

**TITLE 9
BUILDING REGULATIONS**

CHAPTER 901 BUILDING CODE

SECTION:

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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)

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: DEPOSIT FOR PROTECTION OF CONCRETE CURBS, TO

ENSURE CLEANING OF STREETS AND TO ENSURE COMPLIANCE WITH BUILDING CODE:

At any time a permit is applied for on any new construction and on any 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. In the case of a permit issued for a project involving a dwelling or accessory structure, 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 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.

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: Explosives and Blasting Agents
- 902.06: Storage of Flammable Liquids
- 902.07: Bulk Storage of Liquefied Petroleum Gas
- 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 Fire Code Institute 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. (1995 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

902.02: ESTABLISHMENT AND DUTIES OF FIRE MARSHAL¹:

- A. The Minnesota State Fire Code shall be enforced by the office of the Fire Marshal of the City.
- B. The Fire Marshal 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 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 assistant Fire Marshals.
- E. A report of the office of the Fire Marshal shall be made annually and shall be transmitted to the City Manager. It shall contain all proceedings under this Code with such statistics as the City Manager may require. (Ord. 976, 6-24-85)

902.03: PERMITS REQUIRED:

A permit from the Fire Marshal is required to conduct the following:

- A. Install any automatic fire sprinkler system.

¹ See also Chapter 106 of this Code.

- 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 or signaling system when the value of the installation or modification exceeds one thousand dollars (\$1,000.00).
- G. Remove an underground liquid fuel storage tank. (Ord. 1060, 5-22-89)
- H. Clean and degrease commercial hoods and ducts. (1995 Code)

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:

Fire Inspection personnel of the City are authorized to conduct fire prevention inspections of any and all Group A, B, E, H, I, F, M, S, and R occupancies as defined in the Minnesota State Building Code, located within the City. (Ord. 1060, 5-22-89; amd. 1990 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

902.05: EXPLOSIVES AND BLASTING AGENTS:

- A. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents are to be Prohibited: Storage of explosives and blasting agents is prohibited in all areas other than those zoned I-1 and I-2 and then only when stored in accordance with NFPA No. 495.
- B. Establishment of Motor Vehicle Routes for Vehicles Transporting Explosives and Blasting Agents¹: Designated routes for vehicles transporting explosives and blasting agents are hereby established as follows: State Trunk Highway 36 from Rice Street west to the west City limits, State Highway 280 from the south City limits to the confluence with STH No. 36 and Interstate 35W to the north City limits, Snelling Avenue north of STH No. 36 to County Road "C", County Road "C" from Snelling Avenue west to Long Lake Road, Fairview Avenue from County Road "C" north to the intersection of Terrace Drive, Long Lake Road south from County Road "C" to Terminal Road, Terminal Road west to the Minnesota Transfer Railway tracks, and St. Croix Street south from Terminal Road to STH No. 36. (Ord. 867, 9-22-80)

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 Cleveland Avenue, 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 Cleveland Avenue, 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)

¹ See also M.S.A. §§169.80 through 169.88, 221.033 and 299F.19; United States Code, title 49, sections 1801 50 1811 and the provisions of Code of Federal Regulations, title 49, sections 171 to 199.

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. Annual Review: Annually, the City Council shall review the site and tank permit for compliance with the original permit.
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: BULK STORAGE OF LIQUEFIED PETROLEUM GAS:

