

CHAPTER 15

HOUSING, BUILDING AND STRUCTURES

BUILDING CODE

15.101 Codes adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 16B.59 to 16B75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

15.102 Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the City Administration Department.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

15.103. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality pursuant to council resolution. The fee schedule adopted by the City Council shall be incorporated in and made a part of this Ordinance as if fully set forth herein. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

15.104. Fire Zones. Whenever reference is made in the SBC to any fire zone, it means the fire zones of the same number as may be delineated in this section.

- (1) Fire Zone One. All property zoned C-1.
- (2) Fire Zone Two. All property zoned C-2.
- (3) Fire Zone Three. Fire Zone three shall consist of all property in the city not described in fire zones one and two above.

(Reference - The Zones to zoning districts as described in Chapter 16)

15.105. Fee Schedule. The fee schedule for building permits shall be as adopted by the

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City Council pursuant to council resolution. The fee schedule adopted by the City Council shall be incorporated in and made a part of this Ordinance as if fully set forth herein.

(The following resolution sets the fees schedules for building permits).

RESOLUTION ADOPTING THE BUILDING CODE STANDARDS AND FEES FOR BUILDING PERMITS

Fee Schedule. The fee for a building permit shall be as set forth in the following schedule:

Table No. 3-A - Building Permit Fees.

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$500.00	\$18.00
\$501.00 to \$2,000.00	\$18.00 for the first \$500.000 plus \$2.70 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$58.50 for the first \$2,000.00 plus \$10.80 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$306.90 for the first \$25,000.00 plus \$8.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$509.40 for the first \$50,000.00 plus \$5.40 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	\$779.40 for the first \$100,000.00 plus \$4.50 for each additional \$1000.00 or fraction thereof.

PLAN REVIEW FEE

- (1) The City shall charge a plan review fee in addition to the building permit fee for all new residential housing structures, commercial additions and new commercial structures.
- (2). The plan review fee shall be equal to 50% of the building permit fee.

OTHER INSPECTION FEES

- (1) Re-inspection fee assessed under provision of Section 305 (g)
.....\$15.00 each.
- (2) Inspection for which no fee is specifically
indicated.....\$15.00/hour.
(Minimum charge - one-half hour)
- (3) Additional plan review required by changes, additions, or revisions to
approved plans.....\$15.00/hour.
(minimum charge - one-half hour)
(Ordinance 4/2/84)

- B. 15.105 3B Storage Shed Permit Fees. Storage Shed - Permit Required - fee based
on building permit fee schedule

- C. Conditional Use Permit Fee.
\$200.00

- D. Variance Permit Fee.
\$200.00

- E. Sign Permit Fee.
\$25.00

- F. Sewer and/or Water Hook Up Permit Fee.
\$200.00/hookup

- G. Demolition Permit Fee.
\$10.00
(Adopted by city council 12/7/81)

- H. Swimming Pool Permit Fee.
Permit required for swimming pools of a permanent nature - fee based on building
permit fee schedule

- I. Re-shingling Permit Fee.
\$25.00 for structures greater than 120 sq. ft. (no permit for structures under 120
sq. ft.)

15.106. Violations, Certain Acts Prohibited. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, construct or demolish, equip. use or occupy any building or structure in the city or cause the same to be done contrary to or in violation of any provisions of this Code or of any provision of the codes adopted by reference in Sections 15.101 and 15.102. (No prior Ordinance)

BUILDING MAINTENANCE AND OCCUPANCY CODE

15.201 Purpose. The City Council recognizes that improperly maintained structures and premises and the unreasonable overcrowding of dwellings has an adverse affect on the public health, safety, morals, and general welfare of the citizens of this community and, further, that such conditions contribute to the unnecessary, excessive, and disproportionate expenditures of public funds for public health, public safety, crime prevention, fire protection, and other public services. In order to address those and other, similar concerns, the City Council finds that the following objectives are important in achieving the goal of maintaining a safe and healthy community:

- (1) To protect the character and stability of all buildings and property within the City.
- (2) To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well being of persons occupying buildings within the City.
- (3) To provide minimum standards for heating, sanitation, ventilation, light, and maintenance necessary to the health and safety of occupants of buildings.
- (4) To prevent, to the extent reasonably possible, the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.
- (5) To provide minimum standards for the maintenance of existing buildings and thus prevent slums and blight.
- (6) To preserve the value of land and buildings throughout the City.

