

## CHAPTER 48. PROPERTY MAINTENANCE STANDARDS

### ARTICLE 1 In General

#### Section 48-1. Purpose and Scope.

- (a) Purpose. The purpose of this Chapter is to protect the public health, safety, and the general welfare of the people of the city. These general objectives include, among others, the following:
- (1) To establish the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within the City;
  - (2) To protect the character and stability of residential areas within the City;
  - (3) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health;
  - (4) To provide standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings;
  - (5) To prevent the overcrowding of dwellings;
  - (6) To provide standards for the maintenance of existing residential buildings and accessory structures and to thus prevent substandard housing and blight;
  - (7) To preserve the value of land and buildings throughout the city.

With respect to disputes between tenants and landlords, 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 contractual relationship between the tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to involve itself in rent disputes, nor to act as an arbitrator, nor to hear complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this Chapter.

- (b) Scope. The provisions of this code shall apply to all existing residential and non-residential structures and all existing premises. This Chapter shall constitute the minimum standards for premises, structures, and facilities for light, ventilation, life safety, safety from fire, and other hazards and for safe and sanitary maintenance.

#### Section 48-2. Definitions.

The definitions contained in Section 74-2 of this Code apply herein. Additionally, the following definitions shall apply in the interpretation and enforcement of this Chapter. In the event of a conflict between the definitions contained in Section 74-2 and this Section, the definitions contained in this Section shall control.

- (a) Blended Family. A family in which one or both parents have children from a previous relationship. Blended family includes, households with a combination of biological and adopted children, foster children, stepchildren and half siblings. Children who are being raised by family members other than parents may also be considered a blended family.
- (b) Building Official. The designated agent authorized by the City Council to administer and enforce the State Building Code.

- (c) Dwelling. A building or one or more portions thereof, occupied or intended to be occupied for residential purposes, including at least one dwelling unit or rooming unit, but not including rooms in motels, hotels, nursing homes, trailers, tents, cabins, or trailer coaches.
- (d) Flush Water Closet. A toilet with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.
- (e) Garbage. The animal and vegetable waste resulting from the handling, preparing, cooking, marketing, or processing of food, or the non-consumed waste resulting from animals or humans consuming food.
- (f) Habitable Building. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.
- (g) Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, or eating purposes, excluding kitchens, bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, workshops, and hobby and recreation areas in parts of the structure below ground level or in attics.
- (h) Heated Water. Water heated to a temperature of not less than 110 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.
- (i) Kitchen. A space which contains a sink with counter working space, space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.
- (j) Lease. A written or oral agreement to rent. For use as a verb, see rent.
- (k) Let. To lease a premises or any portion thereof.
- (l) Maintenance. Upkeep of property and equipment in a safe working condition for which it was installed and/or constructed.
- (m) Occupancy. The purpose for which a building or portion thereof is utilized or occupied.
- (n) Occupant. Any person (including owner operator) who lives, sleeps, cooks, and eats in a dwelling unit or lives and sleeps in a rooming unit.
- (o) Operate. As used in this ordinance, the term "operate" means to charge rent or other considerations resulting in financial benefit for the use of a dwelling or a rooming unit.
- (p) Operator. The owner or his/her agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.
- (q) Owner. Any person, firm, or corporation who alone, jointly, or severally with others has title to any dwelling, or who has charge of, care of, or control of such property on behalf of the title holder. Any person representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as the owner.
- (r) Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.
- (s) Person. An individual, firm, partnership, association, corporation, company, or joint venture or organization of any kind.

- (t) Plumbing. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, bath basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.
- (u) Premises. A property identifiable by address or legal description, including all associated structures. A lot, plot or parcel of land including any structures thereon.
- (v) Property Maintenance Coordinator. The designated agent authorized by the City Council to administer and enforce this ordinance.
- (w) Public Hall. A hall, corridor, or passageway for providing egress from a dwelling unit to a public way.
- (x) Relative. A personal owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (y) Rent. Consideration paid for the use of premises, including, but not necessarily limited to, money, services and property. As a verb, the term 'rent' means to receive or allow the use of premises in return for such consideration or any combination thereof. The term 'rent' does not include arrangements whereby a relative occupies a dwelling and which arrangement is detailed and sworn to in affidavits filed by each adult occupant of the dwelling and each person who is an owner of the dwelling
- (z) Refuse. Means ashes, non-recyclable glass, crockery, cans, paper, boxes, rags, and similar non-putrescible non-recyclable wastes but excluding sand, earth, brick, stone, concrete, trees, tree branches and wood.
- (aa) Rental Dwelling. Any dwelling unit(s) let. Single family residential properties occupied by a relative shall not be considered a rental dwelling.
- (bb) Repair. The construction or renewal of any part of an existing building or its utilities, facilities, or equipment for the purpose of its maintenance.
- (cc) Rodent Harborage. A place where rodents commonly live, nest, or establish their habitat.
- (dd) Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.
- (ee) Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.
- (ff) Substandard Dwelling. Any dwelling which does not conform to the minimum standards established by city ordinances.
- (gg) Supplied. Paid for, furnished by, provided by, or under the control of the owner, operator, or agent of a dwelling.
- (hh) Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this ordinance, they shall be construed as through they were followed by the words "or any part thereof."

