new rental license for another property within the City for a period of one (1) year from the date of revocation. The property owner may continue to operate currently licensed MDRs if the properties are maintained in compliance with City Codes and other applicable regulations.
6. Council Action: The City Council may postpone or discontinue an action to deny, not renew, revoke, suspend a license, or fine a licensee or

applicant, if the licensee or applicant has taken appropriate measures to correct the violation.

### **908.08: APPEALS**

- A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an MRD property owner.
  - 1. The appeal shall be submitted to the Community Development Director within thirty (30) calendar days after the making of the order or decision being appealed.
  - 2. The appeal shall state the specific grounds upon which the appeal is made.
  - 3. The appeal shall be accompanied by the fee set forth in Chapter 314.
- B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within ninety (90) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Fire Chief and/or his/her designee.

### **908.09: MAINTENANCE OF RECORDS**

All records, files, and documents pertaining to the Licensing of MRDs shall be maintained in the office of the City and made available to the public as allowed or required by laws, rules, codes, statutes, or ordinances.

### **908.10: AUTHORITY**

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute, or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on licensing.

### **908.11: RULES, POLICIES, AND PROCEDURES**

By resolution the City Council may adopt, from time to time, rules, policies, and procedures for the implementation of this Chapter. Violation of any such rule, policy, or procedure by a property owner shall be considered a violation of this Ordinance.

## **908.12: NO WARRANTY BY THE CITY**

By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City Council, or its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability of any MRD in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental license.

## **908.13: SEVERABILITY**

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity, or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby. (ORD. 1502, 6-13-2016) (ORD. 1534, 10-23-2017)

## **CHAPTER 909**

### **LICENSING OF SHORT-TERM RENTALS**

#### **SECTION:**

- 909.01: Purpose
- 909.02: Definitions
- 909.03: License Required
- 909.04: Expiration of License
- 909.05: Fees, Lodging tax
- 909.06: Manner of Licensure
- 909.07: Notice to Guest(s), Requirement to Post
- 909.08: Exemptions
- 909.09: License Suspensions and Revocation
- 909.10: Violation
- 909.11: Appeals
- 909.12: Maintenance of Records
- 909.13: Authority
- 909.14: Applicable Laws
- 909.15: Rules, Policies and Procedures
- 909.16: No Warranty by the City
- 909.17: Severability

#### **909.01: PURPOSE:**

The purpose of this Section is to ensure that the non-owner-occupied short-term rentals of dwelling units is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood or an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community. The operation of a short-term rental property is a business enterprise that entails responsibilities required of the owner, local agent, and guests. (Ord 1596, 2-8-2021)

#### **909.02: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

- A. City: The City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.
- B. Family: Shall mean one of the following: (City Code Section 1001.10)
  - 1. Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; or
  - 2. Up to four people not so related; or
  - 3. Any group of people, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental

incompetency, or for other reasons; or

4. Any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.

C. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington, and is authorized by the owner to make or order repairs or services for the property if in violation of the City or State Codes.

D. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.

E. Person: Includes individual, as well as, business entities, whether one or more.

F. Rent: Includes money or services in exchange for occupation of the unit.

G. Short-Term Rental: A non-owner-occupied dwelling unit rented for a period of thirty (30) consecutive days or less. Rentals less than seven (7) consecutive days are prohibited between October 1st and May 1st and rentals less than ten (10) consecutive days are prohibited between May 1st and October 1st. The use of recreational vehicles, campers or other similar vehicles as rentals shall be prohibited. Short-term rental periods from eight (8) to thirty (30) consecutive days require a license under this Chapter.

H. Unit: All or a portion of a residential property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group. (Ord 1596, 2-8-2021)

### **909.03: LICENSE REQUIRED:**

A. It shall be unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential property within the City for which an application for a short-term rental license has not been properly made and filed with the City or after the time that a license is suspended or revoked. Applications for licensure shall be as required by Chapter 301 of City Code, and shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

1. Name, street address, email and phone number of the property owner.
2. The name, street address, email and phone number(s), of a local agent authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
3. The street address of the short-term rental property.
4. The type of units within the rental property (single family, twin-home, townhome, condo, duplex, triplex or fourplex).
5. The number of bedrooms in the unit.
6. Certification and attestation that the maximum occupancy per unit is either 4 or less unrelated adults or one family pursuant to Roseville City Codes 906.06 and 1001.10. (Ord 1596, 2-8-2021)