The City Council further finds that the enactment of this Chapter is essential to the public interest and it is intended that this Chapter be liberally construed to effectuate its purposes as stated herein.

The City Council, however, declares that, except as otherwise specifically provided by the terms contained in this Chapter, it is not the intention of the City to interfere with or intrude upon the rights of landlord and tenant to enter into fair and accepted contractual relationships. In the case of a dispute, the City will not intervene as an advocate of either party, nor act as arbiter, nor be receptive to complaints from landlord or tenant which are not specifically and clearly relevant to the provisions of this Chapter. In the absence of such relevancy, the City intends that rental disputes be resolved through established legal proceedings without City intervention. The City

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Council further declares that it is not the intention of the City to interfere with or permit the interference with legal rights to personal privacy.

15.202 Scope. The provisions of this Chapter shall apply to all residential and nonresidential structures and premises in the City, occupied or unoccupied, and shall constitute the minimum standards for safe and sanitary occupancy and maintenance.

15.203 Applicability. The provisions of this Chapter shall apply to all matters affecting or relating to the maintenance and occupancy of structures and premises in the City except that where the provisions of this Chapter may conflict with other provisions of this Code, the most restrictive provisions shall govern. These provisions shall apply to all existing structures and premises unless otherwise specifically provided herein.

15.204 Definitions. For the purposes of this Chapter only, the following definitions shall apply:

- (1) Approved - Acceptable to the jurisdiction and as meeting all applicable laws and codes.
- (2) Accessory Structure - A structure subordinate to the main or principal building which is not used or authorized to be used for living or sleeping by human occupants and which is located on or partially on the premises.
- (3) Bedroom - Any room or space intended to be used for sleeping purposes.
- (4) Building - Any structure having a roof intended for the shelter, housing, or enclosure of any person, animal, goods, or materials of any kind or nature. When a private garage is structurally attached to a dwelling, it shall be considered as part of the building in which the dwelling unit is located.
- (5) Common Interest Facility - A residential or nonresidential development including one or more buildings in which individual units are intended to be separately owned and interior and exterior common areas are owned and controlled by an association comprised of the owners.
- (6) Compliance Official - The City Administrator or the City Council's designated agent(s) authorized to administer and enforce this Chapter.
- (7) Dwelling - A building, or portion thereof, designed or used for residential occupancy of a continued nature, including single-family dwellings, two-family dwellings, and multiple family dwellings, but not including, hotels, motels, boarding or rooming houses, nursing homes, bed and breakfasts, recreational vehicles, or tents.

- (8) Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (9) Family:
 - a. An individual, or a group of persons related by blood, marriage, or adoption, including foster children, living together as single housekeeping unit.
 - b. Residents of a State licensed community residential facility as defined and authorized by State law.
 - c. A group of not more than six persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.
- (10) Flush Water Closet - An approved toilet, with a bowl and trap made in one piece, which is connected to the City water and sewer system or other approved water supply and sewer-system.
- (11) Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, and decayed and spoiled food from any source.
- (12) Habitable Building - Any building or part thereof that meets minimum standards for use as a dwelling or place of abode by one or more persons.
- (13) Habitable Room - A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electric outlets, and required exit facilities), pantries, utility rooms with less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage space, workshops, hobby and recreation areas, and parts of the structure below ground level or in attics.
- (14) Heated Water - Water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature as may be required from time to time by governmental authority, measured at faucet outlet.
- (15) Infestation - The presence of, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.

- (16) Kitchen - A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.
- (17) Nonresidential Building - A building or structure other than a dwelling or dwelling unit.
- (18) Occupant - A person (including, if applicable, owner or operator) occupying any structure, building, dwelling, dwelling unit, rooming unit, or premises, or any part thereof.
- (19) Operator - The owner or agent who has charge, care, control, or management of any structure or building, or part thereof.
- (20) Owner - A person (as defined by definition 15.204 (22)) having a legal or equitable interest in a property as evidenced by records on file with Todd County.
- (21) Permissible Occupant Load - The maximum number of individuals permitted to occupy a building or space within a building.
- (22) Person - An individual, firm, partnership, association, corporation, or joint venture or organization of any kind.
- (23) Pests - Rodents, insects at any stage of development, and other destructive or offensive vermin including, but not limited to, rats, mice, flies, roaches, and fleas.
- (24) Plumbing - All of the following supplied facilities and equipment in a building: gas pipes, gas burning equipment, water pipes, steam 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 fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.
- (25) Premises. A platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any structure thereon.
- (26) Public or Common Areas - Those portions of a building and its premises that are open to the public and/or shared by residents and occupants and which are owned and controlled by a single person or an association of owners.

