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# Chapter X

# HOUSING STANDARDS

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## 1. Purpose

- A. The purpose of this Chapter is to maintain the City’s attractiveness, protect the safety of the people, and to promote the general welfare by legislation which shall be systematically enforced upon all residential, rental, and commercial property and act as a public service to residents who are home owners. These general objectives include, among others, the following:
1. To protect the character and stability of the residential and commercial areas.
  2. To correct and prevent conditions that adversely affect and are likely to adversely affect the safety, general welfare, and health of persons owning or renting residential and commercial facilities.
  3. To provide basic standards for the maintenance of existing residential and commercial structures and to prevent deterioration and blight.
  4. To preserve the value of land and structures throughout the City.

## 2. Definitions

The following terms, as used in this section, shall have the meanings stated. Whenever the words “dwelling,” “dwelling unit,” “premises,” or “structure” are used in this section, they shall be construed as though they were followed by the words “or any part thereof.”

- A. “Approved” means approved as to construction, installation, and maintenance in accordance with applicable statutes of the State and the provisions of the City Code.
- B. “Clean” means the absence of rubbish, garbage, vermin, and other unsightly, offensive, or extraneous matter.

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- C. “Easily cleanable” means readily accessible and of such material and finish and so fabricated and placed that residue which may accumulate can be completely removed by normal cleaning methods.
- D. “Exit” means a continuous and unobstructed means of egress to a public or private way and shall include intervening doors, doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, and exit court yards.
- E. “Functioning” means in such physical condition as to safely perform the service or services for which an item is designed or intended.
- F. “Garbage” includes all putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in, or storage of meat, fish, fowl, birds, fruit, or vegetables, including the cans, containers, or wrappers wasted along with such materials.
- G. “Habitable room” means 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, pantries, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, and attics.
- H. “Infestation” means the presence around a dwelling of any insect, rodent, or other pest.
- I. “Kitchen” means a habitable room intended to be used for the cooking of food or the preparation of meals.
- J. “Maintenance” means to keep in a good state of repair; to preserve from deterioration.
- K. “Non-combustible” means any material or combination of materials which will not ignite or support combustion during a five (5) minute exposure. (Refer to 1973 UBC, Section 415, or appropriate section of alter edition.)
- L. “Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.
- M. “Occupant” means any person residing in a dwelling unit or rooming unit.
- N. “Operator” means the owners or their agents who have charge, care, control, or management of a building or part thereof.
- O. “Owner” means any person, group, partnership, corporation, or other entity who, either alone, jointly, or severally with others, shall be in actual possession of or have charge, care, or control of any building or a portion thereof within the City as owner, employee, agent of the owner, or as trustee or guardian of the estate or person of the

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title holder. Any such person representing the actual owner shall be bound to comply with the provisions of this section to the same extent as the owner.

- P. “Reasonable Time” means an approximate time frame of within ten (10) to thirty (30) days.
- Q. “Refuse” means all solid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes, organic wastes or residue of animals sold as meat, fruit or other vegetable, or animal matter from kitchen, dining room, market, food establishments, or any place dealing in or handling meat, fowl, fruit, grain, or vegetables; offal, animal excreta, or the carcass of animals; trees or shrub trimmings, or other waste matter resulting from the demolition, alteration, or construction of buildings or structures; ashes, tires, junk, or other such substance which may become a nuisance.
- R. “Repair” means to restore to a sound and acceptable state of operation, serviceability, or appearance in the determination of the Building Official.
- S. “Sewer System” means a functioning sewer connection free from defects, leaks, or obstructions with sufficient capacity to drain all fixtures or appliances which feed into it. The sewer system, be it municipal or private, must be capable of disposing of sewage in a safe, sanitary, and adequate manner.
- T. “Unsafe,” as applied to a structure, means a condition or combination of conditions which is dangerous or hazardous to persons or property.
- U. “Unsanitary,” as applied to a structure, means conditions which are dangerous or hazardous to the health of persons.
- V. “Water closet” means a toilet, with a bowl and trap made in one piece which is connected to an approved water supply and sewer system.
- W. “Water supply” means a functioning plumbing connection free from defects, leaks, or obstructions providing a potable, controllable flow of water.

### **3. General Provisions**

#### **A. Responsibility of Owners**

The owner of a dwelling shall be responsible for the maintenance of that structure and for meeting the provisions of this section. Those responsibilities may not be abrogated by a private agreement.

