

CHAPTER 18; BUILDING AND BUILDING INSPECTIONS

ARTICLE III. Housing Standards

DIVISION 3. Minimum Standards

Section 18-121. General requirements.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements.

- (a) *Foundations, exterior walls, and roofs.* The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage and shall be adequate to prevent rainwater from causing dampness in the walls. All exterior 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 lacks protective coating or is determined by the building official to be deteriorated, the surface shall have a protective covering applied. If the exterior surface of the pointing of any brick, block, or stonewall is loose or has fallen out, the surface shall be repaired.
- (b) *Windows, doors, and screens.* Every window, exterior door, and hatchway shall be substantially tight and shall be kept in 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 completely exclude rain, vermin and rodents from entering the building.
- (c) *Floors, interior walls, and ceilings.* Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotting flooring materials. Every interior wall and ceiling shall be maintained in a tight waterproof condition. Toxic paints or materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.
- (d) *Rodent proof.* Buildings found to be rodent infested shall be made rodent resistant. All opening in the exterior walls, foundations, basements, ground, or first floors, and roofs which have one-quarter-inch diameter or larger opening shall be rodent proofed in an approved manner. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent-impervious material.
- (e) *Fence maintenance.* All fences supplied by the owner on the premises and all fences erected by an occupant on the premises shall consist of metal, wood, masonry, or other decay-resistant material. Fences shall be maintained in good condition. Materials, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives.

- (f) *Accessory structure maintenance.* Accessory structures shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.
- (g) *Safe building elements.* Every foundation, roof, floor exterior and interior wall, ceiling, inside and outside stair, porch and balcony, and appurtenance thereto shall be safe to use and capable of supporting normal structural loads.
- (h) *Facilities to function.* All equipment or utilities required under city ordinances and every chimney and flue shall function effectively in a safe and working condition.
- (i) *Grading and drainage.* Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.
- (j) *Yard cover.* Every yard of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.

Section 18-122.

Responsibilities of owners and occupants.

No owner or other person shall occupy or let to another person any dwelling, dwelling unit, or rooming unit unless it and the premises are fit for human occupancy and comply with all applicable legal requirements of the state and the city as set forth specifically in the following subsections.

- (a) *Maintenance of shared or public areas.* Every owner of a dwelling containing two or more dwelling units shall maintain or shall provide for maintenance of the shared or public areas of the dwelling and premises thereof.
- (b) *Housekeeping of occupied areas.* Every occupant of a dwelling, dwelling unit, or rooming unit shall properly housekeep that part of the dwelling, dwelling unit, and premises thereof that he occupies and controls.
- (c) *Storage and disposal of refuse.* Every occupant of a dwelling, dwelling unit, or rooming unit shall store and dispose of all his refuse and garbage and any other organic waste which might provide food for insects and/or rodents as required by chapter 66, article III.
- (d) *Responsibility for storage and disposal of garbage and refuse.* Every owner of a multiple-family dwelling shall supply facilities for the storage and/or disposal of refuse, garbage, and recycling materials. All garbage, waste material, debris, and recyclables shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. Refuse enclosures shall provide screening of containers and have a concrete floor base. Gates may not be required if properly oriented on the site. Design of such facilities shall be reviewed/approved by city staff prior to issuance of a building permit. Each owner of a multiple-family dwelling existing on or before April 8, 1994, shall make such improvements at such time as a building permit may be taken for remodeling or other improvements costing more than \$5,000.00. In the case of single-family and duplex dwellings, it shall be the responsibility of the occupant to furnish such facilities as prescribed by city ordinance.
- (e) *Responsibility for storm and screen doors and windows.* The owner of a rental dwelling unit shall be responsible for providing, maintaining and hanging all screen and storm doors and storm windows whenever storm and screen doors and windows are required under the provisions of this article.