- (27) Rental Dwelling or Rental Dwelling Unit - A dwelling or dwelling unit let for rent or lease.
- (28) Rental Facility - A residential or nonresidential building or development containing one or more units under single ownership where the building and/or unit are intended to be rented or let to tenants even if the owner occupies one or more of the units. "Rental facility" shall also include a mobile home or similar development where the mobile homes are individually owned and the home site and surrounding premises are leased to the mobile home owner, but the remainder of the development is owned and controlled by a single person
- (29) Repair - To restore to a sound and acceptable state of operation, serviceability, or appearance.
- (30) Residential Building - A structure containing a dwelling or dwelling unit.
- (31) Rooming Unit - Any room or group of rooms forming a single unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.
- (32) Rubbish - All inorganic solid waste consisting of both combustible and noncombustible waste including, but not limited to, paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials.
- (33) Safety - The condition of being reasonably free from danger and hazards which may cause injury, accident or disease.
- (34) Single-family Dwelling - A residential structure containing one dwelling unit where the structure and surrounding premises are held in single ownership.
- (35) Single Occupancy Facility - A residential or nonresidential building or development containing one or more units where the units and surrounding premises are intended to be separately owned and which does not include any commonly owned interior or exterior areas.
- (36) Structure - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (37) Substandard Dwelling - Any dwelling which does not conform to the minimum standards established by State or local laws and ordinances.

- (38) Supplied - Paid by, furnished by, provided by, or under the control of the owner, operator, or agent of a building.
- (39) Two-family Dwelling - A residential structure containing two dwelling units having a single wall in common where the structure and surrounding premises are held in single ownership.
- (40) Unit - one or more rooms intended for the use of a single occupant.
- (41) Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "premises," "building," or "structure" are used in this Chapter they shall be construed as though they were followed by the words "or any part thereof."

15.205 Occupancy. No person shall occupy or permit another person to occupy, any residential or nonresidential structure, building, or premises, or any part thereof, unless the structure, building, or premises is clean, sanitary, conducive to a safe and healthy environment, and in compliance with all applicable Federal, State, and local laws and ordinances.

15.206 Minimum Standards. Unless otherwise specifically provided by Federal, State or local laws and ordinances, no person shall occupy or permit another person to occupy, any common interest, rental, or single occupancy facility, or any part thereof, which does not comply with the following requirements:

- (1) Foundations, Exterior Walls, Roofs. The foundation, exterior walls, and exterior roof shall be substantially water tight and shall be kept in sound condition and repair. The foundation shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition that might admit rain or dampness to the interior portion of the walls or to the exterior spaces of the building. Exterior walls must be free of graffiti and advertising except as allowed by the Chapter 16.510 – 16.519, Sign Regulations, of this Code. All exterior wood surfaces, other than decay resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or the paint is blistered or peeling over 25 percent of the surface area, the affected surface shall be painted with a color which matches the unaffected surface or the entire surface shall be painted a consistent color. If the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.
- (2) Grading and Drainage. Except for wetland and approved ponds, every yard, court, walkway, driveway, and other portions of the premises on

which a building stands must be graded and drained so as to be free of standing water. The water must not be drained onto adjacent properties except as provided in legally recorded easements or other documents.

- (3) **Windows, Doors, and Screens.** Every window, exterior door, and other exterior opening shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain, wind, and pests from entering the building. Every openable window in a rental facility or unit shall be supplied with screens of not less than 16 mesh per inch during the insect season and every openable window in a residential rental unit shall also be equipped with an approved lock if located less than six feet above the adjacent grade.
- (4) **Landings at Doors.** There shall be a floor or a landing on each side of a door having a width not less than the width of the door or, in the case of a sliding door or atrium door, a width not less than six feet, and a length measured in the direction of travel of not less than 36 inches for residential facilities and 44 inches for nonresidential facilities. Landing surfaces more than 30 inches above the grade below require a guardrail complying with the Minnesota State Building Code.
- (5) **Floors, Interior Walls, and Ceilings.** Every floor, interior wall, and ceiling shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotting floor materials. Every interior wall and ceiling shall be free of holes and cracks and loose plaster and shall be maintained in a tight, waterproof condition. Paints with a lasting toxic effect shall not be used. The floor of every toilet room, bathroom, and kitchen shall have a smooth, hard, nonabsorbent surface and shall be capable of being easily maintained in a clean and sanitary condition. Nothing herein shall prevent the use of carpeting in such rooms provided that the underlying floor complies with the requirements of this subsection.
- (6) **Heating.** No person shall occupy or permit another person to occupy, any building or any part thereof that does not have heating facilities which are properly installed, which are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit, or such lesser temperature as may be required from time to time by governmental authority, at a distance of three feet above floor

