

SECTION 7

1407.000. MINIMUM STRUCTURAL CODE. Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or non-residential, shall conform to the requirements of this subdivision.

1407.001. DECLARATION OF POLICY. The governing body declares the purpose of this code is to protect, preserve, and promote the physical health of the people by establishing standards that are applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed. This policy.

- A. Establishes minimum standards for safety from fire, for the use and location and amount of space for human occupancy, and safe and sanitary maintenance.
- B. Establishes standards concerning unsightly and blighted buildings and premises, both residential and non-residential structures.
- C. Determines the responsibilities of owners, operators and occupants.
- D. Provides for the administration and enforcement thereof.

1407.002. DUTY OF OCCUPANT OR OWNER OF OCCUPIED OR UNOCCUPIED BUILDING AND ITS PREMISES OR VACANT PREMISES.

- A. It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter.
- B. It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this ordinance applicable to the premise.
- C. If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.
- D. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.

- E. Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect proof condition, extermination shall be the responsibility of the owner and operator.
- F. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

1407.003. REGULATIONS FOR THE USE AND OCCUPANCY OF DWELLINGS. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit.

- A. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.
- B. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- C. Drainage. All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. In addition, no property owner shall undertake any activities for diverting or channeling stormwater onto neighboring property.
- D. Entrances. For each dwelling unit there shall be a normally used separate access, either to a hallway, stairway, or street, which is safe and in good repair. A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.
- E. Floor Area. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven (7) feet above the floor.

1407.004. MAINTENANCE AND REPAIR. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.

1407.005. DESIGNATION OF UNFIT DWELLINGS. The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- A. The public officer may determine that any dwelling unit is unfit for human use or habitation if he, she or they find that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.
- B. Such conditions may include the following without limitation:
 - 1. Defects that increase the hazards of fire, accident, or other calamities;
 - 2. Lack of adequate ventilation, light, cleanliness, or sanitary facilities;
 - 3. Dilapidation;
 - 4. Disrepair;
 - 5. Structural defects;
 - 6. Overcrowding;
 - 7. Inadequate ingress and egress;
 - 8. Unsightly appearance that constitute a blight to the adjoining property, the neighborhood, or the City; and
 - 9. Air pollution.
- C. Placarding (order to vacate). Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.
- D. Notice of Violation. Procedures as outlined in Section 1501.004.8 are applicable hereto.
- E. Compliance Required Before Re-occupancy. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.
 - 1. The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

2. It shall be unlawful for anyone to rent, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.
3. It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.

1407.006. DESIGNATION OF BLIGHTED BUILDINGS AND PREMISES (RESIDENTIAL AND NONRESIDENTIAL). The designation of unsightly and blighted premises and elimination thereof shall be carried out in compliance with the following requirements.

- A. The Public Officer may determine that if the appearance of a premise is not commensurate with the character of other properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the City for such reasons as, but not limited to:
 1. Dead trees or other unsightly natural growth;
 2. Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, or inadequate drainage;
 3. Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements; and
- B. Notice of Violation. Procedures as outlined in Section 1501.014.8.

1407.007. INSPECTION OF BUILDINGS AND STRUCTURES, AND PREMISES.

- A. For the purpose of determining compliance with the provisions of this ordinance, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.
- B. The Public Officer is not limited by the conditions in the above paragraph where new construction or vacant premises are involved and may make such inspections at any appropriate time.
- C. The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

- D. Every occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this ordinance.

1407.008. NOTICE OF VIOLATIONS; PROCEDURES.

- A. Informal Discussion. Whenever the public officer or his or her authorized representative determines that there has been a violation of any provision of this ordinance, the public officer will arrange to meet with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.
- B. Formal Hearing. If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:
1. Shall be in writing;
 2. Shall list the violations alleged to exist or to have been committed;
 3. Shall provide a reasonable time, but not less than 60 days in any event for the correction of the violations particularized;
 4. Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation;
 5. If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his or her authorized representative shall include in the record a statement as to why such posting was necessary; and
 6. Delivery shall be by personal service or by registered or certified mail, return receipt requested, and delivered to addressee only. If service is made by registered or certified mail, the public officer or his or her authorized representative shall include in the record a verified statement giving details regarding the mailing.

- 1407.009. PUBLIC OFFICER AUTHORITY.** For the purpose of protecting the City against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of

this ordinance, and of other laws which regulate or set standards affecting buildings and premises.

1407.010. GOVERNING BODY AUTHORITY. The governing body is hereby authorized:

- A. To informally review all alleged violations as provided in Section 1501.014.D.8. prior to notification prescribed in the same section;
- B. To take action as prescribed in Section 1501.014.D.8.;
- C. To hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this ordinance, as outlined in Section 1501.014.D.11.
- D. Discretionary authority may be exercised in specific cases where variance from the terms of the ordinance as:
 - 1. Will not adversely affect the public health, safety or welfare of inhabitants of the City;
 - 2. Is in harmony with the spirit of this ordinance; and
 - 3. Where literal enforcement of the ordinance's provisions will result in unnecessary hardship.

1407.011. GOVERNING BODY, APPEALS.

- A. Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within 10 days after receiving notice of the decision from the public officer, as provided in Section 1501.014.D.8. Such protest and request for a hearing shall be filed with the office of the City Administrator or designee.
- B. Upon receipt of a protest and request for a hearing, the City Administrator or designee shall notify in writing the governing body for such appeal.
- C. The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.
- D. Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.
- E. Except where an immediate hazard exists, the filing of a protest and request for a hearing before the governing body shall operate as a stay of the enforcement of the public officer's order until such time as the governing body has reached a decision on the matter.

1407.012. VIOLATIONS AND PENALTIES. A violation of this Section 7 of Chapter 14 is a misdemeanor as defined in Minnesota Statute § 609, subd. 3, wherein a fine of \$1,000 and 90 days in jail, or both, may be imposed.

(Ord. O-18-06, 8/21/18)