



**City of North St. Paul
City Council
Workshop Meeting Agenda**

**April 4, 2023
5:30 PM**

The City Council Meeting will be conducted on **April 4, 2023** at 5:30 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

The City Council will also be meeting by interactive TV under Minn. Stat. 13D.02.

The **April 4, 2023** Zoom meeting can be accessed via:

<https://tinyurl.com/NSPCityCouncil>

(from a PC, Mac, tablet, iPhone or Android device) or by phone at 1-929-205-6099.

Participants accessing the meeting by phone please use the following meeting ID:
84409094358

You can also watch the meeting on our YouTube channel here:

tinyurl.com/NSPYouTube

- I. Call to Order**
- II. Roll Call**
 - Council Member Cole
 - Council Member Schweer
 - Council Member Wong
 - Council Member Nordby
 - Mayor Monge
- III. Adopt Agenda**
- IV. Topic(s)**
 - A. Code Compliance and Fire Inspections
- V. Other Business**
- VI. Adjournment**

The next regularly scheduled City Council Workshop meeting is April 18, 2023.



To	Date
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Honorable Mayor Monge and City Council
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April 4, 2023

Agenda Placement # IV.A

Topic(s)

Subject

Code Compliance and Fire Inspections

Background/Facts

See attachments.

Recommended Action

Informational only

Attachments

1. CC - Fire Inspections Review 4-4-23
2. Chapter 91 MN State Fire Code
3. Chapter 155 Rental Housing
4. Chapter 156 Property Maintenance

Respectfully submitted,
Jason Mallinger, Fire Chief

Code Compliance & Fire Inspection Review



Staff

- 2 Full Time Fire Inspector/Captain positions
- 2 Part Time Code Compliance/Firefighter positions – 1 position open, in process of filling the 2nd

Fire Inspector Responsibilities

- Rental Housing – Chapter 155
 - Single Family, Duplex, 4-Plex, & Multifamily
- Fire Certificate of Compliance – Chapter 91
 - Commercial properties
- School Inspections – MN State Fire Code
- Group Home/Daycare Inspections – MN State fire Code
- Dangerous Buildings – Chapter 151
 - In conjunction with Building Official
- Other Fire Code issues – Fireworks, Fuel Tank removal/installation, Fireworks Displays, Temporary Membrane Structures (large event tents) – MN State Fire Code
- Code Compliance – North St. Paul Code of Ordinances and International Property Maintenance Code
- Fire & EMS response

Code Compliance Responsibilities

- Code Compliance – North St. Paul Code of Ordinances and International Property Maintenance Code
- Zoning Inspections
 - Driveway, Fence, Sign, Shed, Retaining Walls, and Patios
- Chickens and Bees
- Fire and EMS Response

Notification of Code Compliance (How do we find out about the issue)

- Complaint Driven
 - Online submission – OpenGov
 - Code Compliance /Code Tip phone lines
 - City staff observation
- Proactive inspections



Notification to Property Owner (How do we tell them)

- Face to face communication is sought - followed up with documentation
- Letter mailed to the property owner
- Door hangers – limited use

Time to Correct Issues

Time to correct the code violation depends on the violation, some violations may be able to be corrected immediately. Can be addressed same day

- Garbage cans left on the street
- Depositing debris into the street

Some issues require immediate attention, but must be given a practical time to remove in case of abatement. 3 – 5 days

- Bags of garbage
- Snow/ice removal
- Tall grass/weeds

Violations that may need longer time frame to complete. 10 -15 days, 15 – 30 days

- Exterior Property Maintenance
 - Siding, inoperable vehicle, unapproved driveway, parking on unapproved driveway

If progress is being made (however little) we continue to work with the property owner to correct the violations.

When no progress is made and there has been multiple attempts made to property owner to correct the violation and they do not respond to us is when we look for assistance from legal.