- A. Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gas Is to Be Restricted: The limits referred to in the Minnesota State Fire Code in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: All areas except those areas zoned I-1 and I-2. Such storage is permissible in B-1, B-1B, B-2 and B-3 Districts by conditional use permit issued by the City Council. (Ord. 867, 9-22-80; amd. 1995 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)
- B. Protection Systems: All bulk storage facilities for liquefied petroleum gas containing two thousand (2,000) gallons water capacity or more shall be stored in tanks protected from fire by one of the following protection systems:
 1. Preaction Water Spray System: A preaction water spray system designed in accordance with National Fire Protection Association Standard No. 15 which is hereby adopted by reference.
 2. Fire Proof Insulation: Tanks coated with a water based, thermally activated, subliming, intumescent fireproofing insulation capable of passing a minimum fire resistance test of one hour when tested on steel pressure vessels using standard industry tests; the surface coating shall be impermeable and hard-shelled to resist weathering.
 3. Mounded above Grade: Upon the submission of detailed plans and specifications and upon the written approval of the Fire Chief and the Fire Marshal, tanks may be mounded above grade. (Ord. 867, 9-22-80)
 4. Shutoff Valve: Tanks shall be equipped with a valve at the outlet of the tank. The valve shall be designed to automatically shut off the flow of fuel in the event of the following conditions:
 - a. Excess flow of fuel.
 - b. Automatic detection of fire conditions.The valve shall also be capable of manual operation. The valve shall be interconnected with all related electrical equipment. (Ord. 1060, 5-22-89)
- C. Permit Required:
 1. 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. Annually, the Council shall review the site and tank permit for compliance with the original permit. The Council may terminate the permit for noncompliance or require additional improvements consistent with this subsection.

2. 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. 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)

902.08: OPEN FLAME FIRE ON APARTMENT BALCONIES:

- A. Except where the balconies and the building are of all masonry or steel construction, in any multiple-family dwelling classified as R-1 and R-2 occupancy by the Minnesota State Building/Uniform Fire Code, 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 fifteen (15) feet of the structure. (Ord. 1289, 8-4-2003, eff 1-1-2004)
- B. No person shall store or use any fuel, barbecue, torch or other similar heating or lighting chemical or device in the locations designated in subsection A. above.
- C. Exception: Occupants may apply to the Fire Chief or Fire Marshal for a permit to allow barbecue grills which are affixed to the balcony and which utilize direct connection to the building's electric or natural gas system. (Ord. 1151, 9-12-94)

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 Marshal shall post such list in a conspicuous place in the Fire Marshal's office and distribute copies to interested persons. (Ord. 867, 9-22-80)

902.10: EVIDENCE OF COMPLIANCE WITH CODE:

The City Manager or the Fire Marshal if so designated by the Manager, may accept written reports from qualified persons that any particular establishment is complying with all the regulations of the Minnesota State Fire Code. The City Manager in determining who is qualified to make such reports may consider licenses held by such individuals in other municipalities. (Ord. 867, 9-22-80) (Ord. 1289, 8-4-2003, eff 1-1-2004)

902.11: REVOCATION OF PERMITS:

The office of the Fire Marshal 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:

All day care fire/life safety inspection fees shall be as established in the City Fee Schedule in Section 314.05. (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 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)

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 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:

1. Gather accurate contact information for property owners of residential rental properties,
2. Provide educational materials to property owners and occupants of residential rental properties,
3. Identify and quantify these units in the City,
4. Provide information and a method to enforce minimum standards to meet City and State safety, health, fire and zoning codes within the City, and
5. 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:

1. The term “residential rental property” means 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, intended to be used as habitable space which is rented or offered for rent as living quarters. For the purposes of this section, condominium properties are considered to be single unit dwellings, no matter how many units may be located within the overall building. This term also includes any residential dwelling or unit occupied by relatives of the owner and residential rental dwellings operated as group homes. 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.

2. The term “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 for individuals or a family.
3. The term “person” includes natural persons as well as business entities, whether one or more.
4. The term “City” means the City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.
5. For the definition of the term “Family” see Roseville City Code Section 1001.10.
6. The term “rent” includes money or services in exchange for occupation of the unit.

907.03: REGISTRATION REQUIREMENTS:

Except as provided in Sections 907.06(1) and 907.08, it is 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. Initial registration shall be made upon forms furnished 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 not a natural person, 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 an 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.
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. The maximum occupancy per unit is either 4 unrelated adults or one family per Roseville City Codes 906.06 and 1001.10.

