



## Legislation Text

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**File #:** Ord 14-50, **Version:** 1

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Amending Chapter 40 of the Saint Paul Legislative Code pertaining to fire certificate of occupancy.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Sections 40.01, 40.04, 40.05, and 40.10 of the Saint Paul Legislative Code are hereby amended to read as follows:

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#### **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 ~~apply~~ 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.

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#### **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.

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#### **Sec. 40.05. - Renewal of fire certificates of occupancy.**

All fire certificates of occupancy shall be renewed according to the schedule in (2) below. The renewal schedule applied to all buildings with a fire certificate of occupancy shall be based on the safety code compliance classification system outlined in (1) below. Department of safety and inspections shall develop and maintain a numerical system which will assign points to safety code violations. The numerical system shall assign the greatest number of points to the most severe safety code violations. The numerical system shall be adopted by resolution of the city council and updated from time to time upon recommendation of the department of safety and inspections to the city council.

(1) Classification system. There shall be ~~three (3)~~ four (4) categories of buildings for purposes of this code. Classification numbers shall be assigned at the first inspection. The total number of "points" from that inspection shall be adjusted to take into account the number of units in the building and shall determine the class assigned to each building. All buildings which contain only one (1) or two (2) dwelling units shall be treated as if they contain three (3) dwelling units for purposes of determining their building category under this classification system.

a. Class A. Residential buildings with an average of fewer than five (5) points per dwelling unit shall be classified as class A.

b. Class B. Residential buildings with an average of five (5) or more but less than eleven (11) points per dwelling unit shall be classified as class B

c. Class C. Residential buildings with an average of eleven (11) or more but less than forty (40) points per dwelling unit shall be classified as class C.

d. Class D Residential buildings with an average of forty (40) or more points per dwelling unit shall be classified as class D.

~~d.e.~~ Commercial or nonresidential shall not be rated in this classification system.

(2) Renewal cycle. Renewal of the fire certificate of occupancy shall be scheduled by the fire code official for all buildings according to the buildings' classification.

a. Class A properties shall be renewed every ~~five (5)~~ six (6) years.

b. Class B properties shall be renewed every ~~three (3)~~ four (4) years.

c. Class C properties shall be renewed every year two (2) years.

d. Class D properties shall be renewed every year.

~~d.e.~~ Commercial or nonresidential buildings. The department of safety and inspections shall establish written guidelines for the renewal of nonresidential occupancies based on the hazard of the occupation. This cycle shall not exceed three (3) years. Department of safety and inspections shall provide an annual written report of nonresidential inspections that includes group, property address, and inspection schedule to the city council.

(3) Complaint of safety code deficiency or violation. All complaints of safety code violations and deficiencies shall be investigated by the fire code official. Such investigation may initiate an out-of-cycle fire certificate of occupancy inspection at the discretion of the fire code official. The point assigned at this out-of-cycle fire certificate of occupancy inspection shall result in a new classification if the points assigned to safety code violations warrant reassignment.

(4) Enforcement actions. The classification system shall be used exclusively for the purpose of establishing a renewal schedule. Classifications shall have no bearing on enforcement actions undertaken by the city, such as notices and orders related to code deficiencies and violation, revocations of the fire certificate of occupancy, condemnations and orders to vacate.

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**Sec. 40.10. - Fees.**

(a) Original issue, new building or substantially rehabilitated buildings. There shall be no fee charged for an issuance of the fire certificate of occupancy for new buildings at the completion of their construction or following substantial rehabilitation if the city's building official issues a certificate of occupancy or certificate of code compliance.

(b) Fees.

Residential rate, one unit	\$170.00	\$196.00
2 units:	200.00	\$230.00
3 units:	209.00	\$240.00
4 units:	218.00	\$251.00
5 units:	227.00	\$261.00
6 units:	236.00	\$271.00
7 units:	245.00	\$282.00
8 units:	254.00	\$292.00
9 units:	263.00	\$303.00
10 through 15 units:	272.00	\$313.00
16 through 20 units:	300.00	\$345.00
21 through 25 units:	375.00	\$431.00
26 through 30 units:	445.00	\$512.00

31 through 35 units:	<del>515.00</del> <u>\$592.00</u>
36 through 40 units:	<del>585.00</del> <u>\$673.00</u>
41 through 100 units:	<del>640.00</del> <u>\$736.00</u>
100 + units:	<del>756.00</del> <u>\$869.00</u>
A (Assembly), E (Education, I (Institutional), H (Hazardous), F (Factory), M (Mercantile, S (Storage), and B (Business) Base fee: up through 13,999 sq ft.:	\$180.00
14,000 through 48,999 sq. ft.:	\$14.00 per 1,000 sq ft
49,000 through 117,999 sq. ft.:	\$700.00
118,000 and over sq. ft. maximum fee:	\$828.00

(c) Reinspection fee. The renewal fee established in subsections (a) and (b) above allows for one (1) inspection and one (1) reinspection for the renewal of the fire certificate of occupancy. A reinspection fee of fifty (50) percent of the renewal fee shall be levied for each additional reinspection required to demonstrate compliance with applicable safety codes.

(d) Referral (or complaint-based) reinspection fee. Whenever a written correction order is issued to the owner for a violation of this code and after a reasonable time for compliance has elapsed, a reinspection shall be made. If the violation has not been corrected at the time of the reinspection, a referral reinspection fee of sixty seventy dollars (~~\$60.00~~) (\$70.00) shall be collected for every subsequent reinspection until the violation is corrected.

(e) Provisional fire certificate of occupancy. A fee of fifty one hundred dollars (~~\$50.00~~) (\$100.00) will be charged for each provisional certificate of occupancy. This is an annual fee until the building is granted a fire certificate of occupancy upon the successful completion of fire certificate of occupancy inspection per this chapter.

(f) No entry fee. The fire code official shall give notice of all inspections to the owner. If any reason exists that the inspection cannot be conducted at the identified time, the owner, shall make personal contact with the fire code official in an acceptable manner, no later ~~that~~ than 8:00 a.m. on the date of the scheduled inspection. If the fire code official does not receive such notice and is unable to conduct the inspection because the owner fails to cooperate, the owner shall be assessed a sixty seventy dollars (~~\$60.00~~) (\$70.00) no-entry fee.

(g) Exceptions. The fees for the fire certificate of occupancy and inspection are provided in chapter 33 of this code shall be required on buildings owned and occupied by any governmental agency, including county and state governmental agencies. The city, and any other agencies specifically exempted from such fees under state law, shall be exempt from payment of such fees.

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## SECTION 2

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