Legal Options

- Citation through Erickson, Bell, Beckman, & Quinn P.A.
- Summary Judgement Order through Campbell Knutson P.A. (City of NSP vs Property owner)
 - Both may take several months or longer to get into court and does not necessarily mean 100% compliance in the end
- Discuss current legal issues

2023 Code Compliance Fire Inspections Goals and Priorities

- Improved management of Rental Licensing – (property review, communication, completion of license, scheduling inspections, payment, and up to date)
- Fire Certificate of Compliance Inspections (Commercial properties)
- Update Pre-Plan information in Image Trend for fire department response
- Re-start SafeHaven Program
- Fire Inspector II Training for both inspectors
- Management of difficult properties that require constant monitoring and upkeep



MINNESOTA STATE FIRE CODE

§ 91.01 ADOPTION OF MINNESOTA STATE FIRE CODE.

Pursuant to M.S. § 299F.011, as it may be amended from time to time, the *Minnesota State Fire Code*, one copy of which has been marked as the official copy and which is on file in the office of the City Manager, is hereby adopted as the Fire Code for the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in the Minnesota State Fire Code, except as hereinafter amended, is hereby adopted and made a part of this chapter as if fully set forth herein. The scope of these regulations is intended to be consistent with M.S. § 299F.011, as it may be amended from time to time.

(`89 Code, § 26.010) (Ord. 644, passed 8-19-2003)

§ 91.02 ENFORCEMENT.

The Chief of the Fire Department (hereinafter for convenience of reference "Chief" or "Fire Chief") or his or her authorized representatives shall enforce the provisions of this chapter. The Fire Chief may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

(`89 Code, § 26.020) (Ord. 644, passed 8-19-2003)

§ 91.03 DEFINITIONS.

(A) Whenever the word "jurisdiction" is used in the *Minnesota State Fire Code*, it shall be held to mean the city.

(B) Whenever the term "Corporation Counsel" is used in the *Minnesota State Fire Code*, it shall be held to mean the Attorney.

(`89 Code, § 26.030)

(C) Whenever the term "Chief of any jurisdiction adopting this code" is used in the Minnesota State Fire Code, it shall mean the Chief of the Fire Department.

(D) "Code" or "Fire Code" where not more specifically enumerated, shall be construed to include the Minnesota State Fire Code, as adopted by the State of Minnesota pursuant to M.S. § 299F.011, as it may be amended from time to time, and any amendments thereto adopted by the city, as well as other provisions of this City Code having reference to the duties of the Fire Department and the division of fire prevention and prescribing regulations governing conditions hazardous to life and property from fire or explosion.

(E) Wherever the term "Fire Prevention Bureau" is used in the Minnesota State Fire Code, it shall mean the Division of Fire Prevention of the Department of Fire and Safety Services of the city.

(Ord. 644, passed 8-19-2003)

§ 91.04 PENALTIES.

(A) Unless otherwise stated herein, any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Chief or his or her authorized representative or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy the violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 644, passed 8-19-2003)

§ 91.05 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

(A) The limits referred to in § 15.201 of the *Minnesota State Fire Code* in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are established as the entire city.

(B) The limits referred to in § 15.601 of the *Minnesota State Fire Code* in which new bulk plants for flammable or combustible liquids are prohibited are established as the entire city.

(`89 Code, § 26.040)

§ 91.06 ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in § 20.105(a) of the Minnesota State Fire Code in which bulk storage of liquified petroleum gas is prohibited are established as the entire city.

(`89 Code, § 26.050)

§ 91.07 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in § 11.106(b) of the Minnesota State Fire Code in which storage of explosives and blasting agents is

prohibited are established as the entire city.

(`89 Code, § 26.060)

§ 91.08 APPEALS.

Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Council within 30 days from the date of the decision appealed.

(`89 Code, § 26.070)

§ 91.09 REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter or of the Code adopted are repealed. However, those provisions of the National Fire Code not in conflict with this chapter shall remain in full force and effect.

(`89 Code, § 26.090)

§ 91.10 FIRE LANES.

The Council is authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with and that access to fire hydrants or buildings may not be blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words "No Parking - Fire Lane" or a similar message. When the fire lane is on public property or a public right-of-way, the sign or signs shall be erected by the city, and when on private property, they shall be erected by the owner at their own expense within 30 days after notification of the order. Thereafter, no person shall park a vehicle or otherwise occupy or obstruct the fire lane.

(`89 Code, § 26.100) Penalty, see § 10.99

§ 91.11 LIFE SAFETY CODE.

