

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 2-10-3, 2-10-4, 4-1-3(c), 5-8-3, 7-1-2, 7-1-4, 7-1-6, 7-1-7 (a), 7-1-8, 7-1-9, 7-1-10, 7-1-12, 7-1-13 (a), 7-1-14, 7-4-1, 7-4-2, 7-4-3, 7-5-1, 7-5-2, 7-5-3, 7-5-4(6), 7-5-5(c)(9), 7-5-7, 7-5-8, 7-5-9, 7-5-10, 7-5-11, 7-5-12, 7-5-14, 7-5-15(e) 7-5-16, and 7-5-19(c) OF THE ROCHESTER CODE OF ORDINANCES RELATING TO BUILDING SAFETY DIRECTOR POSITION.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Section 2-10-3 is hereby amended to read as follows:

Sec. 2-10-3. - ~~Director of building safety.~~ City Designated Building Official

The council shall appoint ~~the director of building safety~~ a City Designated Building Official to serve at its pleasure and to manage the department of building safety.

Section 2. Section 2-10-4 is hereby amended to read as follows:

Sec. 2-10-4. - Duties of ~~director~~ City Designated Building Official

The ~~director of building safety~~ City Designated Building Official shall serve as building official for the city, supervise the employees of the department, and be responsible for the performance of all the duties and the responsibilities assigned to the department by the council

Section 3. Subsection (c) of Section 4-1-3 is hereby amended to read as follows:

Sec. 4-1-3. - Additional provisions.

(c) *Permit to use public right-of-way.* A revocable permit may be issued authorizing an existing building being remodeled to project into an adjoining public street right-of-way, subject to the following conditions: the encroachment may not project more than four inches beyond either the existing building face or the building face on adjoining lots, whichever is less, provided that successive projections of a building into the public right-of-way shall not be permitted. Such permit shall be conditioned upon the recording in the office of the county recorder of a covenant running with the land in a form approved by ~~the director of building and safety~~ the City Designated Building Official which shall provide, among other things, that the permit is subject to revocation by the city whenever it is deemed necessary to do so in the public interest

and upon such revocation the projections shall be removed at the expense of the property owner.

Section 4. Section 5-8-3 is hereby amended to read as follows:

Sec. 5-8-3. - Removal of unsafe signs.

In case any sign is installed, erected or maintained in violation of this Code, or in case any sign shall become insecure or in danger of falling or otherwise unsafe, the ~~director of building and safety~~ City Designated Building Official shall notify, by registered mail or personal service, the owner, lessee or person maintaining said sign. Such person shall have ten days to correct such violation or secure such sign so as to eliminate the danger, or, thereafter, the ~~director~~ City Designated Building Official of building and safety may remove said sign

Section 5. Section 7-1-2 is hereby amended to read as follows:

Sec. 7-1-2. - Responsibility of the department of building safety.

The department of building safety is hereby given and assigned the responsibility for supervising the administration and enforcement of the provisions of this title, referred to as the "Housing Code of the City of Rochester, Minnesota." Administration and enforcement of the provisions of the housing code shall be through and by ~~the director of building safety~~ a City Designated Building Official ~~and personnel~~ of the department of building safety. The department of building safety is given the additional responsibility of further developing a comprehensive and coordinated program for the improvement of present housing conditions in the city.

Section 6. Section 7-1-4 is hereby amended to read as follows:

Sec. 7-1-4. - Pre-existing dwellings.

Buildings built under and in full compliance with the code in force at the time of construction and properly maintained and used for only such use as originally permitted shall be exempt from the following provisions of the housing code to the extent indicated:

- (1) Minimum floor area requirements in section 7-2-29 are reduced by ten percent.
- (2) Existing means of exit or egress shall be acceptable if approved by ~~the director of building safety~~ the City Designated Building Official, notwithstanding section 7-2-16 in accordance with the applicable provisions of the fire code.

Section 7. Section 7-1-6. Is hereby amended to read as follows:

Sec. 7-1-6. - Nuisance authority to continue.

