

**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)¹⁹:

- 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, 2003 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, save and except such portions as are hereinafter deleted, amended or modified, as set about and specified in the International Property Maintenance Code, 2003 edition, are hereby adopted, referred to, incorporated and made a part hereof as if fully set out at length herein.

Not less than one copy of the said copyrighted International Property Maintenance Code, 2003 edition, shall be on file in the office of the City Manager and open for public inspection at all times.

Not less than one City of Roseville revised and codified version (as authorized by the ICC) of the said copyrighted International Property Maintenance Code, 2003 edition, shall be on file in the office of the City Manager and in the Community Development Department and open for public inspection at all times.

906.02: CONFLICTS AND INTERPRETATIONS

In the event any provision of this article and any provision of the International Property Maintenance Code, 2003 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 article and the International Property Maintenance Code, 2003 edition, shall supersede and take precedence over such portion or portions in conflict or inconsistent therewith.

906.03: ADMINISTRATION

A. General

1. Title. These regulations shall be known as the *Building Maintenance and Preservation Code* of the City of Roseville, Minnesota, hereinafter referred to as “this code.”
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. 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.
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 Chapter 8 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.

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.

C. Property Maintenance Inspection

1. General. The Codes Coordinator shall be known as the code official.

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.

4. Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered 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. Any suit 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.

D. Duties And Powers Of The Code Official

1. General. The code official shall enforce the provisions of this code.

2. Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

3. Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All 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.

4. Right of entry. The code official is authorized to enter the structure or premises at

reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

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 as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

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, provided 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.

2. Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material 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, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

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. Material and equipment reuse. 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.

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, 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.
4. Violation penalties. Any person, firm or corporation who shall violate any provision of this code shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as a misdemeanor offense. Each day upon which a violation continues shall be deemed a separate offense.
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 person responsible. 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 given in the manner prescribed in Sections 906.03.G.2. and 906.03.G.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 906.03.H.5.
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.
 - e. Inform the property owner of the right to appeal.
 - f. Include a statement of the right to file a lien in accordance with Section 906.03.F.3.
3. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
 - a. Delivered personally;
 - b. Sent by certified or first-class mail addressed to the last known address; or
 - c. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
4. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 906.03.F.4.
5. 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.

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. 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 so as not to be an attractive nuisance. Upon failure of the owner to close up 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.
5. Notice. 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 or the person or persons responsible for the structure or equipment in accordance with Section 906.03.G.3. 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.
6. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions 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.

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.

7. 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 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.

I. Emergency Measures

1. Imminent danger. When, in the opinion of the code official, 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.

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 of any premises upon which is located any structure, which in the code official’s judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary 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, to demolish and remove such structure.

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

3. Failure to comply. If the owner 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.

4. Salvage materials. When 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 at the highest price obtainable. 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.

K. Means of Appeal

1. Means of Appeal. Any person shall have the right to appeal to the Roseville City Council or its designee, a decision of the Building Codes Official or a notice or order issued under this code. 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.

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

APPROVED. Approved by 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. Any room or space used or intended to be used for sleeping purposes.

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.

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.

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

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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.

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. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

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.

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.

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

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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.

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.

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 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.

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 exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

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. Exterior Structure

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.

2. 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.

3. 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).

4. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

15. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 906.09.B.

16. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

17. 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.

18. 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.

D. 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.

E. 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. Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
3. 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.
4. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
5. 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.
6. 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.

F. 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.

G. 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.

H. Extermination

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 by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
2. Owner. The owner of any structure shall be responsible for extermination within the

structure prior to renting or leasing the structure.

3. 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 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 extermination.

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 m²). 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 60watt standard incandescent light bulb for each 200 square feet (19 m²) 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 at least 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 m²). The ventilation openings to the outdoors shall be based on a total floor

area being ventilated.

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.

Exception: Where specifically approved in writing by the code official.

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:

1. 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.

2. 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.

3. 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.

4. Bedroom requirements. Every bedroom shall comply with the requirements of Sections 906.06.D.4.a. through 906.06.D.4.e.

a. Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

b. Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms 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.

c. Water closet accessibility. Every bedroom shall have access to at least one water

closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

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

e. Other requirements. Bedrooms 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.

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 ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 906.06.D.4.		

For SI: 1 square foot = 0.093 m².

.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.

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 two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

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.

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. 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.

G. 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.

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 based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to 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.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

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:

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

2. 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.

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.

3. Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

F. Elevators, Escalators and Dumbwaiters

1. General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. 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.

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 the following. Required emergency escape and rescue openings 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.

C. Fire-Resistance Ratings

1. Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

2. Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

D. Fire Protection Systems

1. General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

2. Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in rental properties within all residential occupancies regardless of occupant load at all of the following locations:

a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

b. In each room used for sleeping purposes.

c. In each story within a dwelling unit, including basements and cellars 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.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

3. Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, 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 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.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source 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.

4. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, 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. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. 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.

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. 1332, 1-30-2006)

International Code Council

ICC 5203 Leesburg Pike, Suite 600 Falls Church, VA 22041

Standard reference number	Title
ICC EC—03	ICC Electrical Code™ — Administrative Provisions
IBC—03	International Building Code®.
IEBC—03	International Existing Building Code™
IFC—03	International Fire Code®
IMC—03	International Mechanical Code®
IPC—03	International Plumbing Code®
IZC—03	International Zoning Code®

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

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. 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.

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

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 home-owner 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. 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. 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)