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### **B. Public Health Requirements for Services and Utilities**

#### 1. Facilities for Storage and Disposal of Rubbish and Garbage

Every owner of a commercial or multiple family dwelling shall be responsible for providing and maintaining facilities for the storage and disposal of rubbish and garbage, and for arranging for the collection of this material. In the case of single or two family dwellings, these responsibilities shall be those of the occupants. All storage and disposal of rubbish and garbage shall meet the needs of the dwelling as well as comply with any other City code provisions.

### **C. Basic Safety Requirements for Interior and Exterior Maintenance**

#### 1. Windows, Doors, and Screens.

Every window, doorway, and hatchway shall be kept in sound condition and repair. Every window, doorway, and hatchway other than a fixed window or storm window shall be capable of being easily opened.

#### 2. Exterior Stairways, Porches, and Balconies.

Every stairway outside of a dwelling or commercial unit and every porch or balcony shall be kept in a safe condition and sound repair.

#### 3. Snow Removal.

The owner of a dwelling or commercial building shall be responsible for cleaning and maintaining all walks, drives, and steps free of any ice or any snow accumulation of two or more inches within twenty-four hours of the storm's completion.

#### 4. Immediate Health and Safety Hazards.

The following are considered immediate hazards to health and safety for human occupancy:

- a) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems that will not safely carry imposed loads.
- b) Rubbish, garbage, human waste, decaying vermin or dead animals, animal waste, and other materials rendering it unsanitary for human occupancy.

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### **D. Basic Requirements Pertaining to the Maintenance of Residential or Commercial Properties**

#### 1. Fire Alarms or Fire Exits.

Fire alarms and/or fire exits shall not be placed in any dwelling or commercial unit in such condition or location so as to be deemed not accessible, unsafe, or dangerous and not fit for the purpose as determined by the Fire Marshall.

### **E. Unfit for Human Habitation**

#### 1. Declaration

Any dwelling or commercial unit which is damaged, decayed, dilapidated, or unsafe 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 dwelling unit has been declared unfit for human habitation, the County Health Department or Building Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation.

#### 2. Vacated Building.

It is unlawful for a vacant building unit which has been declared unfit for human habitation as provided in this section to be used for human habitation until the defective conditions have been corrected and a certificate of occupancy has been issued by the Building Official. It is unlawful for any person to deface or remove the placard from such building unit.

#### 3. Secure Unfit and Vacated Building Units.

The owner of any building unit which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public and does not constitute a public nuisance. Any vacant building open at doors or windows, 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 chapter.

#### 4. Hazardous Building Declaration.

In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Section 463.15 of the Minnesota Statutes.

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### **4. Administration and Enforcement**

The Building Official shall administer and enforce the provisions of this chapter.

#### **A. Inspection of Building Units and Premises**

- 1) The Building Official or County Health Department is hereby authorized and directed to enter and make such inspections as are necessary to determine the condition of any building unit and premises for compliance with this chapter. The owner or occupant of every building unit, or the person in charge thereof, shall give the Building Official free access to such building unit and its premises at all reasonable times for the purpose of such inspection, examination, and survey.
- 2) Every occupant of a building unit shall give the owner or operator thereof, or their agents or employees, access to any part of such building unit or its premises at all reasonable times for the purpose of inspecting or effecting such maintenance, repairs, or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful notice or order issued pursuant to the provisions of this chapter.

#### **B. Compliance**

Whenever the Building Official determines or has reasonable grounds to believe that there has been a violation of any provision of this chapter, she/he shall give notice of such alleged violation to the person responsible therefore. Such notice shall:

- 1) Be in writing.
- 2) Include a description of the real estate sufficient for identification.
- 3) Describe in sufficient detail each violation.
- 4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- 5) Allow a reasonable time, not to exceed thirty (30) days, for the performance of any act it requires.
- 6) Be served upon the owner, agent, operator, or occupant; such notice shall be deemed to be properly served if a copy thereof is:
  - a) Served upon said owner, agent, operator, or occupant;
  - b) Sent by mail to the last known address; or

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- c) Upon failure to effect the compliance order through (a) or (b) above, said order will be posted at a conspicuous place in or about the affected building unit.

### **C. Appeal**

When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretations of this chapter, such person may appeal the compliance order as set forth in the zoning provisions of the Zoning Ordinance. The filing of an appeal shall stay all proceedings unless such a stay would cause imminent peril to life, health, safety, or property.

### **D. Penalties for Violation**

Any person, firm, corporation, or voluntary association which violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, except those violations specifically subject to administrative fines under this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

In addition, upon failure to comply with a compliance order within the time set and no appeal having been taken, the Council may, by resolution, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be placed against the subject property and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429.

### **E. Emergency Cases**

When a violation of this chapter constitutes an imminent peril to life, health, safety, or property, the City may require immediate compliance and, if necessary, take appropriate action to correct the violation.