Chapter 101 of the National Fire Protective Association Code, published by the National Fire Protection Association, latest edition, entitled the Life Safety Code, is adopted and incorporated herein as if fully set out hereafter; one copy of which is on file with the City Manager as required by law.

(`89 Code, § 26.110)

§ 91.12 VIOLATIONS.

(A) Any person who shall violate any of the provisions of this Code adopted or fail to comply therewith, who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(`89 Code, § 26.080)

§ 91.13 FIRES OR BARBECUES ON BALCONIES OR PATIOS.

(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 15 feet (4,572 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 division (A).

(C) *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.

FIRE REGULATIONS

§ 91.25 FIRE CERTIFICATE OF COMPLIANCE.

(A) *Use and occupancy.* No building in Group A (Assembly), B (Business), E (Education), F (Factory), I (Institutional), H (Hazardous), M (Mercantile), or S (Storage) as classified in the Minnesota State Building Code, shall be used or occupied without a fire certificate of compliance.

(B) *Fee.* The property owner must pay the fire certificate of compliance application fee in the amount set by ordinance by the City Council.

(C) *Certificate.* A fire certificate of compliance shall be issued each year after submission of a fee and completed application that has been reviewed and approved by the city. The certificate shall contain the following information:

(1) The building certificate number.

- (2) The address of the building.
- (3) The name and address of the owner.
- (4) A description of the portion of the building for which the certificate is issued.
- (5) The name of the building contact or agent.
- (6) The business name of all tenants.

(D) *Agent.* No certificate shall be issued or renewed unless the applicant designates in writing to the Fire Chief an agent who resides in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott or Washington; or Wisconsin counties: Polk, St. Croix and Pierce. Said agent shall be held responsible for maintenance and upkeep of the property and must be empowered to receive service of notice of violations of the provisions of the Minnesota State Fire Code, to receive orders and institute remedial action to effect such orders, and to accept all service of process pursuant to law. An applicant must immediately notify the Fire Chief in writing of any change of agent.

(E) *Inspection.* The Fire Chief or designee shall inspect each building once every two years, if the city has obtained consent of the building owner or an administrative search warrant. Inspections shall consist of a compliance check with the applicable Minnesota State Fire Code provisions. If the owner of the building does not cooperate in facilitating an inspection pursuant to an administrative search warrant, the Fire Chief may deny the fire certificate of compliance application.

(F) *Posting.* The fire certificate of compliance shall be posted in a conspicuous place.

(G) *Revocation.* The Fire Chief may, in writing, suspend, revoke, or deny a fire certificate of compliance issued under the provisions of this code whenever the certificate was issued in error or on the basis of incorrect information supplied, or when the Fire Chief determines that a violation of the Minnesota State Fire Code exists in the building.

(H) *Appeal.* Any applicant who is denied a certificate and any person whose certificate is suspended or revoked may appeal such action to the Council. The Council will hold a hearing on any such appeal within 30 days after the appeal is filed with the City Manager.

(Ord. 752, passed 6-7-2016)

Cross reference:

Fire Department, see Chapter 53

§ 91.26 ACCESS TO PREMISES GRANTED.

For the purpose of making inspections, the Fire Chief or other properly designated persons shall have authority to enter any commercial or industrial building and upon any premises in the city between the hours of 7:00 a.m. and 6:00 p.m. No person shall deny an inspector access as is herein provided. In case of refusal, the Chief shall have the right to request a search warrant from the District Court to complete the inspection.

(`89 Code, § 131.020)

§ 91.27 PROHIBITED CONDITIONS.

No owner, occupant or agent of any building in the city shall:

(A) Permit any ashes, waste, paper, hay, straw, rags or other waste material of a combustible nature to accumulate in the basement or on any floor of a building or in any hallway, court, yard or alley adjoining a building;

(B) Permit any defective electrical wiring or defective heating device or part thereof, including flues and chimneys, to exist on the property;

(C) Permit any premises, building or structure, or any portion thereof, which by reason of want of repairs, age, dilapidated condition or damage by fire or other cause, is especially liable to fire or which is so situated or in such condition as to endanger its occupants or the general public to exist on the property.

(`89 Code, § 131.030) Penalty, see § 10.99

§ 91.28 NOTIFICATION OF FIRE HAZARD.