907.04: EXPIRATION OF REGISTRATION:

1. All registrations shall expire at midnight on June 30 each year. All renewal registration application materials for the next year shall be received before the expiration date.
2. Any renewal registrations received between July 1 and September 30 will be considered

- late, but will not receive any fee penalties (fee grace period).
3. Any renewal registrations received after September 30 will be considered late and subject to fee penalties (fee penalty period).
 4. Any registration not renewed by October 31 will be considered in violation of this ordinance (violation period). Renters will not be allowed to occupy a property if the renewal registration is not received by October 31.

907.05: FEES:

1. There shall be a registration fee to recoup the costs of administering the program. All fees shall be established annually by the City Council. All fees and fines shall be charged to and payable by the property owner.
2. The fee for registration renewed during the fee penalty period shall be twice the normal registration fee.
3. The fee for registrations renewed during the violation period shall be twice the normal registration fee in addition to any other fees or penalties per Section 907.10

907.06: MANNER OF REGISTRATION:

1. 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.
2. An owner of a non-rental 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.
3. 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.
4. When property is sold, the new owner shall register within 30 days of the sale.

907.07 NOTICE TO TENANT, REQUIREMENT TO POST

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,
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 REGISTRATION FEE AND POSTING EXEMPTIONS:

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.

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)

907.09: REGISTRATION SUSPENSIONS AND REVOCATION:

A rental registration may be revoked or suspended at any time under this provision of this chapter by the Community Development Director for grounds including, but not limited to, the following:

1. False or misleading information given or provided in connection with a registration application.
2. 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.
3. 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. 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.

A suspended or revoked rental registration may be reinstated when the circumstances leading to the suspension or revocation have been remedied.

907.10: VIOLATION:

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. 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. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for habitation. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid; (b) a rental registration is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit, and (c) 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. Each day of each violation constitutes a separate offense.

907.11: APPEALS:

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.

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)



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
- 908.05: Local Agent Required
- 908.06: 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. Building Official: The designated Building Official for the City of Roseville or his/her duly authorized representative(s).
- B. City: Shall mean the City of Roseville.
- C. City Council: Shall mean the City Council of the City of Roseville.
- D. City-Approved Inspector's Report or Inspection Report: Shall mean a rental dwelling inspection report prepared and signed by a City rental housing inspector or inspector contracted by the City to conduct an inspection and provide a report to the City.

- E. Denial: The refusal to grant a license to a new or renewing applicant by the City.
- F. Dwelling Unit: Any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
- G. 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.
- H. License: The formal approval of an activity specified on the certificate of license issued by the City.
- I. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
- J. Multifamily Rental Dwelling (MRD): Any building or portion thereof 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 home-owner associations, cooperatives, or on-campus college housing.
- K. 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.
- L. Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building per City Code.
- M. Reinspection: A follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; 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.
- N. 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.
- O. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
- P. Revoke: To take back a license issued by the City.
- Q. Safety: The condition of being reasonably free from danger and hazards that may cause accidents or disease.
- R. Suspend: To make a license temporarily inoperative.
- S. 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 the properly executed initial application for a rental license, the Community Development Department shall cause an inspection to be made of the MRD to determine whether it is in compliance with Chapter 906 (Building Maintenance and Preservation Code), other Roseville ordinances, and the laws of the State of Minnesota. At renewal inspection, a minimum of twenty-five percent (25%) of all rental dwelling units shall be inspected to determine if they comply with all applicable codes and ordinances. Also, a minimum of 25% of previously inspected units shall be re-inspected to verify all previously noted violations were corrected.

