

CHAPTER 11 ZONING DISTRICTS AND DISTRICT PROVISIONS

ORDINANCE 1135 RENTAL PROPERTY

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ORDINANCE 1135 RENTAL PROPERTY

Section 1135.01: PURPOSE AND SCOPE.

- 1.1 Purpose. The purpose of this ordinance is to provide minimum standards to safeguard life or limb, health, and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the City used for the purpose of rental housing. The purpose of this ordinance is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.
- 1.2 Scope. The provisions of this ordinance shall apply to all buildings, including manufactured homes, or portions thereof used, or designed or intended to be rented, leased, or let for human habitation. The licensing requirements governed by this ordinance shall not apply to a single family home having no physical segregation of the structure and where the building owner of the home occupies the home and the occupants share cooking, eating, bathing, or living spaces. All provisions of this ordinance shall apply to dwellings in existence at the time of adoption of this ordinance. Rest homes, convalescent homes, nursing homes, hotels, motels, are exempt from the provisions of this ordinance.
- 1.3 Savings Clause. With respect to rental disputes, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, or to be receptive to complaints, from tenant or landlord, which is not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City Government. Neither in enacting this Ordinance is it the intent of the City Council to interfere nor permit interference with legal rights to personal privacy.
- 1.4 Application to Existing Buildings. Existing buildings must be in compliance with the Building, Fire, Plumbing and Mechanical Codes in effect at the time of their construction. Additions, alterations or repairs to existing buildings, shall be done in compliance with the Building, Fire, Plumbing and Mechanical Codes. Applicable permits shall apply as required by these Codes.
 - 1.4.1 Properties not existing as Rental Property at the time of adoption of this ordinance and afterward becoming Rental Property shall, before being certified, comply with all the provisions of this ordinance. Properties preexisting at the adoption of this ordinance shall be allowed a reasonable time to comply. "Reasonable time" is defined on a case by case basis subject to the discretion of the Code Official.

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Section 1135.02: DEFINITIONS.

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

APARTMENT BUILDING is a building or portion of a building that contains three or more dwelling units.

BUILDING CODE is the Minnesota State Building Code or the Minnesota Manufactured Home Builders Code, whichever is applicable.

CODE OFFICIAL is the official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

CONDEMN shall mean to adjudge unfit for occupancy.

CONGREGATE RESIDENCE is any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this ordinance, and may include facilities for eating and cooking and for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, and fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

DWELLING is a building wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including hotels and motels.

DWELLING UNIT is a room or a group of rooms located within a dwelling forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

EFFICIENCY DWELLING UNIT is a dwelling unit containing only one habitable room and meeting the requirements of Section 5.1.2.

EGRESS is an arrangement of exit facilities to assure a safe means of exit from a building.

ELECTRICAL CODE is the Minnesota State Electrical Code.

EXTERMINATION is 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 method approved by the code official; and to remove all signs of extermination thereafter.

FIRE CODE is the Minnesota State Fire Code.

FLOOR AREA is the net floor area within the enclosed walls of a room in which the ceiling height is not less than 5 feet, excluding areas used for closets and built-in equipment, such as cabinets, kitchen units, fixtures and appliances.

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HABITABLE ROOM is 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, pantries, foyers or communicating corridors, closets and storage spaces.

HEALTH OFFICER is the legally designated health officer or official of the State, County and/or City.

HOT WATER is water supplied to plumbing fixtures at a temperature of not less than 120 degrees F (49 degrees C).

INFESTATION is the presence of insects, rodents, or other pests within or around the dwelling on the premises.

KITCHEN is a room or an area equipped for preparing and cooking food.

LET is to give the use of a dwelling, dwelling unit or rooming unit by an owner or manager to a tenant in return for rent.

MANAGER is a person or firm who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

MANUFACTURED HOME is a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the structure's plumbing, heating, air conditional and electrical systems. The term includes any structure which meets the requirements of the Manufactured Home Builders Code as defined by Minnesota Statutes.

MECHANICAL CODE is the Minnesota State Mechanical Code.

NUISANCE. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the code official or health officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.
7. Un-cleanliness, as determined by the health officer.