level and three feet from exterior walls from October through May. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this subsection. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this subsection and is prohibited. No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner. Nonresidential buildings shall meet all State laws and regulations.

- (7) **Electrical Service in Dwellings.** Every dwelling unit and all public and common areas shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, which are maintained in safe and good working condition in compliance with the edition of the National Electric Code in effect as of the date of construction or improvements thereto, and which are connected to a source of electric power in a manner prescribed by State and local laws, ordinances, rules, and regulations.
- (8) **Light and Ventilation.** No person shall occupy or permit another person to occupy, any dwelling or dwelling unit which does not comply with the following requirements:
 - a. **Habitable Room Light and Ventilation.** Except where there is supplied some other device affording adequate ventilation and approved by the Compliance Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of ten percent of the floor area of the room or ten square feet. At least one half of the required window area must be openable.
 - b. **Non-habitable Room Ventilation.** Every bathroom and water closet compartment and every laundry and utility room shall contain at least 50 percent of the ventilation required for habitable rooms contained in paragraph (a) above, except that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the Compliance official.
 - c. **Public Corridor and Stairway Light.** Every public corridor and stairway in every common interest or rental facility shall be adequately lighted by natural or electric light at all times at one foot-candle at floor level, so as to provide effective illumination in all parts thereof. Every public corridor and stairway in structures

containing not more than two dwelling units shall be supplied with conveniently located light switches controlling the adequate lighting system which may be turned on when needed, instead of full time lighting.

- (9) Door Locks. No person shall occupy or permit another person to occupy, any dwelling or dwelling unit unless all exterior/exit doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices. Residential common interest and rental facilities with common entrances shall be furnished with door locks as follows:
- a. A security system shall be maintained for each building constructed after the date of this ordinance to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latched door locks shall be provided with lever knobs (or door knobs) on the inside of building entrance doors and- with key cylinders on the outside of building entrance doors. Any building with a security system on the date of this ordinance shall maintain that system in good working order. Any upgrade of an existing security system shall be in conformance with this provision to the extent reasonably possible as determined by the City.
 - b. Every door that is designed to provide ingress or egress for a dwelling unit within a common interest or rental facility shall be equipped with an approved lock that has a dead locking bolt that cannot be retracted by end pressure provided, however, that such door shall be openable from-the inside without the use of a key or any special knowledge or effort.
- (10) Kitchen. Every dwelling unit shall have a room, or portion of a room, in which food may be prepared or cooked, which shall have an adequate circulation area, and which shall be equipped with the following:
- a. A kitchen sink in good working condition and properly connected to an approved water supply system, which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
 - b. Cabinets or shelves for the storage of eating, drinking, and cooking equipment and utensils and for food that does not require refrigeration for safe keeping, and a counter or table for food preparation. Such cabinets or shelves and counter or table shall be

adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious affect to food.

- c. A stove or similar device for cooking food and a refrigerator for the safe storage of food at or below 40 degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided that such stove, refrigerator, or similar devices need not be installed when a dwelling unit is not occupied or when the occupant is expected, per written agreement, to provide such appliances on occupancy, in which case sufficient space and adequate connections for the installation and operation of a stove, refrigerator, or similar devices must be provided. All appliances supplied by the owner must be maintained in proper operating condition at all times by the owner.
- (11) Toilet Facilities. Within every dwelling unit there shall be a non-habitable room which is equipped with a flush water closet in good working condition. In a dwelling unit, such room shall have an entrance door which affords privacy, unless the facilities are accessed only through a bedroom which does have such an entrance door. Such flush water closet shall be equipped with easily cleanable surfaces, shall be properly connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system.
 - (12) Lavatory Sink. Within every dwelling unit there shall be a lavatory sink. Such lavatory sink may be in the same room as the flush water closet or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which the flush water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.
 - (13) Bathtub or Shower. Within every dwelling unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. In a dwelling unit, such room shall have an entrance door which affords privacy, unless the facilities are accessed only through a bedroom which does have such an entrance door. Such bathtub or shower may be in the same room as the flush water closet, or in another