**Section 48-3. Responsibilities of Owners and Occupants.**

No owner or other person shall occupy or let to another person any dwelling, dwelling unit, rooming unit, building, or structure unless it and the premises are fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota, and the City of Anoka 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/she occupies and controls.
- (c) Storage and Disposal of Refuse. Every occupant of a dwelling, dwelling unit, ~~or~~ rooming unit, building or structure shall store and dispose of all his/her refuse and garbage and any other organic waste which might provide food for insects and/or rodents as required by Chapter 13 of this Code.
- (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 contained in a closed container designed for such purposes.

Owners shall provide refuse enclosures to screen all containers that are visible from a public street or alley. Such enclosure shall have a concrete floor base. Gates may not be required if properly oriented on the site. The design of such enclosures shall be reviewed and approved by city staff prior to issuance of a building permit.

Provisions for storage and disposal of garbage and refuse consistent with this chapter must be provided for multifamily buildings upon obtaining a building permit costing more than \$5,000.00. In the case of single-family and duplex dwellings, it shall be the responsibility of the occupant to adequately provide for the storage and disposal of garbage and refuse.

- (e) Responsibility for Storm and Screen Doors and Windows. The owner of any dwelling unit shall be responsible for providing, maintaining and hanging all screen and storm doors and storm windows whenever the same are required under the provisions of this ordinance.
- (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/her 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, rooming unit, building or structure 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 room temperature of at least 68 degrees Fahrenheit shall be maintained from October 15<sup>th</sup> through April 15<sup>th</sup>.
- (l) **Removal of Snow and Ice.** The owner of any building or structure shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises, as well as from abutting sidewalks. The owner of any building or structure shall additionally be responsible for ice control measures. Individual snowfalls of three inches or more or successive snowfall accumulations to a depth of three inches shall be removed from walkways, steps and public sidewalks within 48 hours after cessation of the snowfall. The City's policy to assist in snow removal does not exempt any property owner from meeting these requirements.
- (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 48-4. Minimum Standards for Basic Equipment and Facilities.**

No person shall occupy, 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 Anoka City 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 forty (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 same 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 non-habitable room which is equipped with a flush water closet in compliance. Such room shall have an entrance door which affords privacy. Said 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 Anoka City 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 said 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 Anoka City Code.
- (f) Bathtub or Shower. Within every dwelling unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said 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 Anoka City Code.

**Section 48-5. Stairways, Porches and Balconies.**

The owner shall keep every stairway, inside or outside of a building, and every porch or balcony shall be kept in safe condition and sound repair, including but not limited to the following: stairs and handrails; every porch, balcony, or deck which is 30 inches or more above grade shall have a guardrail; 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 48-6. Access to Dwelling Units.**

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

**Section 48-7. 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 dwelling 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 locking devices on the outside of the building entrance doors. Building entrance door latches shall be of a type that are 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 Section "Building Access" of this Chapter.

**Section 48-8. 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.
- (b) Electric Service, Outlets, and Fixtures. Every dwelling and rooming unit and all public and common areas shall be supplied with electric service, functioning over-current protection devices, electric outlets, and electric fixtures which are properly installed, which 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 of Anoka and by the laws of the State of Minnesota. 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) Every habitable room shall contain one (1) electrical convenience outlet.
  - (3) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling-type or wall-type electric convenience outlet.
  - (4) Every public hall and public stairway in every multiple dwelling shall be adequately lighted to provide at least ten (10) 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 (1/10) 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 (2) dwelling units shall be supplied with convenient light switches, controlling an adequate lighting system that will provide at least ten (10) foot candles of illumination on all parts thereof, which may be turned on when needed.
  - (5) 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 48-9. Minimal Thermal Standards.**

- (a) No person shall occupy as owner, 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 room temperature of at least 68 degrees Fahrenheit to be maintained from October 15<sup>th</sup> through April 15<sup>th</sup>.
- (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 48-10. 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 rain water 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 stone wall 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 1/4" 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 48-11. Construction Standards.**

All new construction and repair/renovation of existing structures within the City shall conform to the Minnesota State Building Code as the building code for the City.