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8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

OCCUPANCY is the purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT is a person living alone, or two or more persons all related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit, or a group of not more than 5 persons, any 2 of whom are not related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit.

OWNER is a person, firm or corporation who, alone, jointly or severally with others, owns or has an ownership interest in a dwelling, dwelling unit or rooming unit within the City.

PLUMBING CODE is the State of Minnesota Plumbing Code.

PLUMBING SYSTEM is all potable water supplies and distribution pipes, all plumbing fixtures and traps and all drainage and vent pipes.

PREMISES are the dwelling and its land and all buildings thereon and areas thereof.

REFUSE is all putrescible and non-putrescible waste solids including garbage and rubbish. Putrescible are liable to undergo bacterial decomposition when in contact with air and moisture at normal temperatures.

RENT is a stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. The return or payment may be money or service or property.

ROOMING HOUSE is a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

ROOMING UNIT is a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with a private or shared sanitation facilities.

SAFETY is the condition of being reasonably free from danger and hazards, which may cause injury or illness.

SUBSTANDARD BUILDING is any building where any condition exists that endangers the life, limb, health, safety or welfare of the public or the occupants thereof.

TENANT can be a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

VARIANCE is a difference between that which is required or specified and that, which is permitted.

Section 1135.03: ENFORCEMENT.

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- 3.1 Authority. The Building Official is hereby authorized and directed to enforce or cause the enforcement of all of the provisions of this ordinance. For such purposes, the Building Official or his/her designated representative shall have the powers of a code official. The code official shall have the power to render interpretations of this ordinance. Such interpretations shall be in conformity with the intent and purpose of this ordinance.
- 3.2 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this ordinance, or when the code official or housing inspector has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this ordinance, the code official or housing inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that property owner is notified and either property owner or tenant or other person having charge or control of the building or premises permits entry. If entry is refused, the code official or housing inspector shall have recourse to the remedies provided by law to secure entry.
- 3.3 Responsibilities Defined. Owners remain liable for violations of duties imposed by this ordinance even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this ordinance.
- 3.3.1 Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.
- 3.3.2 Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.
- 3.3.3 Owners shall, when required by this ordinance, health laws or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.
- 3.3.4 Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall properly dispose of their recyclables, rubbish, garbage and other organic waste.
- 3.3.5 Occupants shall, when required by this ordinance or city ordinance furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.
- 3.4 Substandard Buildings. Buildings or portions thereof that are determined to be substandard as defined in this ordinance are hereby declared to be public nuisances and

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shall be abated by repair, rehabilitation, demolition or removal. A rental license may be denied, suspended or revoked for substandard buildings.

- 3.5 Appeals. Any person aggrieved by an order, requirement, decision or determination made by the Code Official or Housing Inspector pursuant to this ordinance may, within 14 days of the decision, appeal to the Board of Appeals in accordance with Section 13 of this Code.
- 3.6 Penalties, Administrative. Whenever it is determined by the Code Official that a person has violated this ordinance, a correction notice shall be issued to the owner or designated representative. Such alleged violations must be corrected, re-inspected and verified by the Code Official for compliance with this Ordinance within the designated time period. Failure to correct such violations shall be subject to the following administrative penalties:
- 3.6.1 Smoke Detector Violations. Smoke and Carbon Monoxide detectors must be operational at all times. In any rental unit, if any required detectors are found to be missing or not operating properly and have not been repaired or replaced within 7 working days following issuance of a corrective notice, an administrative penalty of \$50.00 will be immediately assessed, and an additional \$25.00 will be assessed for each additional day through and including the date of re-inspection.
- 3.6.2 All Other Violations. Preparations for the actual work for correcting the alleged violations shall be commenced immediately and work re-inspected within twenty-five (25) working days OR within the time period as specified by the Code Official, whichever period is shorter. An administrative penalty of \$50.00 will be assessed for failure to correct such violations, with an additional charge of \$5.00 per day commencing on the day that the alleged violation or violations continue after the expiration of the correction period and extending thereafter until the violation or violations are verified by the Code Official.
- 3.6.3 Extensions. Extensions may be granted by the Code Official. The request shall be made in writing with justifiable cause demonstrated for the requested extension. All requests shall be made and delivered to the Code Official prior to the expiration date of the violation or violations.
- 3.6.3.1 Extensions may be granted the Code Official upon due evidence shown that the property owner is using all reasonable means necessary to mitigate concerns raised by the Code Official.
- 3.7 Prohibited Acts. Anyone found to be in violation of any of the following shall be guilty of a misdemeanor. Each day the property is in violation constitutes a separate offense.
- 3.7.1 No License. Allowing the occupancy of a dwelling unit or rooming unit prior to the issuance of a rental housing license and payment of the license inspection fee.
- 3.7.2 Over Occupancy. Permitting a dwelling unit or rooming unit that is occupied by more persons than the dwelling unit or rooming unit is certified for.