**909.04: EXPIRATION OF LICENSE:**

- A. Term: All licenses issued under this Chapter are effective upon issuance and shall expire one year (365 days) from date of issuance. All required renewal license application materials shall be received and submitted prior to the expiration date.
- B. Late fee: Any renewal license applications submitted after expiration will be considered late and subject to fee penalties.
- C. Violation: Any license not renewed after expiration, with continued short-term renting of the property, will be considered a violation of this ordinance. Renters will not be allowed to occupy a property if the renewal license is not issued within 5 days after expiration. (Ord 1596, 2-8-2021)

**909.05: FEES, LODGING TAX:**

- A. There shall be a license fee and late renewal fee as established by the City Fee Schedule in Section 314.05. All fees and fines shall be charged to and payable by the property owner.
- B. Pursuant to Minnesota Statutes, section 469.190, local lodging taxes shall be collected on all rentals less than 30 days in length in accordance with Chapter 312 of the City Code.
- C. Short-Term Rentals in violation of this ordinance may be subject to administrative fines, in addition to any other fees or penalties per Section 909.10 or other applicable sections of City Code. (Ord 1596, 2-8-2021)

**909.06: MANNER OF LICENSURE:**

- A. An owner who has an existing Short-Term Rental property as defined by this Chapter that is not already licensed under the requirements of City Code Chapter 909, must apply for licensure pursuant to this Chapter, no later than 30 days following the effective date of this Chapter.
- B. An owner of a property that after the effective date of this Chapter wishes to convert the property into a Short-Term Rental property, shall apply for and license the property prior to its conversion.
- C. If there is a change in the type of occupancy from the type stated on the license form, an amended license form shall be filed within 30 days of the change.
- D. When a previously licensed property is sold, the new owner, if continuing to offer Short-Term Rental, shall apply for a license within 30 days of the sale.
- E. Valid Short-term rental license holders shall not be required to register said rental per Chapter 907 if they enter into rental lease periods in excess of thirty (30) consecutive days.
- F. The City Manager may administratively deny a license under this Chapter if the property has been issued fines for repeat nuisance violations per City Code

Section 511.

- G. If a person is found to have engaged in rentals that require a license under this Chapter, but no license has been obtained, upon application for licensure said license shall not become effective for 90 days. (Ord 1596, 2-8-2021)

**909.07 NOTICE TO RENTER, REQUIREMENT TO POST:**

- A. The owner or its agent must post, in accordance with the instructions provided by the City, in each Short-Term Rental unit a current copy of the Short-term Rental License provided by the City upon issuance of license. This license shall specifically include the following minimum information:
1. The street address of the registered property; and
  2. The name, street address, email address(es) and telephone number(s) of the owner, the local agent or both as applicable; and
  3. The expiration date of the license.
- B. The owner or its agent must post in each Short-Term Rental unit a current copy of Roseville City Code Sections 405, Noise Control, 407, Nuisances, and 602, Stopping, Standing and Parking. (Ord 1596, 2-8-2021)

**909.08 EXEMPTIONS:**

- A. Individual sleeping rooms within an otherwise owner-occupied residence.
- B. Rentals where the owner is present for the duration of the rental.
- C. Rentals that exist solely due to “rent-back” provision of property sales.
- D. Month-to-month rental leases that originated from a lease period in excess of thirty (30) consecutive days.
- E. Accessory Dwelling Units permitted under Title 10, Zoning, of the City Code when said Accessory Dwelling Unit is not detached from the principal dwelling unit.
- F. Hotels, motels and/or similar establishments. (Ord 1596 2-8-2021)

**909.09: LICENSE SUSPENSION AND REVOCATION:**

- A. A Short-Term Rental license may be revoked or suspended by the City Council at any time under the provisions of this chapter, or Chapter 301 Section 301.09, for grounds including, but not limited to, the following:
1. Two or more confirmed violations of this section within 180 days, except for a single violation as outlined in paragraph B of this section.
  2. False or misleading information given or provided in connection with a license application.
  3. Failure to maintain the residential rental property in a manner that meets pertinent provisions of City Code including, but not limited to, Code

Chapters 407 and 906.

4. Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises including, but not limited to, the following:

- a. Minn. Stat. 609.75 through 609.76, which prohibit gambling;
  - b. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
  - c. Minn. Stat. 152.01 through 152.025 and 152.027, subs. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
  - d. Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic beverages;
  - e. Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
  - f. Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
  - g. Minn. Stat. 609.72, which prohibits disorderly conduct;
  - h. Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.
  - i. Roseville City Code Sections: 407, prohibiting public nuisances, 405, noise control, 511, repeat nuisance, 906, property maintenance, 1004 and 1005, land use and 1018, parking.
- B. Upon recommendation by the Chief of Police, the City Manager is authorized to administratively suspend a license after a single violation that reasonably posed or poses a threat to public safety.
- C. License suspension shall be for a term not less than: 180 days for the first suspension and 365 days for the second suspension. Depending on the gravity of the offense, the Council may impose longer suspension timeframes than noted in this paragraph.
- D. License revocation shall be considered by the City Council when violations occur under paragraph A or B of this section and/or when two prior suspensions occurred under the same licensee.
- E. In order to reinstate a suspended license, the applicant shall apply following the same process as if applying for a new Short-Term Rental license. Reinstatements following suspension will only be considered when the circumstances leading to the suspension have been remedied, the suspension penalty imposed by the City



Council has been satisfied, the licensee has submitted a Mitigation Plan outlining policies and procedures to prevent violations from occurring in the future, and upon City Council approval. Reinstatement after suspension may be denied by the City Council if the licensee cannot satisfactorily meet the requirements in this paragraph.

- F. If a license is revoked, reinstatement may only be considered by the City Council if there is an ownership change. Ownership change to a family member of the prior owner, or entity affiliated with the prior owner shall not constitute compliance with this requirement.
- G. Repeat Nuisance Service Call fees shall be applied pursuant to City Code Section 511. (Ord 1596, 2-8-2021)

**909.10: VIOLATION:**

- A. Misdemeanor: Any person who maintains a short-term rental property without having the property licensed, or after the short-term rental license for the property has been revoked, or who permits new occupancy in violation of Section 909 is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.
- B. Administrative fee: In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Each day each violation continues or exists, constitutes a separate offense.
  - 1. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for occupancy as a short-term rental.
- C. Prohibited occupancy: Pursuant to 909.10.B.1, the dwelling unit or portion of, may not be occupied by anyone other than the primary homestead owner and that person's immediate family until:
  - 1. The administrative fee has been paid; and
  - 2. A short-term rental license is obtained or the City is satisfied that the dwelling unit will not be used as a short-term rental dwelling unit; and
  - 3. Completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407 and 906. (Ord 1596, 2-8-2021)

**909.11: APPEALS:**

- A. An Appeal pertaining to any violation, suspension, or revocation decision addressed in this Chapter may be filed by a short-term rental property owner.
  - 1. The appeal shall be submitted to the City Manager within ten (10) calendar days after the making of the order or decision being appealed.

2. The appeal shall state the specific grounds upon which the appeal is made.

3. The appeal shall be accompanied by the fee set forth in Chapter 314.

B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Chief of Police and/or Community Development Director.

C. Appeals filed under this section shall require notification to properties within 350 feet of the subject property. (Ord 1596, 2-8-2021)

**909.12: MAINTENANCE OF RECORDS:**

All records, files and documents pertaining to the Short-Term Rental License Program shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances. (Ord 1596, 2-8-2021)

**909.13: AUTHORITY:**

Nothing in this Chapter shall prevent the City from acting under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent. (Ord 1596, 2-8-2021)

**909.14: APPLICABLE LAWS:**

Short-Term Rental Property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling unit; and this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances. (Ord 1596, 2-8-2021)

**909.15: RULES, POLICIES, PROCEDURES:**

The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Ordinance. (Ord 1596, 2-8-2021)

**909.16: NO WARRANTY BY THE CITY:**

By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the short-term rental license. (Ord 1596, 2-8-2021)

**909.17: SEVERABILITY:**

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby. (Ord 1596, 2-8-2021)

**CHAPTER 910**  
**TENANT NOTIFICATION AND NOTICE OF**  
**POTENTIAL SALE WITH RESPECT TO LICENSED**  
**RENTAL PROPERTIES**

SECTION:

910.01: Purpose

910.02: Definitions

910.03: Notice to the City of Proposed Sale

910.04: Post Sale Notice

910.05: Relocation Assistance

910.06: Tenant Complaints

910.07: Penalty

**910.01: Purpose**

The purpose of this Chapter is to provide housing stability, protection, and notification to tenants in rental housing during an ownership transition. This Chapter requires notice to both tenants and the City whenever title to licensed rental property containing five or more rental housing units is conveyed or otherwise transferred. Under this Chapter, an owner of a housing building is required to pay resident relocation benefits if the owner takes certain actions during a required three-month tenant notification period, and the resident of the building needs to move as a result of the owner's action(s). In addition, this Chapter requires that when rental properties affordable to lower income households become available for sale, the City must receive notice of the potential sale so that it can make such information available to parties interested in purchasing the property with a goal of keeping rents affordable for lower income households.

