

## Chapter 40. - Fire Certificate of Occupancy

Sec. 40.01. - Fire certificate of occupancy requirement.

- (a) All existing buildings in the city are required to have and maintain a fire certificate of occupancy, issued by the department of safety and inspections. The fire certificate of occupancy shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public.
- (b) Provisional fire certificate of occupancy. When an owner-occupied dwelling changes to a rental dwelling unit, the owner of the dwelling must submit a completed application for a provisional certificate of occupancy, a completed owner's self evaluation affidavit and pay the fee for a provisional certificate of occupancy within thirty (30) days of the change in use.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 1, 2-25-09; Ord 13-52, § 1, 12-4-13; Ord 14-50, § 1, 1-7-15)

\* Sec. 40.02. - Exception, certain residential dwelling units.

An owner-occupied single-family house, duplex, or condominium unit shall be exempted from the requirement to have and maintain a fire certificate of occupancy. "Owner-occupied" means the house, duplex or condominium dwelling unit for which the exemption is claimed is the owner's principle residence. For the purposes of this exception, "owner" means a natural person and does not include a corporation, partnership, or other entity.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 2, 2-25-09; Ord 13-52, § 1, 12-4-13)

Sec. 40.03. - Definitions.

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

\* *Authorized agent.* An individual(s) with legal authority capable of executing documents for the sale of the building(s) and authority over the proceeds of such sale.

*Building.* Any structure intended for supporting or sheltering any use or occupancy, including the land surrounding the structure. If the building is a multi-unit residential dwelling, a hotel or motel, or a commercial or office building, the term "building" for purposes of this ordinance means only the portion of the building within or outside the structure in which a nuisance is maintained or permitted; such as a dwelling unit, room, suite of rooms, office, common area, storage area, garage, or parking area.

*Certificate of code compliance.* A document or emblem issued by the department of safety and inspections indicating that the rehabilitation of an existing structure complies with all state and local safety codes. A valid certificate of code compliance allows for the issuance of a fire certificate of occupancy for use as a commercial building or a residential occupancy.

\* *Certificate of occupancy.* A document issued by the city building official under the authority of both state and city building codes indicating a newly constructed or substantially rehabilitated structure is, at the time of inspection, code compliant, habitable and otherwise meets all requirements for its

intended use.

*Code compliance inspection.* An inspection of a registered vacant building by one or more inspectors including fire, code enforcement and construction trades to determine necessary repairs and permits required for the rehabilitation of the existing structure.

*Commercial building.* Any nonresidential structure, the surrounding land and accessory use structures.

\* *Condemned.* A fire certificate of occupancy status indicating that the building or dwelling is not in compliance with safety codes and that the entire structure or a portion thereof is deemed unsafe, unfit for habitation or other occupancy or use. Additional inspections are required to gain compliance and to re-instate the fire certificate of occupancy prior to any occupancy or use of the building or dwelling. The structure or portion thereof cannot be occupied while under condemnation.

*Department of safety and inspections.* The city department and its divisions charged with the inspection of buildings, housing, and the enforcement of safety codes including building, fire, housing, health safety, and zoning and other similar codes, laws and ordinances. The fire certificate of occupancy program is also administered by the department of safety and inspections.

*Dwelling.* A building that contains one-, two- or multiple dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

*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.

*Family.* One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

*Fire certificate of occupancy.* A document or emblem issued by the department of safety and inspections indicating the existing structure complies with all state and local safety codes allowing its use as a commercial building or for residential occupancy. Buildings and dwellings cannot be occupied or used without a fire certificate of occupancy.

*Fire code official.* The authority specifically designated by ordinance or regulation which is charged with the administration and enforcement of the fire code. For the purposes of this chapter the fire code official is the director of DSI and his or her designees. The fire code official shall include any enforcement officer under his or her supervision or direction. The director of DSI shall ensure that any designees under this provision are competent by virtue of certification as a fire inspector, training or experience in fire prevention inspections and enforcement.

*Fire code.* The current edition of the Minnesota State Fire Code, pursuant to Minnesota Statutes, § 299F.011, and Minnesota Rule 7510.3510; over which the city fire marshal will have policy oversight.

*Fire marshal.* The city fire marshal and his or her designee or designees, and shall include any

enforcement officer under his or her supervision or direction, or other duly authorized representative.

*Interested party.* Any known lessee or tenant of a building or affected portion of a building; or any known agent of an owner, lessee, or tenant; or any other known person who maintains or permits a nuisance.

*Nuisance activity.* Acts constituting a nuisance under Minnesota Statutes § 617.81, subdivision 2, or two (2) or more violations within a period of twelve (12) months of nuisance provisions of the Saint Paul Legislative Code.

*Owner.* The person, firm, corporation or other entity listed in the records on file in the recorder's office as holding fee title to the building. For purposes of notice only, "owner" includes the owner's authorized agent or other person in control of the premises.

*Owner-occupied.* Dwellings which are the principal residence of the owner of record of the building and in which the owner resides. "Owner," for the purposes of this definition, means a natural person and does not include a corporation, partnership, or other entity.

*Partial fire certificate of occupancy.* A document issued by the department of safety and inspections indicating that a portion of an existing structure complies with all state and local safety codes allowing its use as a commercial building or for residential occupancy. The partial fire certificate of occupancy shall describe specifically which portion of the building is approved for occupancy.

*Property manager or responsible party.* An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance and repairs relating to applicable safety codes.