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- 3.7.3 Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard.
- 3.7.4 Occupying Posted Unit. Occupies or allows occupancy of a unit that was posted and ordered vacated.
- 3.7.5 Occupying Uncertified Bedrooms. Occupies or allows occupancy of a room as a bedroom that is not certified as a bedroom and does not qualify as a bedroom.
- 3.7.6 Tampering or Non-Functioning Smoke Detector. Any occupant, owner or manager of a dwelling or rooming unit who willfully disables a smoke detector or causes it to be nonfunctioning is guilty of a misdemeanor. If the unit is occupied by more than one tenant, each tenant shall be held accountable.
- 3.7.6.1 Notification. The occupant of a dwelling or rooming unit must notify the owner or manager of the unit within 24 hours of discovering that a detector is not functioning. The owner or manager shall take immediate action to render the detector operational or replace it.
- 3.7.7 Failure to Comply with Orders after an Appeal. After any order of the code official or the housing appeals board made pursuant to this ordinance becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor and is subject to administrative penalties as stated in Section 3.6. or as specified by the Appeals Board.

Section 1135.04: RENTAL HOUSING LICENSE.

- 4.1 Effective Date. The effective date of this ordinance is January 1, 2010. If a property owner makes application and pays the required fees no later than December 31, 2009, they shall be given until March 31, 2010, to complete their inspection, make corrections and obtain their license. Any rental property owner that has not made application as of January 1, 2010, must be licensed prior to renting or letting the property. Any property found to be unlicensed will be subject to the fines and penalties specified in Section 3.6.3.1 of this Ordinance.
- 4.2 Application. The owner or manager of a structure, in which one or more dwelling units or rooming units are let or intended to be let, shall make application for a rental housing license prior to letting the unit, unless such unit is currently certified. Any owner or manager intending to let a dwelling, dwelling unit or rooming unit during an odd year will have license fee prorated. An owner or manager of such structure shall not allow occupancy of such unit until the certification-inspection fee has been paid and a rental housing license has been issued. The code official or housing inspector may issue a temporary rental housing license not exceeding 3 months in duration in order to bring the unit into compliance with this ordinance.
- 4.3 Issuance. The code official or housing inspector shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when upon inspection finds such unit meets or exceeds the minimum requirements set forth by this ordinance; also a rental housing license shall be issued for each dwelling, dwelling unit or rooming unit, when a variance has been granted by the Board of Appeals; provided, however, it is found that no

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condition exists, in a shared or public area of the building or in any other part of the unit, which could endanger the health or safety of the occupants of such unit or of the public. Such license shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved for and once issued shall remain valid until it expires or such time as the code official or housing inspector determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements set by this ordinance.