**910.02: Definitions**

The following definitions in this Section apply in Chapter 910. Defined terms remain defined terms, whether or not capitalized.

A. **Affordable Housing Building:** A multiple-family rental housing building having five or more dwelling units where at least 20 percent of the units rent for an amount that is affordable. Affordable shall mean no more than 30 percent of income to households at or below 80 percent of area median income, as most recently determined by the United States Department of Housing and Urban Development for Low Income Housing Tax Credit (LIHTC) purposes, as adjusted for household size and number of bedrooms.

B. **Available for Sale:** The earliest implementation of any of the following actions: negotiating to enter into a purchase agreement that includes an affordable housing building, including like-kind property swaps such as a 1031 exchange, advertising the

sale of an affordable housing building, entering into a listing agreement to sell an affordable housing building, or posting a sign that an affordable housing building is for sale.

C. Cause: The tenant or a member of the tenant's household materially violated a term of the lease or rental agreement, or violated an applicable federal, state, or local law or regulation.

D. Housing Building: A building with five or more rental units.

E. Housing Unit: A rental unit within a housing building.

F. Material Change: A change in the terms of a lease that significantly limits or restricts the tenants' use and enjoyment of a housing unit or the housing building.

G. Rent: A fixed periodical payment made by the tenant to the landlord for occupancy of a housing unit but shall not include additional costs that may be incurred above occupancy of the housing unit such as utilities, garage, storage closets, and the like.

H. Tenant Notification Period: The period that commences on the date when a written notice of the transfer of ownership of a housing building is sent to each housing unit tenant pursuant to Section 910.04 and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant notification period be less than 90 days.

I. Transfer of Ownership: Any conveyance of title to an affordable housing building, whether legal or equitable, voluntary or involuntary, resulting in a transfer of control of the building, effective as of the earlier of the date of delivery of the instrument of conveyance or the date the new owner takes possession.

**910.03: Notice to the City and Tenant of Proposed Sale of an Affordable Housing Building**

A. Notice to the City: Any owner or representative of the owner who intends to make available for sale any affordable housing building shall notify the Community Development Director and Fire Chief of the proposed sale by providing the notice required in this Section. The notice shall be on a form prescribed by the City stating the owner's intent to make available for sale the affordable housing building and which may include, at the City's sole discretion, some or all of the following information:

1. Owner's name, phone number, and mailing address;
2. Address of the affordable housing building that will be made available for sale;
3. Total number of dwelling units in the building; and

4. Number and type (e.g., efficiency, one bedroom, two bedrooms, etc.) of each of the affordable housing dwelling units in the building and the contract rent for every dwelling unit in the building.

The notice shall be mailed or hand delivered to the Community Development Director no later than 90 days prior to the affordable housing building being made available for sale.

B. Notice to Affected Tenants: The notice shall also be delivered directly to all affected tenants and include the following language requirement: *“This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord.”* This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. This notice shall be delivered to all affected tenants no later than 90 days prior to the affordable housing building being made available for sale. Upon request by the tenant, the owner must provide a written translation of the notice into the tenant’s preferred language if the language is listed above.

C. Exclusions: This notice of potential sale requirement shall not apply to the sale or transfer of title of an affordable housing building already subject to federal, state, or local rent or income restrictions that continue to remain in effect after the sale or transfer; or with respect to the sale or transfer of a residential rental building in which the buyer contracts with the City to maintain the property in compliance with the definition of an “affordable housing building” as defined in this Chapter, for a period of no less than 10 years. This exclusion does not apply if local rent or income restrictions will increase yet remain in compliance with the definition of an “affordable housing building” as defined in this Chapter.