- (f) *Responsibility for pest extermination.* Every occupant of a single-family dwelling shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except when infestation is caused by the failure of the owner to maintain a dwelling in a reasonably rodent proof condition; then, extermination shall be the responsibility of the owner. When infestation exists in two or more of the dwelling units in any building or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- (g) *Rodent harborage prohibited in occupied areas.* No occupant of a dwelling shall accumulate boxes, firewood, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent harborage in or about any dwelling. Outside stored materials shall be stacked neatly in piles at least four inches off bare soil or ground.
- (h) *Rodent harborage prohibited in public areas.* No owner or occupant of a dwelling shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent harborage in or about shared or public areas of a dwelling or premises. Materials stored outside by the owner or permitted to be stored by the owner shall be stacked neatly in piles at least four inches above bare soil or ground.
- (i) *Prevention of food for rodents.* No owner or occupant of a dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.
- (j) *Maintenance of plumbing fixtures and facilities.* The owner of a dwelling unit shall maintain all supplied plumbing fixtures and facilities therein in good working order.
- (k) *Minimum heating capability and maintenance.* In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 70 degrees Fahrenheit or such lesser temperature required by government authority shall be maintained at floor level, when the outdoor temperature is between 20 degrees below zero and 60 degrees above zero Fahrenheit.
- (l) *Removal of snow and ice.* The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, steps, and walkways on the premises. Outside the central business district, which is governed by section 50-31, individual snowfalls of three inches or more or successive snowfall accumulations to a depth of three inches shall be removed from walkways and steps within 48 hours after cessation of the snowfall.
- (m) *Minimum exterior lighting.* The owner of a rental dwelling or dwellings shall be responsible to provide and maintain effective illumination in all exterior parking areas and walkways.
- (n) *Maintenance of driveway and parking areas.* The owner of a multiple-family dwelling or dwellings shall be responsible to provide and maintain in good condition paved and delineated parking areas and driveways for tenants. Each driveway and parking area on any multiple-family property existing on or before April 8, 1994, shall be paved with asphalt, concrete, brick, or similar dust-free surface at such time as a building permit may be taken for either remodeling or improvements costing more than \$5,000.00.

Section 18-123.

Minimum standards for basic equipment and facilities.

No person shall rent or let to another for occupancy any dwelling or dwelling unit for the purposes of living, sleeping, cooking, and eating therein which does not provide the following:

- (a) *Kitchen sink.* A sink in good working condition and properly connected to an approved water supply system and 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 per chapter 66 of this Code.
- (b) *Food storage.* Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
- (c) *Stove and refrigerator.* A stove 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. Such stove and refrigerator need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide a stove or refrigerator on occupancy, in which case sufficient space and adequate connections for the installation and operation of the stove and refrigerator must be provided.
- (d) *Toilet facilities.* Within every dwelling unit there shall be a nonhabitable room which is equipped with a flush water closet in compliance with the state plumbing code. Such room shall have an entrance door which affords privacy. The flush water closet shall be equipped with easily cleanable surfaces, shall be 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 all shall be connected to a sewer system in compliance with chapter 66 of this Code.
- (e) *Lavatory sink.* Within every dwelling unit there shall be a lavatory sink. The sink may be in the same room as the flush water closet, but 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 water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to a sewer system which complies with chapter 66 of this Code.
- (f) *Bathtub or shower.* Within every dwelling unit there shall be a nonhabitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Such bathtub or shower may be in the same room as the flush water closet, or in another room, and all 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 a sewer system which complies with chapter 66 of this Code.

Section 18-124.

Stairways, porches, and balconies.

The owner shall keep every stairway, inside or outside of a dwelling, and every porch or balcony shall be kept in safe condition and sound repair, including but not limited to the following: stairs and handrails shall conform to the city building code standards; every porch, balcony, or deck which is 30 inches or more above grade shall have a guardrail that conforms to the state building code standards; every handrail and guardrail shall be firmly fastened and maintained in good condition; no flight of stairs shall have settled out of its intended position or have pulled away

from the supporting or adjacent structures enough to cause hazard; no flight of stairs shall have rotting, loose, or deteriorating support; excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be essentially uniform in width and height; stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

Section 18-125. Access to dwelling units.

Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

Section 18-126. Door locks.