- 4.4 Posting. Landlords shall provide a copy of this Ordinance to each rental dwelling unit's tenant. The license, upon issuance, shall be permanently displayed in the rental dwelling unit. Violation of this provision of the Ordinance is subject to a fine as specified in Section 3.6.3.1.
- 4.5 Renewals. A rental housing license shall expire the last day of odd-numbered years. Re-inspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new license. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the City Council. Such application shall be submitted at least sixty (60) days prior to the expiration date of the license.
- 4.6 Revocation. A Rental Housing License may be suspended or revoked as prescribed in this ordinance.
- 4.6.1 Every license issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend or revoke the same should the license holder or their agents, employees, representatives, or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this Article or any other City Code provision, or any permit issued by the City or the laws of the State of Minnesota.
- 4.6.2 The license may be suspended or revoked by the City Council after written notice is delivered personally or sent by U.S. mail to the license holder specifying the ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the City Council, which shall not be less than ten (10) days from the date of the notice.
- 4.6.3 At such hearing before the City Council, the license holder or their attorneys may submit and present witnesses on their behalf.
- 4.6.4 After a hearing, the City Council may suspend or revoke the license if the Council deems it necessary to protect public health, safety or general welfare.
- 4.7 Fees. A Rental Housing License-inspection fee as established by the City Council.
- 4.8 Complaint Inspections. The code official or housing inspector shall inspect a unit upon receiving a legitimate complaint in writing. Complainant's name shall be kept confidential pursuant to the Minnesota Data Privacy Act.
- 4.8.1 Protocol of Complaints. Prior to contacting the City, Tenants shall first notify the building owner of a complaint, in writing, requesting action to correct the issue. Complaints relating to no heat, water, sanitation, may be made either verbally or

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in writing. Issues relating to immediate life safety are exempt from the provisions of this section.

- 4.8.2 The complainant shall pay a complaint inspection fee, as shown on the City's Fee Schedule, at the time of the inspection.
- 4.8.3 If the unit is found to be in violation of the Rental Housing Ordinance, and the owner is responsible for the issue, the owner shall be charged double the inspection fee, with one half (1/2) going back to the complainant.
- 4.8.4 Upon inspection and finding a violation, the inspector shall notify the owner or manager, in writing, to correct the violation.
- 4.8.5 The owner or manager may request an advisory inspection of a unit. The fee will be the advisory inspection fee as shown on the City's fee schedule.
- 4.9 License Availability. Licenses shall be made available upon request.
- 4.10 Compliance Incentive. Any landlord who passes two (2) consecutive license period inspections, with the most recent inspection passing without need for re-inspection, shall have their next license fee reduced by 50% of the then-current fee as an incentive to keep their property into compliance. This incentive will apply to each unit separately. Landlords that fail to license their rentals properties within the specified licensing period will not qualify.
- 4.11 Denial of License. Issuance or renewal of a rental license may be denied if there are delinquent property taxes or assessments or City utility bills on the rental dwelling, or if the owner or applicant has any other unsatisfied financial obligations owing to the City under this Rental Housing Ordinance. Any person who has had two or more rental license revocations within a two year period shall be ineligible for a rental license for a period of five years from the date of the second revocation. No new rental license shall be issued for a property during the pendency of an adverse license action related to the property.

Section 1135.05: SPACE AND OCCUPANCY STANDARDS.

No dwelling or dwelling unit shall be let for occupancy to another, which does not comply with the following requirements:

- 5.1 Kitchen. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:
 - 5.1.1 A kitchen sink that is in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the City.
 - 5.1.2 A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary

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maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.

- 5.1.3 Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.
- 5.2 Sanitation. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.
- 5.2.1 Dwelling Unit. Dwelling units shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.
- 5.2.2 Rooming Units. Where private water closets are not provided, there shall be provided at least one bathroom accessible from a public hallway.
- 5.3 Bathroom Accessibility. Where bathrooms are shared by rooming units by occupants of a dwelling unit, the bathroom shall be located so that no occupant has to pass through another occupant's room to use the facility.
- 5.4 Room Separations. Every water closet, bathtub or shower required by this ordinance shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food-preparation areas by a tight-fitting door.
- 5.5 Floor Coverings. Bathroom floors shall have a smooth, hard nonabsorbent surface such as vinyl tile, vinyl sheet goods, ceramic tile or concrete. Floor surfaces shall be maintained in good condition so the floor can be maintained in a sanitary condition.
- 5.6 Common Area. Dwelling units and congregate residences shall have at least one room used for common living purposes and not for sleeping, cooking or sanitary functions.
- 5.7 Occupancy Limit. The occupancy limit of each rental unit shall be determined by the number and square footage of bedrooms in each unit. A room of seventy (70) square feet of floor area or more may be occupied by one person (adult or child) for sleeping purposes. A room of one hundred (100) square feet of floor area or more may be occupied by up to two persons for sleeping purposes, and for each additional fifty (50) square feet of floor area, one additional occupant for sleeping purposes may be allowed. A room of eighty square feet of floor area or may be occupied by up to two children for sleeping purposes, and for each additional forty (40) square feet of floor area, one additional occupant for sleeping purposes may be allowed.