- A. Licensing: A license will be granted as Type A, Type B, Type C, or Type D based on nationally recognized standards recommended by the Building Official and adopted by the City Council. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire as determined by the license type and City.
- B. Criminal Background Check: The licensee shall conduct criminal background checks on all prospective tenants. The criminal background check must include the following:
1. A statewide (Minnesota) criminal history check of all prospective tenants 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 of any prospective tenant 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 of any prospective tenant must be conducted in all seven (7) counties in the metro Twin Cities area: (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) covering at least the last three years, including all misdemeanor, gross misdemeanor, and felony convictions.
- 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 lease for a tenancy beginning January 1, 2015, and all renewed leases by such date.
- 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 that provides 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
- Such register shall be made available for viewing by the Code Enforcement Officer at each routine inspection or upon City receipt of a report of potential occupancy violation.
- E. Application Filed: A license application shall be submitted to the Community Development 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 rental dwelling units. This is the address that all future correspondence from the City will be sent to. Owner shall indicate if the owner is a corporation, partnership, sole proprietorship, or other business entity.

2. Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD.
 3. Street address(es) and unit numbers for the MRD.
 4. Number and type of dwelling units including unit size, bedroom size for each building (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
 5. Description of property listing number of buildings and number of dwelling units in each building.
 6. Owner shall certify compliance with the requirement found in 908.03B for conducting background checks on prospective tenants.
 7. Owner shall certify compliance with the requirement in 908.03C to include disorderly behavior lease provisions.
 8. Owner shall certify compliance with the requirement of 908.03D occupancy register.
- F. Changes in Ownerships and Amended Licenses: A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must obtain a new license within thirty (30) calendar days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within 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.
- G. Complaint-Based Inspection: The City may, upon receipt of creditable third party complaints or complaints of residents with reasonable concerns, require an inspection of a unit. A complaint-based inspection may require additional units to be inspected. Upon the additional unit inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.
- H. Additional Requirements. The City may require additional educational training or participation in programs related to the license type.

908.04: LICENSING TERM

Licenses will be issued for a time period according to the license type as indicated in Diagram 1. All licenses may be reviewed at any time after the beginning of the license term to determine whether the property continues to have the appropriate License Type.

Diagram 1

Requirement ➔	Renewal of License, Inspections and Payment of Licensing Fee	Memorandum of Understanding for correction of nuisance	Monthly Updates
License Type* ⬇			
Type A	Once every 3 years	Optional	N/A
Type B	Once every 2 years	Optional	N/A

Type C	Once a year	Optional	N/A
Type D	Once every 6 months	Required	Required

- A. New Licenses: MRDs that have legally not been required to have a rental license due to new construction will qualify for a Type B License and must be filed with the City thirty (30) calendar days from the issuance of a Conditional or Permanent Certificate of Occupancy.
- 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, will only qualify for a Type C or D license.
- C. License Renewals: All rental properties are subject to review and may be required to apply and qualify for a different license type based on the level of compliance with City Codes and applicable regulations.
- 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. License Category Criteria: License type will be determined by the number of property Code and nuisance violations as recommended by the City Manager and approved by the City Council.
 - 1. 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. Initial application of existing MRDs in the City must have completed a full application and paid the license fee by December 31, 2014.
 - 2. Code enforcement officers will notify applicant of the inspection date approximately thirty (30) calendar days prior to inspection.
 - 3. Notice of licensing type will be sent to the applicant. The licensing fee will be due and payable by the license renewal date. A license will be issued for each MRD. Every Owner of an MRD shall conspicuously post the current license certificate 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 certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.
 - 4. License renewals shall be filed with the Community Development Department by the MRD 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.

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

- A. 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 Building Official 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.
- B. 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.

908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL

- A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension or revocation 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 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 Compliance Notices in the time specified in the notice.
 - 4. 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.
 - 5. 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.
 - 6. Failure to eliminate imminent health and life safety hazards as determined by the City or its authorized representatives.

7. 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 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 Council shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings.
- F. Affected MRD: The Council may suspend or revoke a license 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 Council's written decision, which shall not exceed one (1) year. The 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 initial 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 initial application shall state conditions of reapplication.
 3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as specified by 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. 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.

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. The Council may postpone or discontinue an action to deny, not renew, revoke, or suspend a registration certificate, or to 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 City Manager 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 Building Official.

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 WARRANT 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.