*Provisional fire certificate of occupancy.* A document or emblem issued by the department of safety and inspections to temporarily permit continued occupancy pending a fire certificate of occupancy inspection of the existing structure. Buildings with a provisional fire certificate of occupancy will be granted a fire certificate of occupancy upon the successful completion of fire certificate of occupancy inspection.

*Recorder's office.* The county department of property records and taxation, or its division which maintains title and property records, and any successor agency or department thereof.

*Rental dwelling unit.* Any room or rooms, or space, in any dwelling designed or used for residential occupancy by one (1) or more persons who are not the owner.

*Residential occupancy.* Occupancy in a building or portion thereof, for residential purposes, used or intended to be used for living, sleeping, and/or cooking or eating purposes.

*Revoked fire certificate of occupancy.* A status indicating that the building or dwelling is not in compliance with relevant safety codes or that the structure is vacant. Additional inspections are required to gain compliance and to re-instate the fire certificate of occupancy prior to any occupancy or use of the building or dwelling. The structure or portion thereof cannot be occupied while under

revocation.

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

*Suspended fire certificate of occupancy.* A status indicating that the building or dwelling is not in compliance with safety codes and that an enforcement action has been taken. A notice of intent to take additional action is also given at this time. A final period for compliance has been established. Failure to comply may result in additional enforcement action including, but not limited to, revocation or condemnation. The structure or portion thereof may continue to be occupied while under suspension pending compliance.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 3, 2-25-09; Ord 13-52, § 1, 12-4-13)

Sec. 40.04. - Certification process.

(a) *Buildings and occupancies requiring a fire certificate of occupancy.*

- (1) A building or portion thereof which receives a certificate of occupancy from the city's building official upon completion of construction or major rehabilitation shall simultaneously receive a fire certificate of occupancy if their use or occupancy so requires.
- (2) Buildings which have a change in use or occupancy and become subject to the fire certificate of occupancy requirement.
- (3) One- and two-family dwellings which have a change in status from owner occupied to non-owner occupied or rental.
- (4) Commercial buildings and residential occupancies which have current fire certificates of occupancy on or after January 1, 2007 shall be subject to the ongoing requirement to maintain a fire certificate of occupancy. These buildings shall be issued fire certificates of occupancy and shall be subject to periodic inspection based on the date of the building's last complete fire certificate of occupancy inspection, subject to the terms of this chapter.
- (5) One- and two-unit rental dwellings which are currently registered and rental properties under the requirements of this code on January 1, 2007 shall receive provisional fire certificates of occupancy. These properties shall be issued fire certificates of occupancy upon the successful completion of a fire certificate of occupancy inspection.
- (6) A building which has been registered as a vacant building under chapter 43 of the Legislative Code that subsequently received a certificate of code compliance under section 33.06 of the Legislative Code shall be issued a fire certificate of occupancy concurrently with the certificate of code compliance, if their use or occupancy so requires.

(b) *Information and application.* Owners of all buildings subject to the fire certificate occupancy requirement shall apply for a fire certificate of occupancy. The application shall include, at a minimum, the following information:

- (1) A description of the building;

- (2) The name, address and twenty-four (24) hour telephone numbers of the owner(s);
  - (3) The name, address and telephone numbers of the property manager(s) or responsible party;
  - (4) An owner of a building used for residential occupancy who is applying for their first fire certificate of occupancy must complete the Minnesota crime free multi-housing program or have completed a similar program approved by the department of safety and inspections within the last two (2) years. The owner must submit with the application a certificate of attendance or a letter showing proof of attendance at the program or verification of enrollment at the next scheduled class. This requirement shall not apply to an owner who has a fire certificate of occupancy on another building used for residential occupancy; and
  - (5) Additional property and property management-related information as will promote effective enforcement of this chapter.
- (c) *Inspection.* Prior to obtaining a fire certificate of occupancy, all buildings shall obtain a safety code inspection to determine whether the building is in compliance with all safety codes. Dwelling units occupied by an owner shall be exempted from this requirement if the residence contains three (3) or more dwelling units. Properties occupied by an owner shall be exempted from this requirement if the residence contains one (1) or two (2) dwelling units. For the purposes of this section, the word "owner" means a natural person, and does not include a corporation, partnership or other entity.
- (d) *Issuance.* Upon a finding of no violations of the provisions of state and local safety codes, the department of safety and inspections shall issue a fire certificate of occupancy that shall contain the following:
- (1) The type of occupancy, including number of dwelling, rooming or guest units;
  - (2) The address of the building;
  - (3) The name and address of the owner(s) and property manager(s) or responsible party;
  - (4) A description of that portion of the building for which the certificate is issued; and
  - (5) A statement that the described portion of the building has been inspected for compliance with the requirements of state and local safety codes for the group and division of occupancy, the classification score for the property and the use for which the proposed occupancy is classified.
- (e) *Posting.* The fire certificate of occupancy provided by the fire code official shall be posted in a conspicuous place on the building and shall not be removed except by authorized persons. Single family and duplex occupancies need not post the fire certificate of occupancy but it shall be available on the premises.
- (f) *Other violations.* Issuance of a fire certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 07-214, § 1, 3-28-07; C.F. No. 09-77, § 1, 2-11-09; C.F. No. 09-122, § 4, 2-25-09; Ord 13-52, § 1, 12-4-13; Ord 14-50, § 1, 1-7-15)