Section 1135.06: STRUCTURAL REQUIREMENTS.

- 6.1 All existing structural components are deemed acceptable provided that, in the opinion of the code official, such components have been properly maintained and do not make the building or property hazardous as defined by MN State Statute 463.15 Sub.3.

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Section 1135:07: MECHANICAL, ELECTRICAL, AND PLUMBING REQUIREMENTS.

- 7.1 Heating. Dwelling units and guestrooms shall be provided with heating appliances capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor in all habitable rooms, bathrooms and water closet compartments. Owners shall turn on the heating appliances when the outside temperature falls to 64 degrees Fahrenheit or below. Such facilities shall be installed and maintained in a safe condition and in accordance with their listings. Un-vented fuel-burning appliances are not permitted. All heating devices or appliances shall be of an approved type.
- 7.1.1 Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered substandard.
- 7.2 Electrical. The electrical service, lines, switches, outlets, fixtures and fixture coverings, and supports in every building or structure shall be in good repair. Broken, loose, frayed, inoperative, defective or missing portions shall be repaired or replaced. All unsafe conditions shall be corrected.
- 7.2.1 Electrical Equipment. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. All electrical equipment shall be of an approved type.
- 7.2.1.1 Extension cords shall be used only with portable appliances and shall not be used as a substitute for permanent wiring. Extension cords shall be plugged directly into an approved outlet, power tap or multi-plug adapter and shall, except for approved multi-plug extension cords, serve only one portable appliance. The amp capacity of the extension cord shall not be less than the rated capacity of the portable appliance supplied by the cord and shall be grounded when serving a grounded appliance. Extension cords shall be maintained in good condition without splices, deterioration or damage. Extension cords and flexible cords shall not be attached to the structure, extend through walls, ceilings, and floors or under doors or floor coverings, or be subject to environmental or physical damage.
- 7.2.2 Hazardous Electrical Wiring. Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has been maintained in good condition or that is not being used in a safe manner shall be considered substandard.
- 7.2.3 Electrical Panel Access. Tenants shall, at all times, have free access to the service panel for their dwelling unit.
- 7.3 Plumbing. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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- 7.3.1 Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.
- 7.3.2 Plumbing System Leaks. Leaking drain or supply lines shall be repaired or replaced. All unsafe conditions shall be corrected.
- 7.3.3 Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or to the structure by reason of inadequate service, inadequate venting, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- 7.3.4 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture as required by the Minnesota State Plumbing Code.
- 7.3.5 Hazardous Plumbing. Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered substandard.

Section 1135.08: MEANS OF EGRESS.

- 8.1 General. Dwelling units or rooming units shall have ingress and egress in accordance with Building Code requirements in effect at the time of construction.
- 8.2 Security Locks. When an exit door from a dwelling unit is required to provide security from unlawful entry, the door shall be provided with a dead-bolt lock or approved device, which is operable from the inside without the use of a key, special knowledge, or extraordinary effort.
- 8.3 Inadequate Exits. Buildings or portions thereof whose exit facilities were installed in violation of Building Code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.
 - 8.3.1 Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the code official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, over occupancy, or when other conditions exist that are dangerous to human life.

Section 1135.09: LIFE SAFETY.

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- 9.1 General. All buildings or portions thereof shall be provided with the degree of fire resistive construction, fire warning devices and fire extinguishing devices as provided by this ordinance and the Fire Code.
- 9.2 Inadequate Fire-protection or Firefighters Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this ordinance, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- 9.3 Carbon Monoxide Detectors. Carbon Monoxide detectors shall be required in each rental unit where the heating source or other fuel fired appliance presents a danger of carbon monoxide exposure or poisoning.

Section 1135.10: GENERAL BUILDING REQUIREMENTS.