room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

- (14) Bedrooms. All habitable rooms used for sleeping must be provided with an emergency escape/rescue window which must meet the following requirements:
 - a. the window must have a net clear area of 5.7 square feet,
 - b. the minimum opening dimensions must be 20 inches horizontally and 24 inches vertically, and
 - c. the sill must be not more than 44 inches above the floor.
- (15) Stairways, Porches, and Balconies. Every stairway, inside or outside of a dwelling, and every porch, balcony, and deck shall be kept in safe and structurally sound condition. Stairs, guardrails, and handrails shall conform to the Minnesota State Building Code requirements. Every porch, balcony, and deck which is 30 inches or more above grade shall have a guardrail that conforms to the Minnesota State Building Code requirements.
- (16) Access. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.
- (17) All outside trash disposal facilities, recycling containers, and outside or roof top mechanical equipment at single occupancy, common interest and rental facilities, and nonresidential properties shall meet the applicable requirements of Chapter 9, Health, Sanitation and General Welfare of this Code.
- (18) Exterior Lighting. The association of a common interest facility or the owner of a residential rental facility containing three or more units or the owner of a nonresidential building, except that this provision shall not apply to accessory structures subordinate to single- and two-family dwellings, shall be responsible for providing and maintaining effective illumination on all exterior parking areas and walkways. Effective illumination shall mean a minimum of one foot-candle at grade level and shall be in compliance with all other provisions of this Code.
- (19) Drives and Parking Areas. The association of any common interest facility or the owner of any rental facility or the owner of a nonresidential building, shall be responsible for providing and maintaining in good

condition paved and delineated parking areas and drives for residents or users consistent with all applicable provisions of Chapter 16, Section, Parking and Loading Space, of this Code. In addition, the owner or association shall be responsible for the installation and maintenance of all necessary street and direction signs on private drives within a facility, and of all fire lane signs required in that facility. Except as otherwise permitted by this Code, no vehicle, recreational vehicle, trailer, truck, truck tractor, semi trailer may be driven, towed or parked off a paved surface at any common interest, rental, or non-residential single occupancy facility. The parking and storage of vehicles, recreation vehicles, truck tractors, and trailers at any residential single occupancy facility shall be consistent with all applicable provisions of Chapter 8 Vehicles and Traffic of this Code.

- (20) Yards. Every yard that is part of a premises on which a building is located shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and related ground cover any approved development plans. The owner of the building, or the association in the case of a common interest facility, shall be responsible for the installation and maintenance of yards.
- (21) Discontinuance of Service or Facilities. No owner, association, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Code to be removed from or shut off from or discontinued for any occupied building or portion thereof, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies, or in accordance with State and local laws and ordinances.
- (22) Existing Structures and Units. Any structure or unit existing prior to the adoption of this chapter shall be deemed conforming if it was in conformance with all applicable laws and chapters when it was constructed or last reconstructed, remodeled, repaired, or altered. Unless a sooner timeline is required by this ordinance, all existing structures or units within the City shall be brought into conformance with this chapter within one year from its adoption. Any reconstruction, remodeling, repair, or altering of a structure or unit following adoption of this chapter shall be in conformance with this chapter.
- (23) Site Plans and Building Permits. All buildings, structures, and premises subject to the provisions of this Section shall at all times comply with the provisions and conditions of any approved site plan and building permit.
- (24) Responsibilities. The association of a common interest facility; the owner, either directly or through the owner's agent, operator, or manager, of a

rental or single occupancy facility; the owner of a rooming unit; and the owner of a nonresidential property shall be responsible for ensuring that the building and premises are in compliance with the provisions of this Section.

