



## Legislation Details (With Text)

**File #:** Ord 23-10      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 1/18/2023

**Title:** Amending Chapter 33.06 and 33.07 of the Legislative Code pertaining to Establishment of Fees for Certificate of Compliance and Fence Requirements.

**Sponsors:** Amy Brendmoen

**Indexes:** Ward - all

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/19/2023	1	Mayor's Office	Signed	
1/18/2023	1	City Council	Adopted	Pass
1/11/2023	1	City Council	Laid Over to Final Adoption	Pass
1/4/2023	1	City Council	Laid Over to Second Reading	

Amending Chapter 33.06 and 33.07 of the Legislative Code pertaining to Establishment of Fees for Certificate of Compliance and Fence Requirements.

### SECTION 1

WHEREAS, in support of Mayor Carter's 2023 budget, the Department of Safety and Inspections (DSI) seeks to increase certificate of compliance and fence requirement fees, as detailed in Chapter 33.06 and 33.07 of the Saint Paul Legislative Code, by 8%; and

WHEREAS, the fee increases proposed more accurately reflect the cost of providing permits and related services; and

WHEREAS, DSI continues to experience substantial growth in personnel costs such as health care and wages; and

WHEREAS, General Fund pressures create the need to decrease the gap between permit fee revenue and program expenses.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

### SECTION 2

Section 33.06 and 33.07 of the Saint Paul Legislative Code are hereby amended to read as follows:

Sec. 33.06. - Certificate of compliance.

- (a) The building official may issue a certificate of compliance for any building or structure in Group R-3 or M occupancies when it is determined that such building or structure complies with the provisions of chapter 34 of the Saint Paul Legislative Code. The fee required for inspection of the property and

issuance of a certificate of compliance shall be ~~five hundred dollars (\$500.00)~~ five hundred forty dollars (\$540.00) for a single-family dwelling and ~~six hundred twenty-seven dollars (\$627.00)~~ six hundred seventy-eight dollars (\$678.00) for a two-family dwelling and shall be paid upon application for a code compliance inspection. In the case of vacant total remodel compliance, the fee shall be ~~one hundred forty-one dollars (\$141.00)~~ one hundred fifty-two dollars (\$152.00) for single-family dwelling and ~~one hundred sixty-three dollars (\$163.00)~~ one hundred seventy-six dollars (\$176.00) for a two-family dwelling. For vacant total remodel compliance, the fee shall be due upon approval of a total remodel agreement between the applicant and the department of safety and inspections and shall accompany an application for a demolition permit.

- (b) The building official may issue a certificate of compliance for any building or structure in Group R-1 occupancy, as defined in the Minnesota State Building Code, when it is found that such building or structure complies with the provisions of Chapter 34 of the Saint Paul Legislative Code. This fee, in addition to the certificate of occupancy fee, shall be ~~six hundred fifty-nine dollars (\$659.00)~~ seven hundred twelve dollars (\$712.00) for a three-family dwelling, ~~six hundred ninety dollars (\$690.00)~~ seven hundred forty-five dollars (\$745.00) for a four-family dwelling, and ~~seven hundred twenty-two dollars (\$722.00)~~ seven hundred seventy-nine dollars (\$779.00) for a five-unit building.
- (c) There shall be no fee charged for the issuance of a certificate of compliance for new buildings at the completion of their construction covered by a building permit.
- (d) The building official may, without further inspection, issue a certificate of compliance for any building or structure which has been issued a fire certificate of occupancy, which issuance was based on an inspection under chapter 40 of the Legislative Code, within the previous twelve-month period.

### SECTION 3

#### Sec. 33.07. - Fences-Requirements.

- (a) *Permit.* No person shall construct, or cause to be constructed, any fence greater than seven (7) feet in height in the city without first obtaining a permit from the building official.
- (b) *Fence plan review.* No person shall construct, or cause to be constructed, any fence in the city without first obtaining and completing a fence plan review from the building official. A fence inspection is not required for all fence installations, but fences may be subject to inspections.
- (c) *Height of fences.* No fence shall be erected exceeding seven (7) feet in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes. The applicant shall ensure that fences and all supporting structures shall be completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected between the front property line and the front setback line as defined in section 60.207 of the Saint Paul Legislative Code shall be no more than four (4) feet in height. On a corner lot at two intersecting streets in a residential zoning district, no fence, wall or other structure shall be allowed above a height of two (2) feet from sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than 80 % open. Fences for nonresidential uses in residential zoning districts shall not exceed eight (8) feet in height, except fences around tennis courts, which shall not exceed twelve (12) feet in height, back stop fences, which shall not exceed twenty (20) feet in height, and golf range fences, which shall not exceed thirty (30) feet in height. The selvage end of chain link or metal fences shall be smooth; knuckled ends are permitted, twisted ends are not permitted.
- (d) *Variances.* A variance of the fence height or corner clearance regulations may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a waiver of the height restrictions. An application fee of ~~seventy-nine dollars (\$79.00)~~ eighty-five dollars

(\$85.00) is required for each variance request.

- (e) *Swimming pool fences.* All swimming pool fences are subject to a fence plan review and must be inspected by the building official or his/her designee. All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height, maintained in a professional state of maintenance and repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height, maintained in a professional state of maintenance and repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground outdoor swimming pool are not a substitute for the appropriate fence or wall. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.
- (f) *Barbed wire fences.* No barbed wire fence shall be constructed within the city limits of the city, except for police and correction facilities, unless the following conditions are complied with:
- (1) No fence which uses barbed wire may be built in, or abut, a residentially zoned district or built on or abut a lot occupied residentially.
  - (2) Barbed wire, not exceeding three (3) strands, may be permitted on the top of a fence; providing, that the arms do not project over public property. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.
  - (3) In all cases where a barbed wire fence is requested, an application shall be made to the building official.
  - (4) A certificate of insurance indemnifying the City of Saint Paul shall be submitted with the application subject to the approval of the city attorney as to form and in an amount as set forth in Minn. Stat. § 466.04. An annual registration fee of ~~forty-six dollars (\$46.00)~~ forty-nine dollars (\$49.00) shall be paid at the time of the annual certificate of insurance renewal.
- (g) *Electric fences.* No aboveground electric fence shall be constructed within the city limits of the City of Saint Paul, except at Como Zoo for the containment of zoo animals.

#### SECTION 4

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