Nothing in the housing code shall be construed or interpreted in any way to impair or limit the authority of the city to define and declare nuisances or of the ~~director of building safety~~ City Designated Building Official, the chief of police, or other governmental officials having jurisdiction within the city to cause the removal or abatement of nuisances as authorized by law.

Section 8. Subsection (a) of Section 7-1-7 is hereby amended to read as follows:

Sec. 7-1-7. - Definitions.

(a) *Terms defined.* The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment means one or more rooms located within a dwelling with facilities which are used or intended to be used by a single family for living, sleeping, cooking and eating.

Basement means that portion of a building which is partly below and partly above grade.

Board means the board of appeals created by chapter 1-4.

Building code means the building code of the city.

Building inspector means the ~~director of building safety~~ City Designated Building Official or any of his authorized representatives and assistants.

County health officer means the health officer of the County of Olmsted.

Department of building safety means the department of building safety of the city.

~~*Director of building safety*~~ City Designated Building Official means the ~~director~~ Designated Official of the department of building safety.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, except a hotel, motel, roominghouse, and temporary housing.

Efficiency apartment means an apartment consisting of not more than one habitable room with kitchenette and sanitary facilities.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health officer.

Family means a person living alone, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants), who need

not be related by blood or marriage, living together, as a single housekeeping unit in a dwelling.

Fire chief means the chief of the fire department of the city or his authorized representative.

Garbage means all putrescible organic wastes resulting from the handling, storage, preparation, cooking or consumption of food.

Grade means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk.

Habitable room means any room used or intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, utility rooms, and similar spaces.

Hotel-motel means any building or structure, or series of buildings or structures operated as a unit, advertised as a hotel or motel, providing sleeping accommodations primarily to transient guests, and licensed for such purpose by the county health department.

Housing code means the housing code of the city contained in this title.

Infestation means the presence, within or around a dwelling, of any insects, rodents, or other pests.

Kitchen or *kitchenette* means a room or area intended to store and prepare food and including the fixtures and appliances required to facilitate the sanitation of food, food preparation areas, and cooking appliances and utensils. The room or area must include an approved sink, refrigerator, and cook range and/or microwave oven.

Occupant means any person, over one year of age, living, sleeping, cooking, or having actual possession of an apartment or rooming unit.

Operator means any person who has charge, care, or control of a building, or part thereof, in which apartments or rooming units are let.

Owner means a person who, as listed on the property tax records in the county, is the current title of record holder or the contract purchaser of a parcel of land located in the city.

Planning director means the planning director for the city.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Refuse means all types of garbage, rubbish and residential solid wastes.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Roominghouse means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let or held for letting by the owner or operator to five or more roomers, with or without meals.

Rubbish means all nonputrescible solid wastes, such as paper, cardboard, tin cans, glass, cold ashes, wood, clothing, yard clippings and similar material.

Single room occupancy (SRO) unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, sleeping, and eating, with a lease period of at least 30 days.

Superficial floor area means the net floor area within the enclosing walls of a room in which the ceiling height is not less than five feet, excluding area occupied by closets and built-in equipment such as cabinets, kitchen units, fixtures and appliances.

Supplied means paid for, furnished, or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

Workmanlike state of maintenance or repair means a state of maintenance or repair which reasonably approximates the standard of construction, fabrication, strength, functional utility, durability, surface appearance, and surface composition found in similar work products of professional craftsman performing similar work in the community.

Zoning ordinance means the zoning ordinance of the city.

Section 9. Section 7-1-8 is hereby amended to read as follows:

Sec. 7-1-8. - Enforcement.

The ~~director of building safety~~ City Designated Building Official shall enforce the provisions of the housing code. This shall not be construed to prohibit any other city officer or his authorized representative from enforcing the provisions of the housing code in the aspects related to their specific functions. All notices served for violations of the housing code shall be filed with the ~~director of building safety~~ City Designated Building Official.

Section 10. Section 7-1-9 is hereby amended to read as follows:

Sec. 7-1-9. - Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the housing code, the ~~director of building safety~~ City Designated Building Official shall have the authority to grant modifications for individual cases, provided the ~~director~~ City Designated Building Official shall first find that a special individual reason makes the strict letter of the housing code impractical and the modification is in compliance with the intent and purpose of the housing 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.