15.207 Pests.

- (1) Harborage. All structures and exterior property shall be free from rodent harborage and infestation. Boxes, lumber, scrap metal, and similar materials shall not be allowed to accumulate either in or outside a structure in a manner that attracts an infestation of pests.
- (2) Food Source. Any materials that may serve as a food source for pests, whether within a structure or on the premises, shall be appropriately stored so as not to attract an infestation of pests.
- (3) Structures. All openings with a diameter of one half inch or more in the exterior walls, foundations, basements, cellars, ground or first floors, and roofs of a structure shall be sealed or capable of being sealed in an approved manner so as to not permit an infestation of pests.
- (4) Responsibilities for Pest Extermination. Responsibilities for the extermination of pests shall be as follows:
 - a. Common Interest Facility.
 1. The occupant of a unit shall be responsible for the extermination of any infestation of pests within the unit or on the premises under the immediate control of the occupant.
 2. The association shall be responsible for the extermination of an infestation of pests within all common areas.
 - b. Rental Facility other than a Single Occupancy Facility.
 1. The owner, either directly or through the owner's agent, operator, or manager shall be responsible for the extermination of an infestation of pests within any dwelling unit.
 2. The owner, either directly or through the owner's agent, operator, or manager, shall be responsible for the extermination of an infestation of pests within all common

areas.

- c. Single Occupancy Facility. The occupant shall be responsible for the extermination of an infestation of pests within the structure and on the premises.
- d. Rooming Unit. The owner of a rooming unit, or the owner's agent, operator, or manager, shall be responsible for the extermination of an infestation of pests.

15.208 Garbage Rubbish and Recyclable Materials.

- (1) All garbage, rubbish, and recyclable materials shall be stored and disposed of in a clean, sanitary, and safe manner in accordance with Chapter 9 Solid Waste and Chapter 11 Environmental Control and Public Safety.

15.209 Maintenance Requirements.

- (1) Screens and Storm Windows. The owner of any facility, either directly or through the owner's agent, operator, or manager, shall be responsible for providing and installing all screens and storm windows as required under this Chapter or Minnesota State Statutes or Rules.
- (2) Sanitary Fixtures. Every occupant of a building shall keep all fixtures within the unit or area of the building under the occupant's control in a clean and sanitary condition and shall be responsible to exercise reasonable care and the proper use thereof.
- (3) Accessory Structures. Accessory structures or buildings shall be structurally sound, and be maintained in good repair and appearance. The exterior of such structures shall be made weather resistant through the use of decay resistant materials such as paint or other preservatives. Paint shall be maintained consistent with Section 15.206(1) of this Code.
- (4) Safe Building. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stairs, porch and balcony, and every appurtenance thereto, shall be safe to use and capable of supporting loads required by the State Building Code.
- (5) Facilities to Function. Every supplied facility, fixture, piece of equipment, or utility required under this Code and every chimney and 'flue shall be installed and maintained and shall function effectively in a safe, sound, and working condition.

- (6) Responsibilities. The association of a common interest facility; the owner, either directly or through the owner's agent, operator, or manager, of a rental or single occupancy facility; the owner of a rooming unit; and the owner of a nonresidential property shall be responsible for ensuring that the building and premises are in compliance with the provisions of this Section.

15.210 Minimum Requirements for Dwellings and Dwelling Units. No person shall occupy or permit another person to occupy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (1) Permissible Occupancy of Rental Dwelling Unit. Except for families as defined by Section 15.204 (9) (a) , the number of occupants of a rental dwelling unit shall not exceed two times the number of bedrooms in the dwelling unit.
- (2) One family per dwelling unit. No more than one family shall occupy a dwelling unit for the purpose of living therein.
- (3) Minimum Ceiling Height. In order to qualify as habitable, rooms shall have a clear ceiling height of not less than seven feet six inches, except that in attics or top half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven feet six inches over at least one half of the floor area. In calculating the floor area of such rooms and attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five feet or more shall be included.
- (4) Access through Bedrooms and Bathrooms. No dwelling unit containing two or more bedrooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by occupants of more than one bedroom can be gained only by going through one bedroom, nor shall the room arrangement be such that access to a bedroom can be gained only by going through another bedroom. A bathroom or water closet compartment shall not be used as the only passage way to any habitable room, hall, basement, or cellar or to the exterior of the dwelling unit.

15.211 Vacant Buildings. The owner of any building or any part thereof which is vacant for a period of 60 days or more, shall make the building and the premises safe and secure so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance. Any vacant building open at windows or doors, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this Section and shall be made safe and secure immediately by boarding the

openings. Boarding must be done with sound materials which are securely fastened to the building and painted with a color consistent with the adjacent surfaces. Nonresidential buildings which become vacant must remove exterior signage on the vacant portions of the building as specified by Chapter 16 Section Signs of this Code. The premises of a vacant building shall be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping and yard.