**Section 48-12. 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 48-13. Enforcement and Inspection Authority.**

- (a) The Property Maintenance Coordinator or his/her designee shall administer and enforce the provisions of this Chapter. Inspections shall be conducted during reasonable hours and the Property Maintenance Coordinator shall present evidence of his/her official capacity to the owner or occupant in charge of the property.

- (b) The identities of individuals who register complaints with the City concerning violations of State law or local ordinance concerning the use of real property shall be classified as confidential data pursuant to Minnesota Statutes, Section 13.03, Subd. 3., which states that such data is not public and is not accessible to the individual subject of the data. All other code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on that property that are kept by the City shall be public data unless collected as part of an active civil investigation or legal action pursuant to Minnesota Statutes Section 13.99, or collected as part of an active criminal investigation pursuant to Minnesota Statutes Section 13.82, Subd. 7.

**Section 48-14. Inspection Access.**

If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, multiple dwelling or building fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof for purpose of an inspection authorized by this chapter, the Property Maintenance Coordinator may petition the court for an order for such inspection.

**Section 48-15. Unfit for Human Habitation.**

- (a) Any dwelling, dwelling unit, rooming unit, building or portion thereof which is damaged, decayed, dilapidated, moldy, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitation facilities, or has been used for the clandestine manufacture of illegal substances, to the extent that the conditions of the dwelling, dwelling unit, rooming unit, building or portion thereof poses a hazard to the health, safety, or welfare of the occupants or to the public may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, rooming unit, or building has been declared unfit, the Property Maintenance Coordinator shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.
- (b) It shall be unlawful for such dwelling, dwelling unit, or rooming unit, or portion thereof, to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Property Maintenance Coordinator. No person other than the Building Official or his/her designee shall deface or remove the declaration placard from any such dwelling unit.

**Section 48-16. Secure Unfit and Vacant Dwellings.**

The owner of any dwelling, dwelling unit, rooming unit or building which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more immediately shall make the 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 dwelling open at doors, windows, or wall opening, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and is a public nuisance within the meaning of this ordinance.

**Section 48-17. Hazardous Building Declaration.**

In the event that a dwelling, dwelling unit, rooming unit or building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed, or corrected pursuant to the provisions of Minnesota Statutes.

**Section 48-18. Compliance Order.**

Whenever the Property Maintenance Coordinator determines that any dwelling, dwelling unit, or

rooming unit, or portion thereof, is in violation of this or any other ordinance, he/she may issue a Compliance Order according to the City of Anoka Property Code Violation Procedure.

**Section 48-19. Right to Appeal.**

Any person who believes that a compliance order issued under this chapter is based upon erroneous interpretation of this chapter, or upon a misstatement or mistake of fact, such person may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, and must be accompanied by a filing fee as determined by the City Council and be submitted to the City Manager within ten (10) business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such stay would cause imminent peril to life, health, or property.

**Section 16-20. City Council's Decision.**

Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal and within thirty (30) days after appeal is filed, the City Council shall hold a hearing thereon at which the City Council shall modify or affirm the order in whole or in part.

**Section 48-21. Restrictions or Transfer of Ownership.**

It shall be unlawful for the owner of any dwelling, dwelling unit, rooming unit, or building upon whom a pending Compliance Order has been served to sell, transfer, mortgage, or lease, or otherwise dispose thereof to another person until the provisions of the Compliance Order have been complied with, unless such owner shall furnish to grantee, lessee, or mortgagee a true copy of any notice of violation or Compliance Order and shall obtain and possess a receipt of acknowledgment. Anyone with an interest in the dwelling, dwelling unit, rooming unit, or building who has received notice of the existence of a Compliance Order shall be bound by same without further service of notice upon him/her and shall be liable for all penalties and procedures provided by this ordinance.

**Section 48-22. Penalties.**

Any person who fails to comply with a Compliance Order after a right of appeal has expired and any person who fails to comply with a modified Compliance Order within the time set therein, upon conviction thereof, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

**Section 48-23. Execution of Compliance Orders of Public Authority.**

Upon failure to comply with a Compliance Order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City 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 a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, for any of the reasons set forth in Minnesota Statutes, and specifically for the removal and elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize Minnesota Statutes to promote the public's health, safety, and general welfare.

**Sections 48-24 thru 39. Reserved.**