Section 11. Section 7-1-10 is hereby amended to read as follows:

Sec. 7-1-10. - Inspection of dwellings.

The ~~director of building safety~~ City Designated Building Official shall make inspections at reasonable times as hereinafter provided to determine the condition of dwellings, and premises located within the city in order to perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the ~~director of building safety~~ City Designated Building Official is hereby authorized to enter, examine, and survey at all reasonable times all dwellings and premises, except that inspection of owner-occupied, single-family dwellings shall only be made when permitted by the owner, or in an emergency endangering life or property, or when authorized by court order, warrant, or other judicial process. Inspection of dwellings, other than owner-occupied single-family dwellings, shall be a condition of the business of leasing or renting such dwellings to others, and the owner, occupant, or the person in charge of such dwellings shall give the ~~director of building safety~~ City Designated Building Official free access to such dwellings and its premises, at all reasonable times, for the purpose of such inspection, examination and survey. No registration certificate required by the housing code shall be issued if admittance for the purpose of inspecting the premises is refused by the owner, occupant, or person in charge.

Section 12. Section 7-1-12 is hereby amended to read as follows:

Sec. 7-1-12. - Service of notices.

Whenever the ~~director of building safety~~ City Designated Building Official determines that there are reasonable grounds to believe that there has been a violation of any provisions of the housing code, the ~~director~~ City Designated Building Official shall give notice of such alleged violation to the person responsible therefor as hereinafter provided. Such notice shall:

- (1) Be in writing;

- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation for which the notice is being issued;
- (4) Specify a reasonable time for the performance of any act it requires; and
- (5) Be served upon the owner, or the operator, or the occupant as the case may require. Such notice shall be deemed to be properly served upon such owner, operator, or occupant if personally served on any of them, or if a copy is left at the owner's usual place of abode with a person of suitable age and discretion, the resident therein, or by depositing in the United States Post Office, the notice addressed to the owner at the owner's last-known address with postage prepaid thereon, or if service cannot be made by any one of the above means, then such notice shall be deemed served if a copy of such notice be posted and kept posted for 48 hours in a conspicuous place on the premises affected by such notice. Such notice may contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this title.

Section 13. Subsection (a) of Section 7-1-13 is hereby amended to read as follows:

Sec. 7-1-13. - Emergency orders.

(a) Whenever the ~~director of building safety~~ City Designated Building Official finds that an emergency exists which requires immediate action to protect the public health or and safety, the ~~director~~ City Designated Building Official may, without notice or hearing, issue to the owner of the property an order reciting the existence of such an emergency and requiring the owner to take such action as the ~~director~~ City Designated Building Official deems necessary to meet the emergency. Notwithstanding the other provisions of the housing code, such order shall be effective immediately and any person to whom such order is directed shall comply therewith immediately, but upon petition to the ~~director of building safety~~ City Designated Building Official shall be afforded a hearing in the manner prescribed in chapter 7-2. After such hearing, the board shall continue such order in effect, or modify it, or revoke it.

Section 14. Section 7-1-14 is hereby amended to read as follows:

Sec. 7-1-14. - Citations for certain violations.

The ~~director of the department of building safety~~ City Designated Building Official of the city or his agent is authorized to issue a citation to any person, firm, or entity for any alleged violation of any of the following enumerated provisions of the city housing code sections 7-3-11 through 7-3-13, 7-3-15, 7-3-16, and 7-3-18 through 7-3-22.

Section 15. Section 7-4-1 is hereby amended to read as follows:

Sec. 7-4-1. - Condemnation of dwellings and apartments.

Any dwelling or apartment which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the ~~director of building safety~~ City Designated Building Official:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (3) One which, because of its general condition or location, is unsanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.

Section 16. Section 7-4-2 is hereby amended to read as follows:

Sec. 7-4-2. - Vacating of condemned dwellings and apartments.

Any dwelling or apartment condemned as unfit for human habitation, and so designated and placarded by the ~~director of building safety~~ City Designated Building Official, shall be vacated within a reasonable time as ordered by the ~~director of building safety~~ City Designated Building Official.