No owner shall let or rent to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling units are equipped with safe, functioning locking devices. Rental dwellings shall be furnished with door locks as follows:

- (a) *Building access.* For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-family dwellings with common areas, an approved security system shall be maintained for each multiple-family building to control access. The security system shall consist of locking building entrance or foyer doors, and locked door leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of the building entrance doors. Building entrance door latches shall be of a type that is permanently locked.
- (b) *Unit access.* Every door that provides ingress or egress for a dwelling unit within a multiple-family building shall be equipped with an approved lock that has a deadlocking 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.
- (c) *Existing buildings.* All multiple-family dwellings in existence at the time this ordinance is adopted, which were not previously required to have an approved security system, shall not be subject to the requirements of subsection (1) of this section.

Section 18-127. Minimum standards for light and ventilation.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit which does not comply the following requirements:

- (a) *Habitable room ventilation.* Except where there is supplied some other device affording ventilation and approved by the building 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 greater than eight percent of the floor area of the room, with a minimum of eight square feet.
- (b) *Nonhabitable room ventilation.* Every bathroom and water closet compartment, and every laundry and utility room shall be provided with natural ventilation by means of windows, or skylights having an area of not less than three square feet, except that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the building official.
- (c) *Electric service, outlets, and fixtures.* Every dwelling and rooming unit and all public and common areas shall be supplied with electric service, functioning overcurrent protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in a safe working condition, and shall be connected to a source of electric

power in a manner prescribed by ordinances, rules, and regulations of the city and by the laws of the state. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

1. A dwelling containing one or two dwelling units shall have at least the equivalent of 100-ampere, three-wire electric service per dwelling unit.
2. Each dwelling unit shall have at least one branch electric circuit for each 600 square feet of dwelling unit floor area.
3. Every habitable room shall contain one electrical convenience outlet for each 12 lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line, provided that in each one ceiling-type electric light fixture may be substituted for one of the required electrical convenience outlets.
4. Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one supplied ceiling-type or wall-type electric convenience outlet.
5. Every public hall and public stairway in every multiple dwelling shall be adequately lighted to provide at least ten foot-candles of illumination of all parts thereof at all times by means of properly located electric light fixtures; provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least one-tenth of the combined horizontal area of the floor and stairway of each such public hallway and where such windows or skylight provide adequate natural light to all parts of each public hallway. Every public hall and stairway in dwellings containing two dwelling units shall be supplied with convenient light switches, controlling an adequate lighting system that will provide at least ten foot-candles of illumination on all parts thereof, which may be turned on when needed.
6. A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the point of entrance to such unit.

Section 18-128.

Minimal thermal standards.

- (a) No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit, for the purpose of living therein which does not have heating facilities which are properly installed and maintained in a safe and working condition and which are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit or such lesser temperature required by government authority to be maintained at floor level, when the outdoor temperature is 20 degrees below zero Fahrenheit.
- (b) Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.
- (c) Portable heating equipment employing flame and the use of liquid fuel does not meet the requirement of this section and is prohibited.
- (d) 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.

Section 18-129. Construction standards.

Every dwelling within the city shall conform to section 18-32, which adopts the Minnesota State Building Code as the building code for the city.

Section 18-130. Maximum density, minimum space for rental units.

No person shall permit or let to be occupied any rental dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements:

- (a) *Permissible occupancy of dwelling unit.* The maximum permissible occupancy of any rental dwelling or rooming unit shall be determined as follows:
 - 1. For the first occupant, 150 square feet of habitable floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
 - 2. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling or rooming unit.
- (b) *One family per dwelling unit.* Not more than one family, except for temporary guests, shall occupy a dwelling unit.

Section 18-131. Enforcement and inspection authority.

The building official or his designee shall administer and enforce the provisions of this article. Inspections shall be conducted during reasonable hours and the building official shall present evidence of his official capacity to the owner or occupant in charge of the dwelling or rooming unit. The building official shall keep confidential all evidence, exclusive of the inspection record, which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged.

Sections 18-132--18-160. Reserved.