- 10.1 Building Identification. Every building shall have the assigned street numbers displayed on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall be no less than four inches in height and shall contrast with the background on which they are displayed.
- 10.2 Refuse. The property owner or property manager shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property or as required by local sanitation ordinance. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight fitting cover. Containers shall have a maximum capacity of 35 gallons with two handles or a container of any size supplied by the waste removal company that can be mechanically lifted. It shall be the tenant's responsibility to place their garbage and refuse in the approved refuse containers provided by the owner. The owner or manager shall be responsible for ensuring that the garbage and refuse is removed from the property at least once every seven days. Refuse containers shall not be stored in a front yard. Containers with a capacity of 1.5 cubic yards or more shall not be stored in a building or within 5 feet of combustible walls, opening or combustible roof eaves.
- 10.3 Unused or Discarded Items. Discarded, unused and junk appliances, furniture, mattresses and other items shall be removed from the property.
- 10.4 Storage of Items. Large amounts of combustible items and materials shall not be stored in attics or basements. Storage shall be maintained 2 feet or more below ceilings and floor joists. Combustible materials and items shall not be stored within 1 foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum 3-foot aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other building service equipment.
- 10.5 Fuel Storage. LP tanks, gasoline containers and fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored or repaired in an apartment building or dwelling unit.

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- 10.6 Barbecues and Open Flames. In any structure containing two or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, on any roof, or on any ground floor patio within 15 feet of any structure. No person shall store or use any fuel, barbecue, torch, or similar heating or lighting chemicals or device in such locations.

Section 1135.11: EXTERIOR BUILDING REQUIREMENTS.

- 11.1 General. Any building or portion thereof that is determined to be an unsafe building in accordance with this ordinance, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.
- 11.1.1 The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.
- 11.2 Sanitation. All exterior property and premises shall be maintained and clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- 11.3 Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways. Parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- 11.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- 11.5 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- 11.6 Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- 11.7 Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major assembly, disrepair, or in the process of being stripped or dismantled.
- 11.8 Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the building owner to restore said surface to an approved state of maintenance and repair.

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- 11.9 Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to, the following:
- 11.9.1 Deteriorated, crumbling or loose plaster.
 - 11.9.2 Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - 11.9.3 Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - 11.9.4 Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- 11.10 Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered substandard.
- 11.11 Faulty Materials of Construction. The use of materials of construction, except those that are specifically allowed or approved by this code and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

Section 1135.12: NOTICES AND ORDERS OF THE CODE OFFICIAL.

- 12.1 Compliance Order. The code official shall prepare a compliance order, listing all violations and the date or dates when such violations shall be corrected. The compliance order shall be delivered to the property owner personally or by U.S. mail. The amount of time for correction will be determined by the severity of the violation in the code official's sole discretion. If the property owner cannot be found, the notice shall be posted on the rental property. The property owner shall have the responsibility to correct all violations within the time limit set forth by the code official. Any questions regarding the compliance of said violations, the property owner may contact the code official.
- 12.2 Substandard Occupancy. No occupancy shall be permitted for any dwelling or rental unit when, in the opinion of the code official, there exists inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment which constitutes a fire hazard or a hazard to public safety or health.
- 12.3 Notice to Vacate. The code official shall have the authority to issue a NOTICE TO VACATE order on any building that is, in the opinion of the code official and as defined in this ordinance, deemed substandard.

Section 1135.13: APPEAL.

- 13.1 Appeal. Any person may appeal from any notice and order or any action of the code official under this ordinance by filing an appeal to the City. A written appeal to the City, a brief statement in ordinary and concise language of that specific order or action

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protested, together with any material facts claimed to support the contentions of the appellant.

13.1.1 Time Allotted for Appeal. The appeal shall be filed within 14 days from the date of the service of such order or action of the code official or within the time of correction as allowed by the code official, whichever is shorter.

13.2 Scheduling and Noticing Appeal for Hearing. The City Council shall establish an Appeals Board. The Appeals Board shall establish policies and procedures as to when and where, and how appeals will be heard. The Appeals Board shall not have the authority to override any section or provision of this ordinance.