Section 17. Section 7-4-3 is hereby amended to read as follows:

Sec. 7-4-3. - Use of condemned buildings and apartments prohibited.

No dwelling or apartment which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the ~~director of building safety~~ City Designated Building Official. The ~~director of building safety~~ City Designated Building Official shall remove such placard whenever the defect upon which the condemnation and placarding action were based have been eliminated.

Section 18. Section 7-5-1 is hereby amended to read as follows:

Sec. 7-5-1. - Registration certificate required.

(a) Except as permitted in subsection (b) of this section, no owner shall allow another person to occupy, nor shall any person rent or offer to rent to another for occupancy, any dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as provided in this chapter. This registration certificate is also referred to within this chapter as a rental license or license. Any registration certificate obtained pursuant to this section shall be issued in the name

of the owner. In the case of a multiple unit dwelling, a registration certificate issued pursuant to this section includes and applies to both the entire dwelling as well as each individual rental unit within the dwelling. Any suspension or revocation of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or an individual unit within the dwelling.

(b) The offer to rent to another may be extended prior to issuance of a registration certificate provided an application for a registration certificate has been properly filed with the ~~director~~ City Designated Building Official. An application may be classified as pending for up to 90 days without payment of all fees. All applicable fees must be paid before an inspection can be scheduled.

(c) The occupancy or rental of any dwelling, or any apartment or rooming unit in any dwelling for which a registration certificate is required, need not be interrupted or suspended for lack of a registration certificate if the same is due to the inability of the ~~director~~ City Designated Building Official to process the application in a timely manner, or if the owner is in the process of complying with a notice of deficiencies from the ~~director~~ City Designated Building Official within the period of time authorized by the ~~director~~ City Designated Building Official.

(d) For purposes of this chapter, the term "~~director~~ City Designated Building Official" means the ~~director~~ designated official of the building safety department. ~~or the director's designee.~~

(e) When the owner of the dwelling is not a resident or does not maintain a corporate office in the state, the owner must appoint a resident agent residing in the state to accept service of process or any other document in any action or proceeding related to the dwelling. In addition, when the owner of the dwelling is not a resident of Houston, Winona, Fillmore, Olmsted, Goodhue, Dodge, Mower or Wabasha County, the owner must appoint a property manager residing in one of the above counties to act as the owner's agent in managing and supervising the dwelling. The resident agent and the property manager may be the same person. The resident agent and the property manager must sign the application for the registration certificate. The owner may not change the identity or the location of the resident agent or property manager without first obtaining an amended registration certificate reflecting the changed information.

(f) Notwithstanding any provision of this section to the contrary, an owner who allows a person to occupy a vacant dwelling that is on the real estate market for sale in order to provide property maintenance services is not required to obtain a registration certificate. The term "property maintenance services" means dwelling caretaking and maintenance duties, including, but not limited to, yard maintenance, snow removal, turning on necessary utility services, turning off unnecessary utility services, and the prevention of intruders, vandals and trespassers.

(g) An owner seeking to rely on subsection (e) of this section in order to be exempted from the registration certificate requirement must comply with all of the following conditions:

- (1) The owner must list the vacant dwelling for sale in the multiple listing service real estate market.
- (2) The owner must contract with a licensed real estate company registered to do business in the state that performs property maintenance services for dwellings listed for sale.
- (3) The owner and the real estate company performing property maintenance services must register with, and obtain an exemption from registration from, the building safety department. The registration and exemption is valid for six months and may be renewed.
- (4) The dwelling must be a single-family dwelling, or a single unit of condominium or townhouse.
- (5) An owner, other than a lending institution selling foreclosed properties, is permitted one exemption.

Section 19. Section 7-5-2 is hereby amended to read as follows:

Sec. 7-5-2. - Application for registration certificate.

An application for a registration certification shall be filed by the owner or the owner's agent with the ~~director~~ City Designated Building Official. An application for any dwelling to be converted to a use requiring a registration certificate shall be made and filed with ~~the director~~ the City Designated Building Official at least 30 days prior to such conversion.

Section 20. Section 7-5-3 is hereby amended to read as follows:

Sec. 7-5-3. - Application forms.