#### **910.04: Post Sale Notice**

A. Notice to Tenants: Whenever title to property containing any housing building is conveyed or otherwise transferred, as a condition of receipt of a rental license, the new owner must within 30 days after the real estate closing, deliver written notice to each housing unit tenant that the housing building is under new ownership. The notice must include, at a minimum, the following information:

1. The name, mailing address, and telephone number of the new owner.
2. The following statement: “Roseville City Code provides for a three month tenant notification period to housing unit tenants when new ownership takes control of a property. A tenant may be entitled to relocation assistance from the new owner if, during the three month tenant notification period, the new owner:
  - a. Terminates or does not renew the tenant’s rental agreement without cause;
  - b. Raises the rent and the tenant terminates his or her rental agreement due to the rent increase;

- c. Requires existing tenants to be re-screened or comply with new screening criteria, and the owner or tenant terminates the tenant's lease based on that re-screening or failure to meet those new screening criteria;
  - d. Imposes a material change in the terms of the lease, and the owner or tenant terminates or does not renew the tenant's lease because of those material changes; or
  - e. Engages in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety unless said activities are conducted by a contractor obtaining the necessary lead and asbestos abatement certifications, the work is conducted in accordance with industry best management practices, and all necessary permits have been obtained from applicable government agencies.”
3. Whether there will be any rent increase within the three month tenant notification period and, if so, the amount of the rent increase and the date the rent increase will take effect.
  4. Whether the new owner will require existing housing unit tenants to be re-screened or comply with new screening criteria during the three month tenant notification period and, if so, a copy of the applicable screening criteria.
  5. Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the three month tenant notification period and, if so, the language of the material change and explanation of its effect.
  6. Whether the new owner will terminate or not renew rental agreements without cause during the three month tenant notification period and, if so, notice to the affected housing unit tenants whose rental agreements will terminate and the date the rental agreements will terminate.
  7. Whether the new owner intends to increase rent, require existing tenants to be rescreened to determine compliance with existing or modified residency screening criteria, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease without cause within 30 days immediately following the tenant notification period.
  8. Whether the new owner intends to engage in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety.
  9. The date that the tenant notification period will expire.

B. Language requirement: Each notice required by this Section shall contain an

advisory that reads as follows: “This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord.” This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. Upon written request by a tenant that identifies the tenant’s native language, the owner must provide a written translation of the notice in that language.

C. Notice to the City: The new owner must deliver a copy of the notice required by this Section to the City of Roseville Community Development Department and City of Roseville Fire Department at the same time that the notice is delivered to tenants.

D. Required tenant notification period: The new owner of a housing building must not terminate or not renew a tenant’s rental agreement without cause, raise rent, re-screen existing tenants, or impose a material change to the terms of the lease during the tenant notification period without providing the notices required by this Section.

#### **910.05: Relocation Assistance**

A. When Required: A new owner of a housing building must pay relocation assistance to housing unit tenants if, during the three month tenant notification period, the new owner:

1. Terminates or does not renew the tenant’s rental agreement without cause;
2. Raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
3. Requires existing tenants to be re-screened or comply with new screening criteria and the owner or tenant terminates the tenant’s lease; or
4. Imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant’s lease.

B. Amount: Relocation assistance shall be in an amount equal to three months of the monthly rent pursuant to the current lease.

C. When Paid: The new owner shall, when required, pay relocation assistance to the tenant of a housing unit within 30 days after receiving tenant’s written notice of termination of the lease or within 30 days after the owner notifies the tenant that the lease will be terminated or not renewed.

#### **910.06: Tenant Complaints**

A tenant of a housing unit who believes the new owner has not provided the tenant the notifications required under this Chapter may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Chapter to assist the City in determining whether to impose an administrative penalty provided for in this Section. The City is not required to take any particular action in response to a notice of violation, and any enforcement action it does take shall be on behalf of the



City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law.

**910.07: Penalty**

A. Violations: A violation of this Chapter is subject to any penalties as provided for in Chapter 102 of the City Code. Notwithstanding any provision of Chapter 102 of the City Code, the penalty for a violation of Sections 910.04 or 910.05 shall be the sum of the applicable amount of relocation assistance plus \$500.

B. Number of Offenses: A violation of this Chapter shall constitute a separate offense for each dwelling unit affected.

C. Transfer of Funds: Within 30 days after a person pays the penalty in Section 910.07.A to the City, the City shall pay to the displaced tenant of the housing unit in which the violation occurred an amount equal to the relocation assistance amount specified in Section 910.05.B.

D. Additional Redress: In addition, any tenant aggrieved by a landlord's noncompliance with this Chapter may seek redress in any court of competent jurisdiction to the extent permitted by law. (Ord. 1619 10-24-2022)