The investigating officer is authorized to notify in writing the owner, occupant or agent of any premises containing a fire hazard. Service of the notice shall be in person or by mail. The notice shall order any accumulation of combustible material to be removed within 48 hours after service thereof and shall specify a reasonable time within which any other fire hazard is to be corrected or removed. No person shall fail to comply with such an order. Any failure to comply shall be reported to the Council.

(`89 Code, § 131.040)

§ 91.29 RECREATIONAL FIRES; REGULATIONS.

(A) A property owner or lessee of the property may have a recreational fire/camp fire without obtaining a permit from the city provided that the following regulations be complied with.

- (1) Hours of burning are 4:00 p.m. to 11:00 p.m.
- (2) Clean dry wood only (no refuse, grass, leaves, branches, paper, garbage or other combustibles).

(3) Size shall not be more than three feet in diameter, nor shall the flames reach a height in excess of three feet and there is no combustible material within five feet of the base of the fire.

(4) No fire shall be within 20 feet of any building or structure.

(5) A means of extinguishment must be in the immediate are of the fire.

(6) Fire shall be constantly attended until completely extinguished.

(7) No fire shall be started or maintained in dry conditions or winds over 15 mph.

(B) **RECREATIONAL/CAMPFIRE** means a fire set for cooking, warming, or ceremonial purposes.

(`89 Code, § 137.050) (Ord. 607, passed 2-6-1995)

§ 91.30 DESTRUCTION OF CONDEMNED STRUCTURES.

(A) Whenever the owner of any obsolete of condemned house, building or other structure in the city undertakes to demolish or destroy same by burning, such owner shall contact the Chief of the Fire Department or designee and make arrangements for the burning. Destruction of any structure in this manner shall be done only under supervision and control of the Fire Department and pursuant to a permit issued by the Fire Chief. A charge may be made for this service, and the money so received by the Fire Department shall be used to defray expenses of the Department.

(B) No permit shall be issued to burn any structure in the city until such time as approval or permit has been issued by the Minnesota Pollution Control Agency.

(`89 Code, § 137.060)

CHAPTER 155: RENTAL HOUSING

Section

- 155.01 License
- 155.02 Re-inspection
- 155.03 Revocation, denial or non-renewal of license
- 155.04 Disorderly rental dwelling
- 155.05 Late fee

- 155.99 Penalty

§ 155.01 LICENSE.

(A) *License required; exception.* It is unlawful to own or operate a rental dwelling in the city without first having obtained a license from the city. An owner must obtain a license for each rental dwelling. If the rental dwelling contains two or more units, and has a common owner and a common property identification number, the owner shall obtain a single license for the rental dwelling. A license is not required under this chapter if the owner is renting to a relative. "Relative" means a parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece, by blood or marriage.

(B) *License application.* The owner of a rental dwelling must submit an application to the Fire Chief for a license on forms and in the format provided by the city. The owner must give notice, in writing, to the city within five business days of any changes to the information contained in the license application. The application must include:

- (1) A description of the premises;
- (2) The name, address and telephone numbers of the owner(s) and agent; and
- (3) The name, address and telephone number of the refuse removal person or company which supplies refuse removal services for the building.

(C) *Agent.* No license shall be issued or renewed unless the owner designates in writing to the Fire Chief an agent who resides in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott or Washington; or Wisconsin counties: Polk, St. Croix and Pierce. Said agent shall be held responsible for maintenance and upkeep of the property and must be empowered to receive service of notice of violations of the provisions of the City Code, to receive orders and institute remedial action to effect such orders, and to accept all service of process pursuant to law. An owner must immediately notify the Fire Chief in writing of any change of agent.

(D) *Inspection.* No license may be issued or renewed unless the city determines, following an inspection conducted pursuant to this section, that the dwelling unit complies with all applicable state statutes and the city code.

(E) *Fee.* The owner of a rental property must pay a license and/or renewal fee in the amount set by ordinance by the City Council.

(F) *Term.* Rental licenses must be renewed annually.

(G) *Posting.* The rental license shall be posted in a common area in a conspicuous place on the premises and shall not be removed except by the Fire Chief or his designee.

(H) *Transfer.* Within 14 days prior to a change of ownership of a rental property, a new license application must be submitted by the proposed owner and to the Fire Chief.