~~The director~~ The City Designated Building Official must supply applications forms for registration certificates.

Section 21. Subsection (6) of Section 7-5-4 is hereby amended to read as follows:

Sec. 7-5-4. - Applications.

(6) Any person making application for a rental registration certificate must provide proof of identification by the use of a driver's license, state-issued identification card, military identification card, or such other identification as is acceptable ~~the director~~ the City Designated Building Official. The identification provided must set forth the full name and date of birth of the person making the application.

Section 22. Paragraph 9 of Subsection (c) of Section 7-5-5 is hereby amended to read as follows:

Sec. 7-5-5. – Registration certified standards

- (9) The licensee or applicant maintains a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register is kept current at all times. The licensee has designated the person who has possession of the register and shall inform the ~~director~~ City Designated Building Official of the location at which the register is kept. The register is available for review by the ~~director~~ City Designated Building Official or his authorized representatives at all times.

Section 23. Section 7-5-7 is hereby amended to read as follows:

Sec. 7-5-7. - Investigation.

~~The director~~ The City Designated Building Official shall investigate all applications for the registration certificate to verify that the dwellings, apartments, or rooming units that are nonowner occupied comply with the provisions of this Code, including any provision of the zoning, building, fire safety, or health ordinances applicable in sections 7-1-3 and 7-1-5.

Section 24. Section 7-5-8 is hereby amended to read as follows:

Sec. 7-5-8. - Issuance and posting of registration certificate.

~~The director~~ The City Designated Building Official must issue a registration certificate whenever the investigation of an application indicates that the dwellings, apartments, or rooming units offered for rent comply with all provisions of this Code, including any provisions of the zoning, building, fire safety, or health ordinances applicable in sections 7-1-3 and 7-1-5. Every registrant of a dwelling, apartment or rooming unit offered for rent shall post the registration certificate in a conspicuous place.

Section 25. Section 7-5-9 is hereby amended to read as follows:

Sec. 7-5-9. - Notice of violation.

~~The director~~ The City Designated Building Official must serve notice to the applicant, as required by section 7-1-12, whenever ~~the director~~ the City Designated Building Official's investigation of an application for registration certificate indicates that the dwelling, apartment or rooming unit that is nonowner occupied does not comply with the provisions of this Code. Additionally, owners of rental property must give notice of outstanding violations under section 7-5-20 to purchasers of such property.

Section 26. Section 7-5-10 is hereby amended to read as follows:

Sec. 7-5-10. - Rejection of application.

Whenever the investigation of an application for a registration certificate indicates that the dwelling, apartment or rooming unit does not comply with the provisions of this Code, and from the nature of the violations, the dwelling, apartment or rooming unit cannot be brought up to meet the minimum requirements, the ~~director~~ the City Designated Building Official shall return the application to the applicant stating the reasons for the rejection of the application.

Section 27. Section 7-5-11 is hereby amended to read as follows:

Sec. 7-5-11. - Temporary rental registration certificates.

The ~~director of building safety~~ City Designated Building Official may issue a temporary rental registration certificate when corrections required following inspection do not constitute a fire, safety or health hazard to the occupants or the general public, and the repairs are not practically feasible as a result of factors beyond the rental property owner's control. Such factors may include climatic conditions or the unavailability of contractors, supplies or materials needed to make the corrections. A temporary rental registration certificate shall be conditioned upon the rental property owner's making the needed corrections with timelines determined by the ~~director~~ City Designated Building Official and identified on the temporary certificate. The temporary certificate shall expire if the work is not completed, inspected and approved by the ~~director~~ City Designated Building Official by the date listed thereon.

Section 28. Section 7-5-12 is hereby amended to read as follows:

Sec. 7-5-12. - Appeals.

Any applicant whose application for registration certificate has been rejected by the ~~director~~ the City Designated Building Official, may request and shall be granted a hearing in the matter before the board of appeals under the procedures found in chapter 1-4.

Section 29. Section 7-5-14 is hereby amended to read as follows:

Sec. 7-5-14. - Certificate renewal and transferability.