15.212 Buildings Unfit for Human Habitation.

- (1) Any building or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or which lacks provision for basic illumination, heat, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation. Whenever any building or premises has been declared unfit for human habitation, the Compliance Official shall order the building or affected dwelling unit or units vacated within a reasonable time and shall post a placard on the building or dwelling units indicating that the building or unit is unfit for human habitation, and any license previously issued for such building, dwelling, or occupancy shall be revoked. An order issued pursuant to this Section shall be served on the owner, operator, or owner's agent and upon any occupants in the same manner as a notice under Section 15.215(3). The appeal process for Section 15.215(4) shall apply to orders issued under this Section except that the Compliance Official may order the vacation of the building or any part thereof pending an appeal upon a finding that continued occupancy poses an immediate and substantial threat to health and safety.
- (2) It shall be unlawful for such building or any part thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance official and a license issued for the affected building or units. It shall be unlawful for any person to deface or remove the declaration placard from any such building or dwelling unit.
- (3) No rents shall be collected from the tenant of any affected dwelling unit which has been placarded, from the date of placarding, until the placard has been removed by the City.

15.213 Hazardous Building. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota statutes.

15.214 Enforcement.

- (1) Inspection Authority. Except as otherwise provided herein, the Compliance Official shall administer and enforce the provisions of this Chapter and is hereby authorized to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of State or local laws and ordinances have been or are being committed. Inspections shall be conducted during reasonable daylight hours, and the Compliance official shall present evidence of official capacity to the occupant in charge of a respective building. This Section shall not apply to investigations conducted by the Police Department regarding prohibited conduct or other similar illegal activities.
- (2) Compliance Order. Whenever the Compliance Official determines that any building or any part thereof or the premises surrounding any building, fails to meet the provisions of this Chapter a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:
 - a. be in writing,
 - b. describe the location and nature of the violations,
 - c. establish a reasonable time for the correction of such violations,
 - d. provide notice of appeal rights, and
 - e. be served upon the owner, operator, agent, or occupant, as appropriate.
- (3) Service of Notice. Except as otherwise provided in this Chapter, all notices given by the City relating to violations under this Chapter shall be personally served on the appropriate party or sent by certified mail to the party's last known address. If service cannot be made personally or by certified mail, it can be made by posting the notice in a conspicuous place on the premises. Except where the City has reasonable cause to believe an emergency exists, notice shall be given to the owner, operator, manager, representative or local agent, and any affected occupant at least five business days before any inspection. Inspection notices shall be in writing and may be personally delivered or mailed by regular mail.
- (4) Right to Appeal. Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or

ordinance, may appeal the order of the Compliance official to the Board of Zoning Adjustment. Such appeal must be in writing, specify the grounds for the appeal, and be filed with the Compliance Official within ten business days after service of the compliance order. The decision of the Board of Zoning Adjustment may be appealed to the City Council in accordance with Section 11-334 of the City Code. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

- (5) **Restrictions on Transfer of Ownership.** The owner of any building, or any part thereof, upon whom a pending compliance order has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the building or any part thereof, to another person until the provisions of the compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the building, or any part thereof, who has received notice of the existence of a violation or compliance order shall be bound by such violation or order without further service of notice and shall be liable for all penalties and procedures provided by this Chapter.
- (6) **Execution of Compliance Order.** Upon failure to comply with a compliance order within the time set out therein and no appeal having been taken, and upon failure to comply with a modified compliance order within the date set therein, the City Council, in addition to any other criminal or civil remedies provided for in this Chapter, may, by resolution, following a hearing upon not less than ten days notice to the owner, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota State law.
- (7) **Additional Penalties.** Any person who fails to comply with a compliance order after the right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein, shall be guilty of a misdemeanor. Every day of such failure to comply shall constitute a separate punishable offense.
- (8) **Authority to Issue Citations.** The Compliance Official and/or City Building Inspector are hereby authorized to issue citations for any violation of this Chapter.

- (1) The owner of any rental facility, including single occupancy facility, shall notify the City in writing of the name, address, and telephone number of any agent, operator, manager, or other authorized contact individual responsible for the facility, and shall re-notify the City in writing of any change in the identity, address, or telephone number of that individual.

15.216 Severability. If any section or any portion of any section of this Chapter is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other sections or portions of sections of this Chapter.