(I) *Disclaimer.* Neither the city nor any employee thereof assumes liability for the findings of an inspection or the quality of any property inspected pursuant to this chapter or at the request of the owner. The issuance of a license shall not be construed to represent a warranty or guarantee by or on behalf of the city nor shall the issuance of a license be construed to imply or warrant that a unit or property is: safe or free of any dangers or hazards to the occupants or general public; free and clear of any violations of this chapter or any other laws, regulations or codes; or free and clear of any defects, including those related to any structural, fire protection, fire prevention, building utilities or any other features of the property.

(Ord. 746, passed 12-15-2015)

§ 155.02 RE-INSPECTION.

(A) *Re-inspection.* Re-inspection of a dwelling may be required by the city any time one or more of the following criteria is met:

- (1) Water, gas, or electric service to such dwelling has been discontinued as a result of nonpayment for more than seven continuous days;
- (2) The dwelling has, within the preceding three months, been the subject of a written petition filed with the office of the City Manager, which petition request that such dwelling be inspected and is signed by five or more persons having personal knowledge of the dwelling or property, stating one or more reasons why such dwelling should be inspected by the city; or

(3) The Fire Chief has probable cause to believe that there exists within such dwelling one or more violations of safety codes which constitute a serious danger to the health, safety, and welfare of persons living in the dwelling, or which would make the dwelling a dangerous structure or unfit for human habitation.

(4) The city makes a finding of disorderly use under §155.04.

(B) *Re-inspection fee.* The owner of a rental property must pay a re-inspection fee in the amount set by ordinance by the City Council.

(Ord. 746, passed 12-15-2015)

§ 155.03 REVOCATION, DENIAL OR NON-RENEWAL OF LICENSE.

(A) *Revocation, denial or non-renewal.* The city may revoke, deny or decline to renew any license issued under this chapter for part or all of a rental dwelling upon any of the following grounds:

- (1) Failure of a dwelling to conform to applicable statutory and code requirements;
- (2) Failure by licensee to comply with any provision of this chapter, including §155.04;
- (3) Commission of a felony related to the licensed activity by the licensee or agent.
- (4) The city will provide notice and a hearing prior to the revocation, denial or non-renewal of a license.

(B) *Notice.* At least five days before the hearing, the city shall provide written notice in person or by certified mail to an owner whose license is subject to revocation, denial or non-renewal. The notice shall specify:

- (1) The time and place of the hearing;
- (2) A statement of the charges;
- (3) The facts supporting the grounds for the charges; and
- (4) The applicant's right to be present and represented by counsel.

(C) *Hearing.*

(1) If the city makes a determination that it will be revoking, denying or not renewing a license, the City Council shall conduct a hearing on the matter.

The hearing shall be scheduled to occur at the next regular City Council meeting, subject to the notice time requirement set forth above.

(2) At the hearing, the City Council shall hear all relevant evidence and arguments and shall review all testimony, documents and other evidence submitted. The owner shall have the opportunity to address the City Council at the hearing.

(3) After the hearing is concluded, the City Council shall make its decision on whether to revoke, deny or not renew the license. The City Council shall provide written findings of fact, citations to any ordinances or regulations that have been violated, and a statement of action taken.

(D) *No occupancy.* If a license is revoked, denied or not renewed by the City Council, it shall be unlawful for the owner to thereafter permit the occupancy of the rental dwelling. A notice of the action shall be posted by the Fire Chief on the rental dwelling in order to prevent any further occupancy. No person shall reside in, occupy or cause to be occupied that rental dwelling until a license is obtained by the owner.

(E) *Appeal.* An owner may appeal the decision of the City Council as allowed under state law.

(Ord. 746, passed 12-15-2015)

§ 155.04 DISORDERLY RENTAL DWELLING.