(a) All registration certificates shall expire two years after date of issuance and must be renewed biennially. All information required by section 7-5-4 must be submitted at the time of renewal. The ~~director~~ City Designated Building Official may issue one-year rental certificates to equalize the biennial inspection workload.

(b) Every person who transfers title to property registered under this chapter shall provide ~~the director~~ the City Designated Building Official with the name, residence address, telephone number, and date of the transfer of title to the new owner within ten days of the date of such transfer. Within 30 days of the date of such transfer, the new owner or their agent shall make application to transfer the registration certificate to the new owner. A rental certificate transfer fee of \$20.00 must be paid at the time that the application for transfer is submitted to the ~~director~~ the City Designated Building Official. In the case of an option contract where the holder of the option is collecting rents and/or is paying on the mortgage to the property while the option remains unexercised, the holder of the option shall be deemed to be the owner of the property for purposes of this section and shall be required to apply for a rental registration certificate in his name. The date the option contract is created shall be deemed to be the date the holder of the option becomes the owner for purposes of this section.

Section 30. Subsection (e) of Section 7-5-15 is hereby amended to read as follows:

Sec. 7-5-15. - Suspension or revocation of registration certificate.

(e) Upon the ~~building safety director's~~ City Designated Building Official's determination that a reasonable basis exists to seek the suspension or revocation of a registration certificate, right to obtain a certificate, or to seek the imposition of a fine or other sanction, the ~~director~~ City Designated Building Official shall cause a hearing to be held before the rental housing complaint board. This board consists of the common councilmember representing the ward in which the noncompliance occurred, the common council president and the mayor. All parties must be given an opportunity to appear at the hearing after receiving reasonable notice. The notice must state the time, place and issues involved. At the hearing, the certificate holder may present evidence of mitigating circumstances showing the absence of any need for a public hearing before the common council to consider the revocation or suspension of the certificate, the right to obtain a certificate, or the imposition of fines or other sanctions. The board must, in good faith, hear and consider this evidence in making its recommendation as to the need for a public hearing.

Section 31. Section 7-5-16 is hereby amended to read as follows:

Sec. 7-5-16. - Fees.

(a) In addition to such other fees as may be imposed by this Code, a nonrefundable fee of \$90.00 for each building and \$30.00 for each apartment unit and the first four rooming units not occupied by the owner shall be paid when an application for a registration certificate or renewal is filed with ~~the director~~ the City Designated Building Official as required by this chapter. A nonrefundable fee of \$45.00 for each building and \$15.00 for each apartment unit and the first four

rooming units will be charged for a one year rental certificate issued in accordance with section 7-5-15.

(b) If a rental registration renewal fee is not received by ~~the director~~ the City Designated Building Official prior to the expiration of the certificate, an additional fee of ten percent of the renewal due, up to a maximum of \$30.00 for one to 30 days past due, or 25 percent of the renewal fee due, up to a maximum of \$50.00, after 30 days past due shall be paid.

(c) In addition to any other fee provided by this section, an owner shall pay an additional fee of \$45.00 if, without reasonable cause, the owner fails to keep a scheduled appointment.

(d) There shall be no additional fee charged for an initial inspection to determine the existence of a housing code violation, nor any fee for the first reinspection to determine compliance with an order to correct a housing code violation. An additional \$45.00 fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order. ~~The director, or the director's designee~~ The City Designated Building Official or official's designee, may waive the reinspection fee in case of an error or other reasonable cause, including an extension of time granted for compliance, an unclear or incorrect correction order, or a change of ownership during the time allotted for compliance. All fees collected under this chapter shall be paid to the city director of finance.

(e) An administration fee of \$90.00 will be charged for all contract work arranged by the department of building safety for the abatement of a public health or safety hazard, including, but not limited to, sections 7-3-21 and 7-3-22. The administration fee will be charged to the violator in addition to all other costs incurred by the department abating the public health and safety hazard.

Section 32. Subsection (c) of Section 7-5-19 is hereby amended to read as follows:

Sec. 7-5-19. - Conduct on licensed premises.

(c) The police or ~~director~~ the City Designated Building Official shall be charged with the responsibility of enforcing subsection (b) of this section.

Section 33. This ordinance shall be effective from and after publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2020.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2020.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

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