(A) *Disorderly use.* It shall be the responsibility of the owner to see that persons occupying the rental dwelling conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this section, a rental dwelling is disorderly at which any of the following activities occur:

- (1) Violation of M.S. §§ 609.755 through 609.76 as may be amended from time to time, relating to gambling;
- (2) Violation of laws relating to prostitution or acts relating to prostitution as defined in M.S. § 609.321;
- (3) Violation of M.S. §§ 152.01 through 152.027 as may be amended from time to time, relating to the unlawful sale or possession of controlled substances;
- (4) Violation of M.S. § 340A.503 as may be amended from time to time, relating to the underage possession and consumption of alcoholic beverages;
- (5) Violation of M.S. § 609.33 as may be amended from time to time, 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;
- (6) Violation of M.S. §§ 97B.021, 97B.045, 609.66 through 609.67, 624.712 through 624.716, 624.719, 624.731 through 624.732, as may be amended from time to time, relating to the unlawful possession, transportation, sale or use of weapons;

(7) Violation of City Code § 130.01 or M.S. § 609.72, as may be amended from time to time, relating to disorderly conduct;

(8) Violation of City Code Title 4, Chapter 98, relating to nuisances.

(9) Violation of City Code § 91.13, relating to recreational fires.

(10) Violation of City Code Title 9, Chapter 95, relating to animals.

(B) *Procedure.*

(1) Upon determination by the Fire Chief that a licensed premises was used in a disorderly manner, as described in paragraph (A) of this section, the Fire Chief must give written notice to the licensee of the violation and direct the licensee to take steps to prevent further violations.

(2) If a second instance of disorderly use of the licensed premises occurs within 12 months of an incident for which a notice in division (B) of this section was given, the Fire Chief must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the Fire Chief within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three months.

(3) If a third or more instance of disorderly use of the licensed premises occurs within 12 months after any two previous instances of disorderly use for which notices were given to the licensee pursuant to this section the city shall notify the license holder by mail of the violation and shall also require the license holder to immediately undertake the process necessary to remove the tenant from the property. If the license holder fails to comply with the requirements of this section within 14 days, this constitutes a property owner violation under § 155.03(A).

(C) *Finding of disorderly activities.* A determination that the licensed premises have been used in a manner as described in division (A) of this section shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(D) *Exceptions.*

(1) No adverse license action shall be imposed if the disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) of a tenant or within 30 days of notice given by the licensee to a tenant to vacate the premises and the disorderly use consisted of conduct by that tenant or guests of that tenant. This exception only applies where the eviction proceedings or vacation of the premises are diligently pursued by the licensee.

(2) An action to deny, revoke, suspend, or not renew a license under this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

(F) *Other remedies.* The remedies provided in this section are not exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state or federal law.

(Ord. 746, passed 12-15-2015)

§ 155.05 LATE FEE.

A late fee shall be charged and collected whenever an owner applies for renewal of a license after the expiration date of the previously held license. A late fee will also be charged and collected whenever the owner or responsible agent pays late any other fee imposed under this chapter. The owner of a rental property must pay a late fee in the amount set by ordinance by the City Council. Late fees shall be in addition to any other fees or payment required.

(Ord. 746, passed 12-15-2015)

§ 155.99 PENALTY.

Notwithstanding the lack of a specific reference thereto, a violation of, or failure to comply with any section, provision or requirement in this chapter shall be a misdemeanor and shall be subject to the provisions of applicable city code or state statutes. This chapter is a part of the city health, safety, housing, building, fire prevention and housing maintenance codes, and a violation thereof shall be deemed to be a violation for purposes of state statutes allowing escrow of rent to remedy violations.

(Ord. 746, passed 12-15-2015)

CHAPTER 156: PROPERTY MAINTENANCE

Section

156.01 Property Maintenance Code adopted

156.02 Sections revised

§ 156.01 PROPERTY MAINTENANCE CODE ADOPTED.

That a certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the current edition of the *International Property Maintenance Code*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the city, for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Property Maintenance Code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 156.02.

(Ord. 721, passed 3-19-2013)

§ 156.02 SECTIONS REVISED.

The following sections are hereby revised:

- (A) Section 101.1. Insert: City of North Saint Paul.
- (B) Section 103.5. Insert: See City fee schedule.
- (C) Section 112.4. Insert: [\$0] [\$0].
- (D) Section 302.4. Insert: Six (6) Inches In Height.
- (E) Section 304.14. Insert: April 1 — October 31.
- (F) Section 602.3. Insert: September 1 — May 31.
- (G) Section 602.4. Insert: September 1 — May 31.

(Ord. 721, passed 3-19-2013)